

**BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer**

SWAN VIEW COALITION)
)
) Objector)
)
v.)
)
)
CHIP WEBER)
FLATHEAD FOREST SUPERVISOR)
) Responsible Official)

**NOTICE OF OBJECTION
PURSUANT TO
36 CFR 218**

DECISION OBJECTED TO:

Glacier Loon Fuels Reduction and Forest Health Project Draft Decision Notice and Finding of No Significant Impact (hereafter Project, DN and FONSI)
Chip Weber, Flathead Forest Supervisor, April 2018.

Objector:

Swan View Coalition
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Keith Hammer
Chair

May 17, 2018
Date

Swan View Coalition is a non-profit conservation organization dedicated to conserving water quality and quiet, secure habitats for fish, wildlife and people on the Flathead National Forest and greater Flathead River Basin. Our members use these areas, including the Project area, for recreation, employment, wildlife viewing, photography, research, education, aesthetic enjoyment, spiritual rejuvenation, and other activities.

We attended the 10/31/11 Project field tour and submitted follow-up comments on 11/6/11. While reviewing other Swan Valley projects, we submitted further comments applicable to the Glacier Loon Project on 5/1/12 and 6/18/12. We submitted comments on the Project EA on 9/21/12 and submitted a follow-up email on 9/24/12.

We appealed the 2013 DN for this Project. Our appeal was denied by the Forest Service. We then brought a lawsuit and secured a court ruling that caused the Project to be withdrawn and a Supplemental EA to be issued. We submitted timely (8/25/17) comments on that first Supplemental EA (SEA1). We have now reviewed the second Supplemental EA (SEA2), collectively refer to them as “the EAs” and find them legally deficient. We ask that an EIS be prepared that adequately addresses the cumulative impacts of the Glacier Loon, Cold Jim and Beaver Creek projects and that ensures all three projects comply with the Flathead Forest Plan and its Amendment 19.

We have read the Response to Comments contained in Appendix 5 of the DN, as well as all the red and blue supplemental text in the two SEAs. These fail to adequately address our concerns and even more importantly fail to result in the substantive changes in the Project necessary to comply with laws and regulations. We remain concerned that the Glacier Loon Project and DN/FONSI will harm water quality, fish, wildlife, and our members’ interests.

We incorporate by reference the appeals submitted by Friends of the Wild Swan, Alliance for the Wild Rockies and Native Ecosystem Council in this matter, as well as our comment letters and emails listed above.

ORGANIZATION OF THIS OBJECTION

We have an Objection to the revised Flathead Forest Plan pending before the Regional Forester. That Objection contends not only with inadequacies of the revised Plan, but inadequacies in how the Flathead is currently implementing the existing Forest Plan and its Amendment 19. The Glacier Loon Project would improperly apply the existing Forest Plan and A19 in ways described in our Forest Plan Objection, so we incorporate it as a part of this Project Objection.

Companion to this Project Objection is a DVD containing the documents we submitted along with our Forest Plan Objection. The DVD includes our Forest Plan Objection in Folder 00 and the documents referenced in that Objection in Folders 01 - 27. This Glacier Loon Project Objection is included in Folder 0 and we have added a few more documents to the Folders on the DVD, as referenced in this Project Objection.

RELIEF REQUESTED

Rescind the DN and FONSI for the reasons stated below and prepare an adequate Environmental Impact Statement that addresses the deficiencies raised in this Objection. Redo the 2011 Glacier Loon Travel Analysis as a larger scale analysis, to adequately assess the short- and long-term costs of building and maintaining a minimum road system that is truly sustainable in light of realistic budget expectations and all standards, goals and objectives for the maintenance of water quality, fish, wildlife, and other resources.

STATEMENT OF REASONS

Executive Summary:

At the time we filed our first appeal of this Project in 2013, the Flathead National Forest had been operating without a valid Incidental Take Statement (ITS) regarding the “take” of grizzly bear by forest roads and motorized uses since the close of 2009, when the prior 2005 Amendment 19 ITS expired (attached). Though FWS issued a new BiOp on the continued implementation of A19 on 1/31/14, the 2014 BiOp did not address the fact that the FS must apply the 19/19/68 numerical objectives of A19 to the seven Legacy Lands grizzly bear subunits where the FS now manages >75% of the subunit due to transfer of former Plum Creek lands to the FS. The court said the FS must do this in its 9/25/14 decision on the Glacier Loon Project lawsuit. Nor has FWS since issued a BiOp assessing the effects of applying the 19/19/68 criteria to the seven Legacy Lands subunits.

The Flathead is now trying to advance the Glacier Loon Project and its Travel Analysis Process without the legally required FWS assessment of application of the 19/19/68 criteria or the protections afforded by a valid ITS which incorporates application of the 19/19/68 criteria to the Legacy Lands subunits, in violation of the Endangered Species Act. Moreover, the Project and TAP do not comply with Flathead Forest Plan Amendment 19 standards and definitions and make irretrievable commitments of resources, in violation of the National Forest Management Act, the National Environmental Policy Act and the ESA.

How these shortcomings violate the ESA and the definitions of A19 is discussed in greater detail in our summary judgment response to reply brief for our Beaver Creek Project lawsuit. We have included that response to reply brief (sj response reply brief filed 4.12.18.pdf) in Folder 02 on our companion DVD, along with our Beaver Creek amended complaint and summary judgment brief.

The EAs and DN cite the Glacier Loon Travel Analysis (TA), yet the Project Purpose and Need does not include any statement about moving the Project area towards the minimum road system (MRS) required by the Travel Management Rule (36 CFR 212.5). This although the TA, at 1, states “the Glacier Loon project proposed action . . . will begin the environmental analysis under the National Environmental Policy Act” and later, on page 4, concludes: “This travel analysis is to be completed with the Glacier Loon Project Environmental Analysis (EA).” (Emphasis added).

The EAs are inadequate in this regard and an EIS is required that puts the Project within the context of what is needed to arrive at the MRS and sustain it, including the amount of appropriated and other funds necessary. We here note initial Forest Plan Revision documents in 2004 found “The Flathead National Forest needs \$6.2 million each year to maintain its road system, but receives less than \$1 million.” (Attached).

The Project does not identifying how much money is needed to build and maintain the road system it (and perhaps future projects) would establish. The EAs and the TA find that appropriated funds are needed to maintain the road system and implement Best Management Practices (BMPs) necessary to limit damage to resources from roads and comply with the law.

How much money is needed to fully maintain the road system, keep current on implementing all BMPs, monitor BMPs to insure they are effective, and where will that money come from? The EAs, DN and TA are silent on this issue, other than to acknowledge: "There is no single source of information on what roads have had BMPs applied . . . One caveat that needs to be remembered about BMPs is they are only functional as long as they are both properly installed and regularly maintained." (SEA2 at 3-160).

In short, the EAs, DN and TA imply that BMPs applied to permanent roads solve all problems and remove the need for significant road decommissioning in the Project area – while also admitting it does not have the funds to meet all BMPs and does not adequately track where roads do and do not meet BMPs. Similarly, the EAs and DN argue motorized access on roads is needed to treat invasive weeds – while simultaneously arguing that roads open to motorized use are the main vector for the spread of those very same weeds!

The Project and the TA were developed as though in a vacuum where fiscal responsibility and reality do not apply. In failing to identify and work towards a fiscally and environmentally responsible MRS, both the TA and Project are left wanting, are arbitrary and capricious, and are in violation of laws and regulations we detail below.

A. The Travel Analysis, EAs and DN/FONSI Violate the NEPA and Travel Planning Regulations

1. Directives for conducting and implementing the TA make it clear that, while the TA itself is not a NEPA process, subsequent projects in the TA area must provide adequate NEPA to identify the MRS by "the end of FY 2015." (See the 3/29/12 Travel Management Directive from Deputy Chief Leslie Weldon, attached).

2. "Use the travel analysis report to develop proposed actions to identify the MRS. . . Proposed actions and alternatives are subject to environmental analysis under NEPA." (Id.)

3. "The administrative unit must analyze the proposed action and alternatives in terms of whether, per 36 CFR 212.5(b)(1), the resulting road system is needed to [among other things] Reflect long-term funding expectations [and] Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance." (Id.)

4. "The resulting decision identifies the MRS and unneeded roads for each subwatershed or larger scale. The NEPA analysis for each subwatershed must consider adjacent subwatersheds for connected actions and cumulative effects." (Id.).
5. The DN relies on the TA to support the decision to build new "temporary" roads and not decommission but a few roads in the Glacier Loon Project area, concluding: "Additional information regarding the road network in the analysis area can be found in the Roads Analysis (Exhibit R-4)." (DN at 45; "Roads Analysis" is a misnomer because Exhibit R-4 is the Travel Analysis and is properly referenced as such elsewhere in the DN).
6. The TA, at 1, clearly states "the Glacier Loon project proposed action . . . will begin the environmental analysis under the National Environmental Policy Act" and later, on page 4, concludes: "This travel analysis is to be completed with the Glacier Loon Project Environmental Analysis (EA)." (Emphasis added).
7. The TA, at 2, clearly uses the same analysis area used for "the Glacier Loon project."
8. The TA, at 26, states it "will be used as guidance for the Glacier Loon EA."
9. The Glacier Loon Project is undeniably the first NEPA project to utilize the TA in its intended area and the DN clearly acknowledges: "The Glacier Loon . . . Travel Analysis identifies the minimum road system needed for long term management of FS lands." (2012 DN at 5-247). Hence the Project EA must, among other things:
 - a. Include as a part of its Purpose and Need its function as the first NEPA process to consider and identify the MSR.
 - b. Include a thorough discussion of all recommendations in the TA as reasonably foreseeable actions and connected actions proposed to arrive at the MSR – as well as all other actions needed to arrive at the MSR.
 - c. Include a broad range of alternatives for determining the MSR.
 - d. Adequately consider nearby subwatersheds for connected actions and cumulative effects (for example, the Jim Creek, Cold Creek and Beaver Creek watersheds near the Project Area, which are listed as "Functioning at Risk" under the Watershed Condition Framework classification (WCF), not to mention the adjacent Elk Creek, Kraft Creek and Headwaters Swan River watersheds). The SEA2, at 3-1 to 3-8 and elsewhere, instead limits the cumulative effects area largely to the Glacier Loon Project area alone and expressly excludes nearby watersheds that also are tributary to the upper Swan River.

e. “[A]ddress public safety and efficiency of operations in an environmentally sensitive manner within the current and anticipated funding levels [as] directed in the FSM 7710 Travel Planning.”

10. The EAs and DN do none of the above, nor does the TA, in violation of the NEPA, Travel Planning regulations and other laws detailed below.

B. Neither the EAs, DN/FONSI nor TA provide an adequate assessment of the funding needed to maintain and manage the current road and trail system, the Project system or the MRS, in violation of the NEPA, Travel Planning regulations, and the Administrative Procedures Act, among others.

1. Nowhere do the EAs, DN/FONSI or TA disclose the funding needed to maintain the current road system, Project system or MSR in either the Glacier Loon area or across the Flathead National Forest.

2. Initial Forest Plan Revision documents in 2004, however, found “The Flathead National Forest needs \$6.2 million each year to maintain its road system, but receives less than \$1 million.” (USFS Western Montana Planning Zone; Analysis of the Management Situation; Draft Version 1; 2/23/2004; page 4-2; attached).

3. The TA, at 11, finds “Appropriated funding has not been adequate to accomplish much of the continuing backlog of deferred maintenance and annual maintenance needed to meet minimum safety and water quality standards. Timber sale receipts are helpful in providing funding to meet BMPs on road associated with timber sales but meeting BMPs on other roads is dependent on finding the appropriated funds to accomplish the work.” But the TA and EA fail to quantify how much funding is needed, how much has been received in the past, and how much can reasonably be expected in the future – for either the current road system, Project road system or MRS.

4. Moreover, the TA at 15 and elsewhere finds “Although BMPs are proven practices that reduce the effects of roads to the watershed, it is not a static condition. Maintaining BMP standards for roads requires ongoing maintenance.”

5. The 2012 DN, at 5-248, states “Routine road maintenance, culvert removals, and the planned road related work in the project area will contribute to the restoration efforts of the watersheds and reduce long-term effects of the road system on water quality, wildlife security, riparian areas, and road maintenance costs.” But the TA and EA fail to quantify how much funding is needed, how much has been received in the past, and how much can reasonably be expected in the future – for either the current road system, Project road system or MRS.

6. The EAs and TA leave the public and decision-maker wholly uninformed about how much of the funding needed for fully maintaining the MRS in the area will or will not be provided by the Project, let alone how other nearby or subsequent projects like Cold Jim, Chilly James or a follow-up Legacy Lands roads project in the Glacier Loon area (the latter was addressed to some degree in

the TA) will either shore up or detract from what is being done in the Glacier Loon Project.

7. Neither the EAs, DN nor TA provide an adequate assessment of the funding needed to maintain and manage the current road and trail system, the Project system or the MRS. This renders the entire analyses arbitrary, capricious, and an abuse of agency discretion - in violation of the NEPA, Travel Planning regulations, Administrative Procedures Act, and other laws detailed below.

C. The EAs, DN/FONSI and TA, in failing to plan for and implement an affordable and sustainable MRS, also fail to provide for the full implementation of all measures needed to minimize adverse impacts on resources. The laws this violates include but are not necessarily limited to the NEPA, National Forest Management Act, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

1. BMPs must be fully implemented to comply with Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, and the Clean Water Act. Moreover, as defined on page 28 of the TA, BMP's "are required" as both Forest Plan standards and Forest Service Manual directives for projects - meaning their full implementation is required by the NFMA as well.

Nonetheless:

2. The TA at 15 and elsewhere, finds "Although BMPs are proven practices that reduce the effects of roads to the watershed, it is not a static condition. Maintaining BMP standards for roads requires ongoing maintenance."

3. The TA, at 11, finds "Appropriated funding has not been adequate to accomplish much of the continuing backlog of deferred maintenance and annual maintenance needed to meet minimum safety and water quality standards. Timber sale receipts are helpful in providing funding to meet BMPs on road associated with timber sales but meeting BMPs on other roads is dependent on finding the appropriated funds to accomplish the work."

4. The EAs acknowledge: "There is no single source of information on what roads have had BMPs applied . . . One caveat that needs to be remembered about BMPs is they are only functional as long as they are both properly installed and regularly maintained." (EA and SEA2, both at 3-160).

5. Nor does the Forest Service in general, or the EAs in particular, adequately monitor and demonstrate quantitatively that BMPs are indeed effective, in spite of claims that they are.

6. Even with the question of BMP effectiveness set aside, however, it is clear the EAs, DN and TA fail to identify and secure funding needed to provide for the timely, orderly and continual application of BMPs to all roads in either the

current system, Project system or MRS. Nor do they in the alternative arrive at a smaller MRS to which all BMPs can be fully applied continually under current funding levels.

7. The failure to either provide adequate funding to fully maintain the road and road closure system, or to reduce the system to a size that is adequately funded, also results in unmitigated impacts to other forest resources including but not limited to terrestrial wildlife such as elk, species dependent on old forests and snags out of reach of firewood cutters, and threatened species such as lynx, bull trout, grizzly bear, and likely soon, wolverine. And the EAs fail miserably to describe the effects of inadequate funding and road maintenance on these and other resources.

9. The laws this violates include but are not necessarily limited to the NEPA, NFMA, ESA, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

D. Watershed Condition Framework

1. Although implementation of the agency's Watershed Condition Framework was launched, in part, by Deputy Chief Joel Holtrop's 10/20/10 directive (attached), the EA and TA some 12 - 20 months later do not appear to even mention the Watershed Condition Framework (WCF). This even though Glacier Creek was listed as "Functioning at Risk" per the WCF when the initial EA and TA were written.

2. The 2012 DN, at 5-89, attempts to explain away the listing of Glacier Creek as "Functioning at Risk" per the WCF, calling it a mistake discovered while responding to comments made by Friends of the Wild Swan on the EA - and concluding Glacier Creek is instead "Functioning Properly" per the WCF.

3. Regardless, the EAs, DN and TA are remiss in not discussing the fact that several nearby watersheds that are also tributary to the Swan River are listed as "Functioning at Risk" per the WCF. These include Cold Creek, Jim Creek and Beaver Creek.

4. The EAs, DN and TA are all the more inadequate for not discussing the impacts and cumulative impacts of other projects currently being planned for Cold Creek, Jim Creek and Beaver Creek. These projects are reasonably foreseeable, as is the need to arrive at the MRS, yet nowhere does the Forest Service explain and assess the impacts of how these multiple projects in the upper Swan Valley will or will not arrive at a MRS that is financially sustainable and able to fully protect the many resources harmed by roads and insufficient maintenance of them.

5. NEPA, NFMA and other laws require that the WCF and its findings be included in the NEPA Project analysis.

6. The EAs and DN fail absolutely to assess the Project within the context of the WCF.

7. The directives for the TAP and WCF each reference the other and state “The intent is for each process to inform the other so that they can be integrated and updated with new information or where conditions change.” (See for example the 3/29/12 Travel Management Directive from Deputy Chief Leslie Weldon, attached).

8. As described above, the EAs, DN and TA are fatally flawed. The laws this violates include but are not necessarily limited to the NEPA, National Forest Management Act, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

E. Invasive Weeds

1. We rely primarily on our comments on the EAs to support our argument about invasive weeds, but we include more discussion here.

2. The TA, at 15, finds “Invasive species on NFS lands in the analysis area are largely associated with roads, trails, utility corridors, and adjacent private land. The most common vector of spread is human activity involving the motorized use of roads and trails.”

3. In a baffling display of irony, the TA, same page, concludes: “The largest issue preventing control of invasive species is the lack of access to infestations on restricted roads.”

4. Standing reason on its head, the TA at 21, concludes roads open to motor vehicles are of lower risk because they are “accessible for weed treatment.”

5. Similarly, the TA is skewed to place higher value on new logging roads that access new stands of timber over roads accessing areas that have already been logged! (TA at 18).

6. The SEA2 at 3-406, is similarly skewed in assuming that “alternatives with the most miles of [log] haul routes would provide the greatest benefits” to water quality, based on the premise of “timely completion of BMP’s” on haul routes.

7. Among other reasons, the above three biases in the TA favor building more roads and then leaving them open as admitted major vectors in the spread of invasive weeds.

8. These biases also reveal the agency’s and Flathead National Forest’s overall and unacceptable bias to build roads into every corner of the suitable timber base in order to allegedly make timber sales “economical” (TA at 12 - 14). The

Flathead, however, provides absolutely no economic analysis demonstrating that the American taxpayer can afford such a road system or that the resulting timber sales will cover the costs of building and adequately maintaining those roads in perpetuity. If this pipe dream were based in reality, the agency would not have the \$10 billion backlog in needed road maintenance discussed below, nor would the Flathead National Forest receive less than one-sixth the funding it needs to maintain its share of that road system, as discussed above!

9. Moreover, the EAs find that even temporary roads, after decommissioning, continue to have negative effects on bears and remain “vectors of human use” and an “attractant to forest users.” (EA at 3-85, 3-224, 3-234 and 3-343; SEA2 at 3-87, 3-229, 3-239 and 3-362). This will continue to spread invasive weeds and, as will be discussed below, these roads cannot be considered “effectively reclaimed” nor dismissed from calculations of Total Route Density (TRD).

10. The above facts and shortcomings lead to a Project and TA that will increase road templates and weeds, making matters all the more unacceptable, in violation of the NEPA, NFMA, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

F. Non-Compliance with Flathead Forest Plan Amendment 19.

1. The EAs, DN and TA fail to comply with Amendment 19 by attempting to replace Amendment 19’s requirements for “reclaimed” roads with various levels of “decommissioning,” “Intermittent Store Service” (ISS) roads and “rehabilitated” temporary roads.

2. Amendment 19 states: “A reclaimed road has been treated in such a manner so as to no longer function as a road or trail and has a legal closure order until reclamation is effective. . . The acceptable lag time for the treatment to become effective and the expected persistence of people to continue to use a road should dictate the amount and type of initial, and perhaps follow-up, treatment required. Greater initial revegetation and barrier work will be required if the expectation is to meet reclaimed road criteria in one year as opposed to ten years . . .” (Amendment 19 Appendix D a.k.a Flathead Forest Plan Appendix TT)

3. In other words, a road is not to be considered “reclaimed” until re-vegetation and other barriers to human travel have had time to become effective at preventing the road’s use as either a motorized or non-motorized travel-way to any degree larger than incidental use of the adjacent forest area. Indeed, grizzly bear avoidance of road closed to motorized vehicles gives rise to the importance of limiting TRD, not just Open Route Density (TRD).

4. FWS, in its 10/25/2005 Biological Opinion (page 10 attached) on the continued implementation of Amendment 19 summarizes relevant research this way:

“Amendment 19 established programmatic direction for access management on the Forest. Amendment 19 was developed to minimize negative impacts from motorized access identified in the 1987 Grizzly Bear Compendium (IGBC 1987), and was based on recommendations of the 1994 IGBC Taskforce Report and the 1993 progress report for the South Fork Grizzly Bear Project (Mace and Manley 1993), commonly referred to as the South Fork Study. The study area was west of Hungry Horse Reservoir, in the Swan Mountains. Mace and Manley’s progress report and previous research (Mattson et al. 1987, McLellan and Shackleton 1988, Aune and Kasworm 1989, Kasworm and Manley 1990) supported conclusions that **grizzly bears consistently were displaced from roads and habitat surrounding roads often despite relatively low levels of human use**, and that substantive blocks of unroaded habitat were important to grizzly bears, especially female grizzly bears with cubs.”

(Emphasis added to highlight that the research found bears were displaced by relatively low levels of **human** use, not just **motorized** use). We incorporate the whole of the 2005 BiOp and the above referenced research as a part of this appeal. The 2005 BiOp is attached in part and the full BiOp can be found in Folder 01 of the companion DVD.

5. Amendment 19 requires that roads be reclaimed and re-vegetated in a way that physically prohibits human use in order to lower TRD. In contrast, a few roads may be simply bermed to increase Security Core area. Gates are allowed only to lower ORD. These very important differences in road closure methods and requirements arise from the South Fork Grizzly Bear Study findings that female grizzly bears significantly avoid otherwise preferred habitats near roads, even those closed with gates or berms. Hence, the critical reliance on road reclamation to lower TRD and its preference in securing Core.

6. The EAs, DN and TA, however, proposed decommissioning, ISS and temporary road “rehabilitation” treatments that not only fall short of an effectively “reclaimed” road, but provide for the road template to be reused in the future, regardless of whether the road has ever been adequately re-vegetated or has ceased to be used by humans.

7. Indeed, the EA finds that decommissioned roads, even those considered “temporary,” continue to have negative effects on bears and other resources after decommissioning by remaining “vectors of human use” and an “attractant to forest users.” (EA at 3-85, 3-224, 3-234 and 3-343; SEA2 at 3-87, 3-229, 3-239 and 3-362).

8. Nonetheless, the EAs, DN and TA mistakenly removed decommissioned (SEA2 at 2-39 and 2-40), ISS and rehabilitated temporary roads from calculations of TRD immediately - in defiance of Amendment 19 requirements - going so far as to claim that rehabilitated temporary roads do not increase TRD even though rehabilitated temporary roads “would not be completely reclaimed via revegetation.” (See SEA2 at 3-229 and 3-87, respectively). For a more detailed description of why reclaimed roads must be fully revegetated before being

omitted from calculations of TRD/TMRD/TMAD, see our Beaver Creek summary judgment response to reply brief in Folder 02 on our companion DVD.

9. Indeed, Flathead National Forest has tried unsuccessfully to circumvent these Amendment 19 requirements before. On May 11, 1999 the Flathead Forest Supervisor issued LRMP Implementation Note #13, allowing stream-aligned culverts to remain in reclaimed roads and relaxing criteria for determining when a reclaimed road is effectively no longer a road or trail and can hence be omitted from TRD calculations (attached).

10. Appellants' attorney filed a 60-day notice of intent to file suit under the Endangered Species Act, challenging Note #13's negative effects on threatened grizzly bear and bull trout (attached).

11. The Forest Supervisor rescinded Note #13 on November 19, 1999 (attached) and simultaneously assured appellants' attorney the "Forest Service will apply the definition of 'reclaimed road' under Forest Plan Appendix TT . . ." (attached). Similar assurances were issued to appellants 2/7/00 (attached).

12. This brings us full circle to the Glacier Loon Project. The EAs, DN and TA would consider decommissioned, ISS and rehabilitated temporary roads immediately "reclaimed," immediately effective in prohibiting human use, and immediately not subject to calculations of TRD - all in clear violation of Amendment 19, Appendix TT, the rescission of Note #13, and written commitments made to appellants. This even though ISS roads apparently need not even have all stream-bearing culverts removed (TA at 15: "armoring culvert catch basins or restoring stream channels) in further violation of Amendment 19.

13. These and other facts show the Flathead National Forest is still attempting to end-run Amendment 19 and to continue implementation of a rescinded Note #13. Find attached to this appeal, for example, Flathead National Forest's 2/23/12 Road Decommissioning Projects spreadsheet. The yearly totals on pages 19 and 20 show that the column "Category 3 Roads Reclaimed & Left as System Roads, Still Monitor for A19" was initially used for newly "reclaimed" roads that were not yet adequately re-vegetated in order to be removed from the "system" and considered "effectively reclaimed." Even though Implementation Note #13 was issued and rescinded in 1999, the spreadsheet shows that roads reclaimed thereafter were immediately removed from the "system," even though they had not yet been adequately re-vegetated.

14. The Flathead itself made clear that reclaimed roads cannot be omitted from the calculation of TRD/TMRD/TMAD until the revegetation work has become effective at deterring human use, not just motorized use. See in particular the (First) Supplement to our Roads to Ruin/TMRD report in Folder 04 of our companion DVD (Supplement to Roads to Ruin 171205.pdf). Attached to that Supplement is the 3/2/01 letter from the Flathead to FWS stating:

Some roads that have all reclamation work completed are still counted in calculation processes. Roads utilized in Total Access Density include

roads for which reclamation work has been completed, pulling of culverts, installation of drainage dips, distributing of rocks or debris on the road surface, but the road has not revegetated to the level required to meet Amendment 19 reclamation requirements. These roads have all reclamation work completed, but still must be counted for Total Density calculations.

15. In spite of the clear language of A19 and the Flathead's own interpretation of it, the Flathead is now fully engaged in attempts to end-run A19 through projects like Glacier Loon and through a false accounting of A19 in the revised Forest Plan EIS.

16. Moreover, these end-runs are being attempted without a BiOp from FWS assessing the effects of implementing A19's 19/19/68 criteria in the seven Legacy Lands grizzly bear subunits. The Flathead's Glacier Loon Project, TA and the continued attempts to end-run the requirements of Amendment 19 constitute irretrievable and irreversible commitments of resources in violation of the NEPA, NFMA and ESA.

G. Other Resources Short-Changed by Road Reclamation Short-Cuts

1. Grizzly bear and native vegetation are not the only resources to be harmed by failing to fully reclaim and re-contour harmful roads. The EAs and DN appear to acknowledge this by requiring that new "temporary" roads be fully re-contoured after use, while "temporary" roads reconstructed from historic road templates are not. Indeed, this may be an admission that the Flathead has as many permanent roads in grizzly bear habitat as it can justify, while simultaneously claiming it can reuse existing "temporary" templates over and over again - without calling them permanent nor including them in calculations of TRD.

2. The EAs, DN and TA, however, fail to provide a rationale for why some roads will be re-contoured and some will not, making this distinction arbitrary, capricious and an abuse of agency discretion not in accordance with law.

3. Moreover, nowhere do these documents provide an adequate discussion or assessment of the importance of maintaining subsurface water flow that is often interrupted and turned into surface flow by roads cut into hillsides. These documents fail to provide a rationale for deciding whether to build a road in the first place and whether re-contouring a road during decommissioning or reclamation can effectively return that water to sub-surface.

4. Other assessments point to the importance of fully and faithfully reclaiming roads. For example, FWS's August 14, 1998 *Biological Opinion on INFISH and PACFISH* found reductions in road densities and "rehabilitation of road-miles cannot be accomplished alone by gating, berming, or otherwise blocking the entrance to a road permanently or temporarily, or seasonally closing roads, but will require obliteration, recontouring, and revegetating." Indeed, Amendment 19's road reclamation requirements, when faithfully implemented, can be viewed

as working hand-in-hand toward what is necessary to avoid “jeopardy” to bull trout and accomplish bull trout recovery.

5. The EAs and DN and TA lack scientific integrity and pursue the same old tired path of trying to keep too large a road system on the landscape. We urge the Forest Service to visit the following web page for a discussion of how road re-contouring can greatly shorten the watershed recovery timeline:

<http://y2y.net/our-work/updates-from-the-field/ground-breaking-research-in-road-restoration> . We also incorporate this and Rebecca Lloyd’s pending research papers into the Administrative Record for this appeal and Project. We have also included Lloyd et al’s 2013 paper “Influence of road reclamation techniques on forest ecosystem recovery” in Folder 15 of our companion DVD.

6. The EAs, DN and TA’s reliance on, at best, pulling stream-bearing culverts from a handful of existing and new “temporary” roads in the Project, then dismissing them from TRD calculations and other acknowledgements of their continued negative impacts simply does not cut the mustard. This is arbitrary, capricious, an abuse of agency discretion, and not in accordance with law.

H. Legacy Lands and Roads

1. Thanks to our prior Glacier Loon Project lawsuit and the court’s ruling on it, the FS and FWS now admit that A19’s 19/19/68 criteria must be applied to the seven Legacy Land subunits that were previously <75% FS management.

2. The TA and EA’s, however, fail to assess how this fact affects the minimum road system that should be planned for under the Travel Planning regulations.

3. Moreover, FWS has yet to provide a BiOp assessing the effects of applying the 19/19/68 objectives to subunits where they previously did not apply.

4. These circumstances violate the ESA, NFMA and the Travel Planning regulations, among others.

I. Epilogue

1. It is worth noting that Deputy Chief Joel Holtrop’s 11/10/10 directive launching the Travel Analysis Process included the premise and finding that “this process points to a smaller road system.” (Attached).

2. While Deputy Chief Leslie Weldon’s subsequent 3/29/12 directive removed these words, the agency cannot escape the fact that its road system is too large, too expensive, environmentally damaging, and needs to be reduced.

3. Indeed, Chief Mike Dombeck in 1998 stated the Forest Service road system was overbuilt and under-funded. With a \$10 billion backlog in needed road maintenance, Dombeck stated “Only about 40% of forest roads are maintained to

the safety and environmental standards to which they were designed.” (Dombeck press release; 1/22/98; attached).

4. The TA, at 14, perhaps understates the matter when it admits “Many time, the road system that is optimal for logging efficiency conflicts with other resource management objectives . . .” Then it goes on pretending all effects can be fully mitigated while proposing a MRS that is optimal for logging efficiency. The EA and DN follow suit.

5. Our comments on the EA included a number of citations to research and other sources demonstrating watershed restoration requires fewer roads, not fewer trees. We have since provided a couple letters of comments on other Forest projects and asked that they be included in the Glacier Loon comment record because they provide a more complete list of citations (5/1/12 and 6/18/12 comments on the Beaver, Cold Jim and Glacier Loon projects). We also incorporate by reference all of the sources cited in this appeal and the above-mentioned letters of comment.

6. The EAs, DN/FONSI and TA have stood common sense and the entire process on its head in arguing that it intends to arrive at its “minimum road system” by building more “temporary” roads and removing few existing roads. The DN at page 5-36, in conjunction with other projects like Trail Creek Salvage, Hungry Lion and Bug Creek, along with the revised Forest Plan, falsely claim that A19 and the grizzly bear research allow an unlimited number of stored/less than fully reclaimed roads to exist because non-motorized human use does not present a mortality risk to grizzly bears. Research, including research relied upon by the Forest Service, does not support this conclusion (see page 6 of our Revised Forest Plan Objection in Folder 00 on our companion DVD).

7. Indeed it appears Flathead National Forest intends to build more permanent roads both within and outside the NCDE Grizzly Bear Recovery Zone, even though it may feign “reclaiming” some these roads. It is trying to get away with this by not truly decommissioning the roads it wishes to omit from calculations of and limits to TRD/TMRD/TMAD. Nowhere, however, has the Flathead clearly described its intentions Forest-wide in spite of numerous meetings with appellants to discuss this very issue, let alone described its intentions in adequate NEPA documents made available for public review. The Flathead has bastardized A19 through a steadily declining commitment to its implementation and a revisionist history and misrepresentation of A19 through its Forest Plan revision process and various project NEPA documents. The details of this are described fully in our Revised Forest Plan Objection and our Roads to Ruin report and its supplements, found in Folders 00 and 04, respectively, on our companion DVD.

8. And, last but not least, the TA at 23 makes clear Flathead National Forest’s longstanding position that leaving roads and culverts to spread weeds, violate BMPs and dump dirt into streams does not require NEPA, but any decision to do something about it does require NEPA. How reassuring!



United States Department of the Interior

FISH AND WILDLIFE SERVICE

ECOLOGICAL SERVICES

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100 N. PARK, SUITE 320
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PHONE (406) 449-5225, FAX (406) 449-5339

M.19: Flathead National Forest
Revised schedule for A19

October 25, 2005

Cathy Barbouletos
Forest Supervisor, Flathead National Forest
1935 Third Avenue East
Kalispell, Montana 59901

Dear Ms. Barbouletos:

Enclosed is the U.S. Fish and Wildlife Service's (Service) final biological opinion on the effects of the Flathead National Forest Plan Amendment 19 Revised Implementation Schedule on grizzly bears. The biological opinion was prepared in response to your December 2, 2004 request for re-initiation of consultation on Amendment 19 of the Forest's Land and Resource Management Plan (A19) to revise the implementation schedule. The Service evaluated the original implementation schedule for A19 in our January, 1995, biological opinion on A19. The attached biological opinion supersedes our 1995 biological opinion on A19.

The Forest's proposed action is to revise the 5- and 10-year implementation schedule proposed in A19 to reach the open motorized access, total motorized access and security core objectives in grizzly bear subunits through 2009, or until the revision of the Forest Land and Resource Management Plan is completed, whichever comes first. During the period between now and through 2009, the Forest would:

- continue to implement access management requirements in existing decisions with specified timeframes as scheduled (Moose Post Fire, Spotted Beetle Resource Management, and the Robert/Wedge and Westside Reservoir Post Fire Projects);
- continue to implement access management authorized in other existing decisions with no specified timeframes *as opportunities allow*;
- continue cooperative actions to implement the Swan Valley Conservation Agreement; and
- further restrict administrative use in nine grizzly bear subunits where National Forest Service ownership is greater than 75 percent, where A19 total road density objectives are not being met, and no projects exist with timeframes for reaching those objectives.

As part of our analysis of the effects of the revised implementation schedule for A19, we reviewed our assumptions and updated analyses in several previous consultations. The updated analyses considered the current environmental baseline and the actions to be completed as proposed in the revised implementation schedule.

Through the attached biological opinion, the Service reviews and amends the consultations and the incidental take statements on the following projects: Big Mountain Ski Area Expansion (1995) and Crane Mountain Salvage (1996). The incidental take statements for these consultations relied on the incidental take statement in the 1995 biological opinion on A19, which required access management objectives be met by 2000 and 2005. The incidental take statement in the attached biological opinion now addresses incidental take associated with access management related to these two projects.

Through the attached biological opinion, the Service reviews and amends the consultation and provides an incidental take statement for the Paint Emery Resource Project (1999). Incidental take associated with this project was addressed in the 1995 biological opinion and incidental take statement on A19, which required access management objectives be met by 2000 and 2005. As above, the incidental take statement in the attached biological opinion now addresses the incidental take associated with access management related to this project.

Finally, through the attached biological opinion, the Service reviews and amends the consultations and incidental take statements on the following projects: Swan Valley Conservation Agreement (1996), Spotted Beetle Resource (2002) (which incorporated access changes authorized through the Bent Flat II Timber Sale (1997)), Moose Post Fire Project (2002), Spotted Bear River Trailheads (2003), and Robert/Wedge Post Fire Project (2004) (which incorporated access changes for Hornet Wedge Timber Sale (1996)) and Westside Reservoir Post Fire Project (2004) (which incorporated access changes authorized through the Wounded Buck Quarry Expansion (1999)). These projects all have specific schedules for access changes that were reviewed through formal consultation. All projects have biological opinions with incidental take statements. This amendment adds the requirements of the incidental take statement in the attached biological opinion on the revised schedule for A19, but does not replace or modify any project-specific requirements in the project level incidental take statement.

This consultation examines the period between now and the end of 2009 and the access improvements to be accomplished during that period, as well as additional access changes per recent project decisions through 2011, and analyzes the effects on grizzly bears. The Service recognizes that by the end of 2009, based on the proposed action, all access changes required by A19 will not likely be met. We anticipate that additional formal consultation will be required at that time, in 2010, to address the outstanding access changes required by A19.

If Forest Plan revision is completed prior to 2010 and that process results in any modifications to the revised implementation schedule for A19, further section 7 consultation may be necessary. The Forest is scheduled to release its Draft Revised Forest Land and Resource Management Plan within a few months for a public comment period. The Forest has scheduled completion of the revised plan for the fall of 2006. A revised Forest Land and Resource Management Plan would replace the current plan as amended by A19, and guide all access management on the Forest for as long as the new plan is in effect. The Service looks forward to continuing to work with you on the Forest Plan revision.

As you are aware, grizzly bear population estimates for the northern one-third and entire NCDE are expected by the end of 2005 and 2006, respectively, from research being completed by the U.S. Geologic Survey. We will review this new information to determine whether further consultation on the revised schedule for A19 is required.

If you have questions or comments related to this biological consultation, please do not hesitate to contact Anne Vandehey at 449 5225, extension 212, or me at extension 205.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Mark Wilson", with a stylized flourish at the end.

for R. Mark Wilson
Field Supervisor

The Forest chose to amend the Flathead LRMP. Amendment 19 (A19) to the Flathead LRMP was developed in 1994 and was followed by the subsequent biological opinion issued by the Service in January 1995 (U.S. Fish and Wildlife Service 1995a). The biological opinion found that A19 would not jeopardize the continued existence of the species. Amendment 19 updated Forest Plan objectives and standards for the management of MS1, MS2, and MS3 grizzly bear habitat and amended the Forest ASQ for the planning period of 1995 to 1999. To develop new LRMP objectives and standards, the Forest incorporated the definitions and approach contained in the 1994 Interagency Grizzly Bear Committee (IGBC) Task force Report (IGBC 1994). Three parameters were recommended for access management, open motorized access, total motorized access and core areas. These parameters form the basis for grizzly bear habitat management under A19 as adopted. The ASQ was then adjusted to reflect limitations on new road construction and reductions in the existing road network as directed by A19. This second adjustment resulted in an amended ASQ of 54 million board feet (MMBF) for the Flathead National Forest. The direction in A19 is in effect until the LRMP is revised.

Amendment 19 established programmatic direction for access management on the Forest. Amendment 19 was developed to minimize negative impacts of motorized access identified in the 1987 Grizzly Bear Compendium (IGBC 1987), and was based on recommendations of the 1994 IGBC Taskforce Report and the 1993 progress report for the South Fork Grizzly Bear Project (Mace and Manley 1993), commonly referred to as the South Fork Study. The study area was west of Hungry Horse Reservoir, in the Swan Mountains. Mace and Manley's progress report and previous research (Mattson et al. 1987, McLellan and Shackleton 1988, Aune and Kasworm 1989, Kasworm and Manley 1990) supported the conclusion that grizzly bears consistently were displaced from roads and habitat surrounding roads often despite relatively low levels of human use, and that substantive blocks of unroaded habitat were important to grizzly bears, especially female grizzly bears with cubs.

The South Fork Study progress report (Mace and Manley 1993) described preliminary results for grizzly bear population ecology and habitat selection in the study area. The report indicated that use of habitat by all sex and age classes of grizzly bears was less than expected in habitats where total motorized access density exceeded 2 miles per square mile. Twenty-two percent of the South Fork Study area exceeded 2 miles per square mile of road. Adult grizzly bears used habitats less than expected when open motorized access density exceeded 1 mile per square mile. Results indicated that 46 percent of the cumulative female home range was unroaded compared to 26 percent unroaded outside the range, and total motorized access density was 18 percent in the cumulative adult female home range compared to 39 percent outside the home range. Adult females used habitat further than 0.5 miles from roads or trails more than expected. Substantial blocks of unroaded habitat were components of all adult female home ranges. Of the adult female locations within unroaded polygons, 83 percent occurred within 7 polygons that exceeded 2,260 acres in size (U.S. Forest Service 1994a).

Table 1: Closure status^{1/} in miles^{2/}

Forest	Open	Not Open	Seasonal restriction
Bitterroot NF	1,062	908	638
Flathead NF	1,200	1,920	384
Lolo NF	2,235	2,628	1,462

1/ For conventional vehicles, does not include OHV use.

2/ From INFRA Roads database

The existing road system on NFS lands was largely constructed during the last 50 years to develop areas for timber harvesting. We are currently managing a road network that was built for timber harvesting and is now being used more for recreation that will continue to increase as the population increases. At the present time, there are over 12,460 miles of road across the planning zone. Table 3 provides a summary of road miles by maintenance level. Road maintenance level descriptions are provided in the Glossary.

Table 2: Road miles by maintenance level.

Forest	Total Miles	ML-1	ML-2	ML-3	ML-4	ML-5
Bitterroot NF	2,618	1,080	690	810	17	21
Flathead NF	3,504	1,824	649	828	174	29
Lolo NF	6,340	2,571	1,785	1,763	170	51
Total	12,462	5,475	3,124	3,401	361	101

1/ From INFRA Roads database

Maintenance and Budget Limitations

Current funding levels are not adequate to maintain existing roads to applicable standards. Road standards minimize ecological impacts, and allow efficient and safe use. Table 4 provides a summary of the maintenance workload and backlog in relation to estimated current budgets.

Table 3: Road maintenance workload, backlog and budget levels.

Forest	Average Annual Maintenance (miles)	Current Backlog (miles)	Annual Budget for Maintenance and Backlog	Estimated Current Budget
Bitterroot	470	2,540	\$2,907,000	\$662,000
Flathead	1,245	3,547	\$6,200,000	\$957,000
Lolo	388	5,909	\$4,200,000	\$544,000

The trail system on National Forest lands is comprised of non-motorized and motorized trails. There are limited opportunities to do motorized recreation on system trails throughout the three forests. Two-wheeled motorized use has more opportunity on system trails than do 4-wheeled motorized use. Table 5 provides the number of miles of each type of trail throughout the planning zone that currently exists on the forest road system. Decommissioned roads are not shown.



File Code: 2300/2500/7700

Date: March 29, 2012

Route To:

Subject: Travel Management, Implementation of 36 CFR, Part 202, Subpart A (36 CFR 212.5(b))

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

This letter is to reaffirm agency commitment to completing a travel analysis report for Subpart A of the travel management rule by 2015 and update and clarify Agency guidance. This letter replaces the November 10, 2010, letter on the same topic.

The Agency expects to maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns. The national forest road system of the future must continue to provide needed access for recreation and resource management, as well as support watershed restoration and resource protection to sustain healthy ecosystems.

Forest Service regulations at 36 CFR 212.5(b)(1) require the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System (NFS) lands. In determining the minimum road system, the responsible official must incorporate a science-based roads analysis at the appropriate scale. Forest Service regulations at 36 CFR 212.5(b)(2) require the Forest Service to identify NFS roads that are no longer needed to meet forest resource management objectives.

Process

Travel analysis requires a process that is dynamic, interdisciplinary, and integrated with all resource areas. With this letter, I am directing the use of the travel analysis process (TAP) described in Forest Service Manual 7712 and Forest Service Handbook (FSH) 7709.55, Chapter 20. The TAP is a science-based process that will inform future travel management decisions. Travel analysis serves as the basis for developing proposed actions, but does not result in decisions. Therefore, travel analysis does not trigger the National Environmental Policy Act (NEPA). The completion of the TAP is an important first step towards the development of the future minimum road system (MRS). All NFS roads, maintenance levels 1-5, must be included in the analysis.

For units that have previously conducted their travel or roads analysis process (RAP), the appropriate line officer should review the prior report to assess the adequacy and the relevance of their analysis as it complies with Subpart A. This analysis will help determine the appropriate scope and scale for any new analysis and can build on previous work. A RAP completed in accordance with publication FS-643, "Roads Analysis: Informing Decisions about Managing the



National Forest Transportation System,” will also satisfy the roads analysis requirement of Subpart A.

Results from the TAP must be documented in a **travel analysis report**, which shall include:

- A map displaying the roads that can be used to inform the proposed action for identifying the MRS and unneeded roads.
- Information about the analysis as it relates to the criteria found in 36 CFR 212.5(b)(1).

Units should seek to integrate the steps contained in the Watershed Condition Framework (WCF) with the six TAP steps contained in FSH 7709.55, Chapter 20, to eliminate redundancy and ensure an iterative and adaptive approach for both processes. We expect the WCF process and the TAP will complement each other. The intent is for each process to inform the other so that they can be integrated and updated with new information or where conditions change. The travel analysis report described above must be completed by the end of FY 2015.

The next step in identification of the MRS is to use the travel analysis report to develop proposed actions to identify the MRS. These proposed actions generally should be developed at the scale of a 6th code subwatershed or larger. Proposed actions and alternatives are subject to environmental analysis under NEPA. Travel analysis should be used to inform the environmental analysis.

The administrative unit must analyze the proposed action and alternatives in terms of whether, per 36 CFR 212.5(b)(1), the resulting road system is needed to:

- Meet resource and other management objectives adopted in the relevant land and resource management plan;
- Meet applicable statutory and regulatory requirements;
- Reflect long-term funding expectations;
- Ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.

The resulting decision identifies the MRS and unneeded roads for each subwatershed or larger scale. The NEPA analysis for each subwatershed must consider adjacent subwatersheds for connected actions and cumulative effects. The MRS for the administrative unit is complete when the MRS for each subwatershed has been identified, thus satisfying Subpart A. To the extent that the subwatershed NEPA analysis covers specific road decisions, no further NEPA analysis will be needed. To the extent that further smaller-scale, project-specific decisions are needed, more NEPA analysis may be required.

A flowchart displaying the process for identification of the MRS is enclosed with this letter.

Timing

The travel analysis report **must be completed by the end of FY 2015**. Beyond FY 2015, no Capital Improvement and Maintenance (CMCM) funds may be expended on NFS roads (maintenance levels 1-5) that have not been included in a TAP or RAP.

Leadership

The Washington Office lead for Subpart A is Anne Zimmermann, Director of Watershed, Fish, Wildlife, Air and Rare Plants. Working with her on the Washington Office Steering Team are Jim Bedwell, Director of Recreation, Heritage, and Volunteer Resources, and Emilee Blount, Director of Engineering. I expect the Regions to continue with the similar leadership structures which have been established.

Your leadership and commitment to this component of the travel management rule is important. Together, we will move towards an ecologic, economic, and socially sustainable and responsible national road system of the future.

/s/ James M. Pena (for):

LESLIE A. C. WELDON

Deputy Chief, National Forest System



File Code: 2500

Date: October 20, 2010

Route To:

Subject: Implementation of the Watershed Condition Framework

To: Regional Foresters

REPLY DUE NOVEMBER 15, 2010

Restoring and sustaining forest lands is critical to ensuring a clean and abundant source of water for the nation. We have elevated water as a key emphasis for the agency and continue to make focused investments in addressing water and watershed issues. Implementing the Watershed Condition Framework (WCF) is an important step in improving our ability as water stewards to demonstrate measureable accomplishments in our watershed restoration efforts. The WCF will produce a nationally consistent, comparable, and creditable process to assess and restore watersheds. The WCF includes watershed assessments by National Forests, implementation of a suite of essential projects within priority watersheds, monitoring of watershed restoration efforts, and aggregation of program performance data for national reporting. It is important to begin the first step of implementing the WCF by determining the condition of our watersheds. (See enclosure, Step A).

Completed watershed condition assessments (Step A) will help establish watershed restoration priorities as well as inform the budget process for allocation of Priority Watershed and Job Stabilization funds. The timeframe for completing Step A on all forests is March 31, 2011 or sooner. A timeline from the regions for completing Step A is to be provided to Anne Zimmermann by November 15, 2010.

We are arranging for a two-day web-based "Train the Trainer" session to take place on November 3 & 4, 2010. More information regarding training will be forthcoming.

Additionally, the WCF process, especially the initial watershed condition assessment (Step A), will provide information for your work on Subpart A of travel management planning.

Anne Zimmermann has the lead for the WCF. Questions regarding timelines or any other aspect of the WCF are to be directed to her.

/s/ James M. Pena (for)
JOEL D. HOLTROP
Deputy Chief, National Forest System





United States
Department of
Agriculture

Forest
Service

(406) 758-5200

Flathead National Forest
1935 Third Avenue East
Kalispell, MT 59901

File Code: 1920

Date: May 11, 1999

Subject: LRMP Implementation

To: Leadership Team

*Transmitted
electronically
Jeb*

Enclosed is the Land and Resource Management Plan (LRMP) Implementation Note 13 (Road Reclamation and Their Use in Amendment 19 Calculations). This Note was developed to improve consistency in data classification and is to be considered direction for LRMP Implementation until changed.

for Allen L. Christensen
CATHY BARBOULETOS
Forest Supervisor

Enclosure

cc:

ID Team Leaders
Wildlife Biologists
Fish Biologists
System Managers
Road Database Managers
Operation Supervisors



LRMP Implementation Note #13

Issued: May 6, 1999

Subject: Road Reclamation and Their Use in Amendment 19 Calculations

Issue: What treatments and/or conditions are required for road reclamation, in Amendment 19? When is reclamation of a road considered complete? Roads considered reclaimed using Amendment 19 criteria were intended to create secure grizzly bear habitat and may not be considered reclaimed using watershed, fisheries or other criteria. When is a reclaimed road no longer included in Amendment 19 total access density or secure habitat calculations?

Secondary Issue: Non-motorized use of reclaimed roads.

Forest Position: Amendment 19 to the LRMP (1995) established numerical objectives for Open Access Density, Total Access Density, and Secure Habitat that apply to grizzly bear MS-1 and MS-2 areas of the Forest. The Amendment went on to established definitions and processing methods to be used in calculation of objective values. Implementation of road restriction and reclamation work has occurred, and will continue to occur, in compliance with established definitions and processes. The following should be included in decisions and treatment of roads for reclamation: (1) Determine the intended future use of the road. (2) Design specific treatments to provide for the intended function. (3) Implement proposed treatments. (4) Follow-up review of implemented work to verify that all prescribed treatments have been carried out. (5) Recommendation to the responsible official that treatment is complete. (6) The District Ranger agrees treatments are complete and "decides" the road should be considered reclaimed for Amendment 19 processes.

Background: LRMP Amendment 19, Appendix D, describes options for road reclamation, and was based upon the Interagency Grizzly Bear Committee Access Guidelines (IGBC 1994) and the Northern Continental Divide Ecosystem Subcommittee Interim Access Direction (NCDE 1995). The Amendment provides "finer grained" implementation definitions and processing criteria than was included in the IGBC or NCDE direction. Interpretation and use of Amendment 19 reclamation options and guidelines, and determining when use of a specific option is required, may cause confusion. This has led to variation in treatment application and identifying when a treated road should be considered "reclaimed." To reduce variation, and help provide for consistent interpretation and application, the Forest will use the following criteria, taken from IGBC and NCDE direction and Amendment 19 Definitions and Guidelines, when considering reclaimed road treatments and use in access calculations.

Road Treatment: The Forest will utilize the reclamation procedures/criteria described below, unless project decisions specify alternate methods.

Minimum Requirements:

- a) **Motorized Use:** A road designated as reclaimed will be managed as "not available for motorized use," for a minimum 10-year period. The non-motorized classification applies to public and administrative use. Emergency situations related to human health and safety, and

perhaps wildfire, should consider this restriction, but may need to operate independent of this direction.

b) Non-Motorized Use: Non-motorized travel is not restricted on most areas of the Forest, including on reclaimed roads. It is expected, and acceptable, that periodic non-motorized use occur on reclaimed roads. Non-motorized use on reclaimed roads would be expected to occur at levels similar to the occurrence in the surrounding forest. If it is desired that a reclaimed road function as a trail, the NEPA decision will identify the desired condition, and it should be added to the trail system. If a reclaimed road is not desired to function as a trail, prescriptions developed in items c) and d) should prescribe treatments to accomplish this objective.

c) The First Portion of the Road: Treat the first portion of the road, and any other logical access points to the road, so that it no longer functions as a motorized travelway. The distance needing this consideration may vary by site, and will be determined during project design. This will include appropriate treatments to discourage use by motorized vehicles. The amount of work required to meet this condition will vary and depend upon "on site" conditions. Vegetation, shrubs, and/or trees, may be adequate to accomplish this objective, while other sites may require recontouring of the road entrance. Each site requires adequate vegetation and/or physical obstruction (berms, rocks, etc.). Gates are not considered adequate physical obstruction for reclamation purposes. More effective treatments will be developed/installed if an existing device or condition fails to perform as expected.

d) Road Area Other than the First Portion: Treat the road, other than the first portion, in a manner that discourages its use as a motorized or non-motorized travelway. This may include scattering of logging, road building, or forest debris, and/or encouragement of vegetation establishment and growth on the road surface. Development of road specific treatments will require an evaluation of the current condition, development of a desired future condition, and evaluation of expected impediments to meeting the desired future condition. This evaluation will result in prescribed treatments for each road being reclaimed.

e) Road Drainage Maintenance: Treat the road so that vehicular entries to maintain or monitor road drainage are not required.

This may, or may not, require that ditches are blocked at appropriate intervals with waterbar cross-drains constructed to provide for dispersion of surface water. Each road will be evaluated for condition and ability to accommodate expected surface water, and a specific treatment prescription developed.

Drainage structures on streams may be left in place if they will be monitored and maintained without the use of motorized equipment. This may be desirable when:

- 1) Future use of the road is contemplated, after the required 10-year non-motorized use timeframe;
- 2) Funding to fully reclaim the road is unavailable, and it is desirable to consider the road reclaimed for grizzly bear security;

- 3) Sedimentation effects, because of drainage structure removal, to streams/fisheries would result in unacceptable damage;

Adequate monitoring, the type and amount of monitoring may vary between roads depending upon culvert removal decisions, of drainage structures will be scheduled and accomplished through use of non-motorized travel.

- f) **Recontouring:** If the road is not required for future access, consider recontouring. Because of the high cost of this treatment method, it should be specifically included in the project decision.

Use of Reclaimed Roads in Calculations:

- a) Roads meeting minimum treatment criteria items a), b), and c), will be excluded from road data sets used for open access density, total access density, and secure habitat calculations.
- b) Roads meeting minimum treatment criteria items a), b), and c), that function as a trail, and receive more than 20 parties/week, must be included in data sets used for secure habitat calculations.

PACIFIC ENVIRONMENTAL ADVOCACY CENTER

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phone: 503-768-6736 fax: 503-768-6671

September 23, 1999

Dan Glickman, Secretary
Department of Agriculture
1400 Independence Ave, SW
Washington, D.C. 20250

Dale Bosworth, Regional Forester
Region One, United States Forest Service
P.O. Box 7669
Missoula, Montana 59807

Cathy Barbouletos, Forest Supervisor
Flathead National Forest
1935 Third Ave. East
Kalispell, Montana 59901

Bruce Babbitt
Secretary of Interior
1849 "C" St., N.W.
Washington, D.C. 20240

Re: 60-Day Notice of Intent to File Citizen Suit for Violations of the Endangered Species Act in Connection with Failure to Reinitiate Consultation on Amendment Number 19 to the Forest Plan for the Flathead National Forest and Failure to Develop a Comprehensive Program for the Conservation of Grizzly Bears and Bull Trout

Dear Secretary Glickman, Secretary Babbitt, Mr. Bosworth, and Ms. Barbouletos,

On behalf of the Swan View Coalition and Friends of the Wild Swan, we hereby provide notice, pursuant to section 11(g) of the Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g), that the United States Forest Service ("Forest Service") is violating its duty under 50 C.F.R. § 402.16(c) to reinitiate ESA section 7 consultation with the U.S. Fish and Wildlife Service (FWS) on Amendment 19 to the Forest Plan for the Flathead National Forest, and its duty under 16 U.S.C. § 1536(a)(1) to develop conservation programs for grizzly bears and bull trout. Additionally, Forest Service actions are resulting in illegal takings of these species.

BACKGROUND

On January 22, 1986, Regional Forester James Overbay approved a Forest Plan for the Flathead National Forest. Any change to the Forest Plan is subject to the procedural and substantive mandates of the Endangered Species Act of 1973 (ESA), the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, and the National Environmental Policy Act of 1969, as well as these statutes' implementing regulations.

On February 22, 1989, plaintiffs and other concerned environmental groups filed a lawsuit challenging the Flathead Forest Plan and accompanying environmental impact statement.

The end result of that litigation was a Ninth Circuit opinion setting aside the Forest Service's determination that implementation of the Forest Plan would not jeopardize the continued existence of listed species. *Resources Limited, Inc. v. Robertson*, 35 F.3d 1300, 1308 (9th Cir. 1994). The Ninth Circuit required the Forest Service to formally consult with FWS on the proposed amended plan and required the district court to retain jurisdiction over the case to ensure the completion of the consultation process within six months. *Id.*

The Forest Service complied with the Ninth Circuit's order by preparing a biological assessment on a newly proposed amendment and obtaining a biological opinion from FWS addressing both jeopardy and incidental take of listed species. The Forest Service officially proposed the new amendment, known as Amendment #19, in February 1995, and Joel D. Holtrop, Forest Supervisor of the Flathead National Forest, incorporated Amendment #19 into the Forest Plan in a March 1, 1995 Decision Notice. Amendment #19 is now part of the Forest Plan, and is therefore a controlling forest planning document that must be followed during all subsequent actions. *See Neighbors of Cuddy Mountain v. United States Forest Serv.*, 137 F.3d 1372, 1376-77 (9th Cir. 1998).

To ensure that implementation of the Forest Plan would not jeopardize listed species, Amendment #19 updated objectives and standards for management of grizzly bears (*Ursus arctos horribilis*) and amended projected timber sale outputs for the period of 1995 to 1999. Specific measures included reduction of total motorized access density and open motorized access density, as well as establishment of security core areas for grizzly bears.

Achievement of the amended desired levels of motorized access density necessarily entailed reclaiming hundreds of miles of roads. The first requirement listed in Amendment #19 for "minimum treatment" for any particular road to be considered "reclaimed" within the meaning of the Forest Plan is as follows:

- (a) The entire road will receive treatment such that maintenance or entries to maintain "road drainage" is not needed. This will require removal of culverts or other water passage structures that are aligned with stream channels. In most cases this will also require that road related sediment sources be repaired and the road reworked to eliminate ditch water flow without the aid of cross drain culverts.

Amendment #19, Appendix D at 2 (added to the Flathead Plan as Appendix TT) (emphasis added).

Additionally, Plan Appendix TT also included within its definition of a "reclaimed" road treatment standards for both the "first portion" of a road (defined as "typically 200 to 600 feet"), as well as the remainder of the road. *See id.* Under the Appendix, a road fell within the definition of a "reclaimed" road after application of these specified treatments to both the first portion of the road and to the remainder of the road.

These treatment standards for roads, notably that relating to culverts, have particular importance for another species which occurs on the Flathead and is also protected by the ESA.

On June 10, 1998, the Fish and Wildlife Service listed the Columbia River distinct population segment of bull trout (*Salvelinus confluentus*) as threatened. *See* 63 Fed. Reg. 31,647. Bull trout inhabit clear, cold streams, and are particularly sensitive to sedimentation of their habitat. Habitat degradation caused by sedimentation, much of it due to roads, was one of the primary threats that led FWS to list these fish. *See id.*

Two months after FWS listed bull trout, FWS issued a biological opinion pursuant to section 7 of the ESA which addressed effects on these fish caused collectively by continued implementation of Forest Service and Bureau of Land Management (BLM) plans for individual administrative units. In describing the “environmental baseline,” for its analysis, the opinion noted that several national forests had management direction specific to aquatic resources that was more stringent than the protections required by the generic Forest Service and BLM protections for inland fish species, known as INFISH. The biological opinion noted that these more specific measures had come about through actions to benefit other listed species such as grizzly bears and salmon. The Flathead’s standards for road closures clearly fall into this category. FWS ultimately concluded that continued implementation of Forest Service and BLM management plans would not likely jeopardize the continued existence of listed species.

Recently, without consulting with FWS pursuant to section 7, the Forest Service modified the Flathead Forest Plan again by significantly altering Forest Plan Appendix TT. On May 6, 1999, the Forest Service issued a document entitled Implementation Note #13. This document significantly altered the Plan’s minimum treatment requirements for reclaiming roads in two significant ways. First, Flathead Forest officials abandoned the requirement that culverts be removed from roads considered “reclaimed”. In addition, recent alteration of Appendix TT eliminated the requirements that treatments be applied beyond the “first portion” of a road, and that treatments be effective, in order for a road to fall into the “reclaimed” category.

DISCUSSION

I. The Forest Service is violating its duty to reinitiate consultation on Amendment 19.

The Forest Service has violated the ESA by failing to reinitiate section 7 consultation with FWS on the Flathead Forest Plan. Pursuant to 50 C.F.R. § 402.16(c), federal agencies **must** reinitiate consultation “where discretionary Federal involvement or control over the action has been retained or is authorized by law and . . . [i]f the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion.” This regulation applies to the section 7 consultations on the Flathead Forest Plan, specifically regarding modifications to the Plan resulting from the Forest Service’s changed implementation of Amendment 19.

The Forest Service explicitly and unconditionally included removal of culverts in Amendment 19’s standards for “minimum treatment” of roads necessary to effect legal reclamation. A major reason for including this requirement was to improve the habitat of sensitive fish species. Amendment #19 EA at 118–19. In February 1995, Fisheries Biologist Donald Hair performed a Biological Evaluation on the potential effects of implementing

Alternative 3 (the adopted alternative) of Amendment #19 and concluded that

[i]n the short term implementing the preferred alternative of Amendment 19 . . . may impact individual bull trout, westslope cutthroat trout and/or sculpin, but not viability of the population or trend toward Federal listing. In the long term implementing the preferred alternative should be beneficial to these species. . . . This assumes incorporation of the proposed definitions and minimum treatment requirements for reclaimed and restricted roads.

Biological Evaluation for Bull Trout, Cutthroat Trout, & Shorthead Sculpin: Potential Effects from Implementing Amendment #19, Alternative 3 to the Forest Plan (February 4, 1995).

Under Implementation Note #13, however, the Forest Service has once again significantly altered the Flathead Forest Plan. Amendment #19 and its accompanying Biological Evaluation clearly indicate that removal of culverts and road management generally affect bull trout. These documents also establish that significant modifications in the minimum standards for road reclamation, such as those brought about by Implementation Note #13, cause effects to bull trout and their habitat that were not considered in previous section 7 consultations on the Flathead Plan. As a result, the Forest Service is required to reinitiate consultation on the Plan, and by failing to do so, it is violating the ESA.

The Forest Service's change in implementation of Forest Plan Appendix TT also affects grizzly bears in a manner not previously analyzed in previous consultations on the Flathead Forest Plan. Retaining culverts affects grizzlies by reducing the effectiveness of road closures and increases the need for maintenance activities, thus undermining a fundamental objective of Amendment 19. Additionally, eliminating treatment requirements beyond the first portion of roads considered "reclaimed," as well as eliminating the requirement that treatments be effective, substantially reduce the effectiveness of road closures and results in impacts to grizzlies beyond those considered in the previous consultations on the Plan. Again, by failing to reinitiate consultation on continuing implementation of the Flathead Plan, the Forest Service is violating section 7(a)(2) of the ESA.

The changes to Amendment 19 and its implementation on the Flathead is evident in at least two examples of site-specific projects. In the Paint Emery Project, culverts may be left at the Forest Service's discretion in 116 miles of roads to be considered "reclaimed" by the Project. In stark contrast to the plain language of Amendment 19 requiring the removal of all "culverts or other water passage structures aligned with stream channels," the May 27, 1999, Paint Emery Decision Notice signed by Supervisor Barbouletos, at Appendix A, page 2, provides that reclamation of the 116 miles of roads "would commonly include removing culverts at *some* stream crossings" (emphasis added). The Decision Notice in Appendix C, page 5, reasons that "Since we have a commitment to meet Amendment 19 grizzly bear security objectives, roads are being restricted at such a rate where we do not have the funding to do all the necessary culvert removals in order to address water and fisheries concerns."

In a second project-level decision, the Flathead's Swan Lake District Ranger Chuck Harris

decided to leave two culverts in the reportedly "reclaimed" North Lost Creek Road #5206 (Harris letter dated July 26, 1999), after determining that "one culvert is plugged with sediment and about to 'wash out' and another is also at high risk. . . Should these culverts fail, it is estimated that over 700 tons of sediment could travel downstream to the cutthroat spawning habitat and this would have a serious, negative impact to the fish" (Harris letter dated March 29, 1999). This cutthroat spawning stream is upstream and tributary to bull trout spawning areas in North Lost Creek. The Forest Service has elsewhere already determined that the Lost Creek watershed is "Functioning at Risk" for bull trout in terms of road density and location, Riparian Conservation Areas, and Integration of Species and Habitat Conditions. Rather than follow Amendment 19's initial directive to remove all stream-aligned culverts from reclaimed roads, Ranger Harris instead has opted to follow the changes provided by Implementation Note #13 and monitor the culverts instead, even though Friends of the Wild Swan has offered to finance removal of the culverts.

II. The Forest Service is Violating Section 9

In addition to violating section 7 of the ESA, the Flathead National Forest is also violating section 9 of the statute. Section 9(a)(1)(G) makes it illegal for any entity, including federal agencies, to violate regulations pertaining to threatened species. Here, such regulations include a prohibition on taking grizzly bears and bull trout. However, the Forest Service's substantial modifications to Forest Plan Appendix TT will result in takings of both grizzlies and bull trout. Flathead officials developed Appendix TT specifically to avoid takings of bears by eliminating roads. However, the recent decision to substantially weaken treatment requirements for road reclamation, reflected in site-specific decisions such as those discussed above, will decrease the effectiveness of reclamation actions, and thus increase injury and death to grizzlies. Similarly, these weakened treatment standards, particularly those applicable to culverts, will increase incidences of culvert failure and thus result in increased sedimentation of streams and rivers inhabited by bull trout. Sedimentation results in death or injury to bull trout. The Forest Service has not obtained authority to increase the number of incidental takings of grizzly bears and bull trout that will result from its modifications of Forest Plan Appendix TT.

III. The Forest Service is violating its duty to develop a comprehensive plan for the conservation of grizzly bears and bull trout.

The ESA imposes an affirmative duty on federal agencies to develop programs to use their authorities for the conservation of each listed species. Sierra Club v. Glickman, 156 F.3d 606, 616 (5th Cir. 1998); 16 U.S.C. § 1536(a)(1). In order to develop such a program, a federal agency must first consult with FWS. Sierra Club v. Glickman, 156 F.3d at 616; 16 U.S.C. § 1536(a)(1). Congressional testimony explaining this requirement could not be any more clear or germane:

"Another example . . . [has] to do with the continental population of grizzly bears which may or may not be endangered, but which is surely threatened. . . . Once this bill is enacted, the appropriate Secretary, whether of Interior, Agriculture or whatever, will have to take action to see that this situation is not

permitted to worsen, and that these bears are not driven to extinction. The purposes of the bill included the conservation of the species and of the ecosystems upon which they depend, and every agency of government is committed to see that those purposes are carried out. . . . [T]he agencies of Government can no longer plead that they can do nothing about it. They can, and they must. The law is clear."

Tennessee Valley Auth. v. Hill, 437 U.S. 153, 183-84 (1975) (quoting 119 Cong. Rec. 42,913 (1973)).

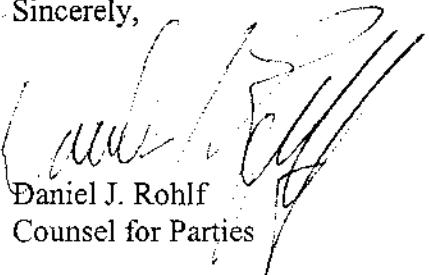
The Forest Service has failed to comply with this affirmative duty with respect to grizzlies and bull trout. The agency has no overall plan for using its authority to conserve these species, nor has the agency made substantial progress toward developing such a plan. Such inaction is plainly illegal.

CONCLUSION

In failing to reinitiate consultation the Flathead Forest Plan regarding its modification of Amendment 19, and failing to develop a comprehensive plan for the conservation of the grizzly bears and bull trout, the Forest Service is violating the ESA. Unless the Forest Service provides a substantive response to this petition within 60 days, along with an assurance that the Forest Service will correct these legal deficiencies, we will have no alternative but to seek a judicial remedy in federal court.

We look forward to your response.

Sincerely,



Daniel J. Rohlf
Counsel for Parties



United States
Department of
Agriculture

Forest
Service

(406) 758-5200

Flathead National Forest
1935 Third Avenue East
Kalispell, MT 59901

File Code: 2500/2600/7700
Route To:

Date: November 19, 1999

Subject: Forest Plan Implementation Note #13

To: Rangers and Staff

On May 6, 1999 I prepared "LRMP Implementation Note #13" to provide definition to road reclamation measures. The purpose of Implementation Note #13 was to improve consistency in data classification concerning road reclamation and use as to Amendment 19 (Appendix TT) calculations. However, I have reviewed the language of Implementation Note #13 and the existing Forest Plan Appendix TT and have determined to rescind Implementation Note #13 to avoid any confusion or misunderstanding with the implementation of Appendix TT.

I am thus withdrawing Implementation Note #13. As you implement the Forest Plan I refer you to Unbound Appendix TT in the Forest Plan for the definitions to use for restricted roads, reclaimed roads, and security core areas.

Sincerely,

CATHY BARBOULETOS
Forest Supervisor





United States
Department of
Agriculture

Forest
Service

(406) 758-5200

Flathead National Forest
1935 Third Avenue East
Kalispell, MT 59901

File Code: 1570

Date: November 19, 1999

Pacific Environmental Advocacy Center
10015 S.W. Terwillinger Boulevard
Portland, Oregon 97219

Dear Mr. Rohlf:

This letter is in response to your letter dated September 23, 1999 sent to myself, Forest Service Northern Region Regional Forester Dale Bosworth, Secretary of the Department of Agriculture Dan Glickman, and Secretary of Interior Bruce Babbitt. In addition, this letter also responds to the October 6, 1999 letter of Friends of the Wild Swan, on the same matter, to Regional Forester Dale Bosworth and Chief of the Forest Service Mike Donbeck. I am responding for the Northern Region of the Forest Service.

Your letter on behalf of the Swan View Coalition and Friends of the Wild Swan provided notice pursuant to the Endangered Species Act ("ESA"), 16 U.S.C. 1540(g) claiming that the Forest Service was violating its duty under 50 CFR 402.16(c) to reinstate ESA section 7 consultation with the U.S. Fish and Wildlife Service on Amendment 19 to the Flathead Forest Plan and its duty under 16 USC 1536(a)(1) to develop conservation programs for grizzly bears and bull trout. You additionally state that Forest Service actions are resulting in illegal takings of these species.

The basis for your allegations is the Flathead National Forest's May 6, 1999 issuance of the document entitled "LRMP Implementation Note #13" which you claim significantly altered Flathead Forest Plan Amendment #19 (incorporated into the Flathead Forest Plan as Appendix TT) without consulting with the USFWS pursuant to section 7 of ESA.

The purpose of LRMP implementation Note #13 was to improve consistency in data classification concerning road reclamation and use as to Amendment 19 (Appendix TT) calculations. However, I have reviewed the language of LRMP Implementation Note #13 and the existing Forest Plan Appendix TT and have determined to rescind Implementation Note #13 to avoid any confusion or misunderstanding with the implementation of Appendix TT. As such, I have withdrawn the May 6, 1999 LRMP Implementation Note #13. My letter to the District Rangers and Staff withdrawing the note is attached. The definitions and direction contained in Appendix TT will be used by the Flathead National Forest unless and until the Forest Plan is subsequently amended or revised and any consultation obligations are satisfied with the U.S. Fish and Wildlife Service.

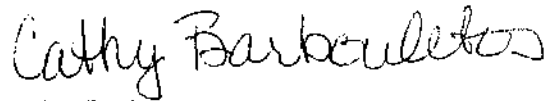
In light of the withdrawal of Implementation Note #13, I am reviewing the Paint Emery Resource Management Project Decision Notice, which I signed on May 27, 1999. The Paint Emery Decision Notice indicated that some culverts may not be removed on an existing snowmobile route to



facilitate trail grooming. The Forest Service will apply the definition of "reclaimed road" under Forest Plan Appendix TT, and the road will not be counted as "reclaimed" if culverts aligned with stream channels are not removed. The route is closed to all motorized vehicles from April 15 to November 30 to provide security for grizzly bear and other wildlife species.

I believe that this action is fully responsive to your September 23, 1999 letter and to the letter of October 6, 1999 from Friends of the Wild Swan. However, if you have any remaining concerns please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Cathy Barbouletos".

Cathy Barbouletos
Forest Supervisor

cc: Friends of the Wild Swan
USFWS - Helena
DOJ - Wildlife



United States
Department of
Agriculture

Forest
Service

(406) 758-5200

Flathead National Forest
1935 Third Avenue East
Kalispell, MT 59901

File Code: 6270

Date: February 7, 2000

Keith Hammer
Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901

Dear Keith:

This is in response to your letter dated November 25, 1999, regarding the Paint Emery Project. The following information responds to the questions presented in that letter.

1. The portion of the existing snowmobile route with stream culverts remaining are not considered "reclaimed." However, there is a portion of the existing snowmobile route where culverts will be removed, and this portion will meet the definition of reclaimed as per Amendment TT.

As stated in the Paint Emery Decision Notice, the project will comply with Amendment 19 five-year density and security objectives.

2. See response #1. Determination of whether roads are classified as reclaimed will follow the direction in Amendment TT.

If you have further questions, please contact Dave Ondov at the Hungry Horse Ranger District, or Terry Chute at the Flathead National Forest Supervisor's Office.

Sincerely,

CATHY BARBOULETOS
Forest Supervisor



ROAD DECOMMISSIONING PROJECTS

DIST	Decision Name	Road No.	Spur	Beginning System	System Now	Year Const	Pres. Init. \$\$	Year Reclaim (CY)	Year Reclaim (FY)	AD-112 on file	Beg. M.P.	End M.P.	Total Length	Only Has Decision	Category 3 Roads Reclaimed & Left as System Roads, Still Monitor for A19	Category 1 System Roads Reclaimed and Moved to Historic But Still Monitor for A19	Category 2 System Roads Reclaimed and Moved to Historic = Revegetated - No Monitoring	Category 4 Moved to Historic, Naturally Revegetated, No Contract Work Needed, No Monitoring	TOTALS
				CUMULATIVE TOTALS FOR FISCAL AND CALENDAR YEARS															
	TOTALS PRIOR TO "1995" THAT ARE LISTED ON THIS SHEET																0.300	11.000	11.300
	miles accomplished 1/1 - 9/30/95														0.950		18.980	42.510	62.440
	FISCAL YEAR TOTALS "1995"												178.840	83.600	0.950		19.280	53.510	157.340
	miles accomplished 9/30 - 12/31/95														4.230		2.940	21.830	29.000
	CALENDAR YEAR TOTALS "1995"												178.840	54.600	5.180		22.220	75.340	157.340
	miles accomplished 1/1 - 9/30/96														27.280		0.000	1.600	28.880
	FISCAL YEAR TOTALS "1996"												326.110	171.410	32.460		22.220	76.940	303.030
	miles accomplished 9/30 - 12/31/96														0.000		0.000	11.500	11.500
	CALENDAR YEAR TOTALS "1996"												326.110	159.910	32.460		22.220	88.440	303.030
	miles accomplished 1/1 - 9/30/97														9.290		0.000	0.000	9.290
	FISCAL YEAR TOTALS "1997"												437.710	282.620	41.750		22.220	88.440	435.030
	miles accomplished 9/30 - 12/31/97														18.500		0.610	0.000	19.110
	CALENDAR YEAR TOTALS "1997"												438.320	264.120	60.250		22.830	88.440	435.640
	miles accomplished 1/1 - 9/30/98														17.410		0.950	0.420	18.780
	FISCAL YEAR TOTALS "1998"												457.650	257.240	77.660		23.780	88.860	447.540
	miles accomplished 9/30 - 12/31/98														0.000		0.000	0.000	0.000
	CALENDAR YEAR TOTALS "1998"												457.650	257.240	77.660		23.780	88.860	447.540
	miles accomplished 1/1 - 9/30/99														0.000	33.680	39.080	0.000	72.760
	FISCAL YEAR TOTALS "1999"												568.960	295.790	77.660	33.680	62.860	88.860	558.850
	miles accomplished 9/30 - 12/31/99															9.240	104.860	0.000	114.100
	CALENDAR YEAR TOTALS "1999"												678.480	378.980	0.000	42.920	167.720	88.860	678.480
	miles accomplished 1/1 - 9/30/00															22.230	14.310	0.700	37.240
	FISCAL YEAR TOTALS "2000"												680.520	343.780	0.000	65.150	182.030	89.560	680.520
	miles accomplished 9/30 - 12/31/00															0.000	0.000	0.000	0.000
	CALENDAR YEAR TOTALS "2000"												680.520	343.780	0.000	65.150	182.030	89.560	680.520
	miles accomplished 1/1 - 9/30/01															0.000	1.250	0.000	1.250
	FISCAL YEAR TOTALS "2001"												680.520	342.530	0.000	65.150	183.280	89.560	680.520
	miles accomplished 9/30 - 12/31/01															0.000	0.000	0.000	0.000
	CALENDAR YEAR TOTALS "2001"												670.210	332.020	0.000	65.150	183.280	89.560	670.010
	miles accomplished 1/1 - 9/30/02															0.000	0.000	0.000	0.000
	FISCAL YEAR TOTALS "2002"												670.210	332.020	0.000	65.150	183.280	89.560	670.010
	miles accomplished 9/30 - 12/31/02															0.000	55.344	1.200	56.544
	CALENDAR YEAR TOTALS "2002"												808.492	413.958	0.000	65.150	238.624	90.760	808.492
	miles accomplished 1/1 - 9/30/03															-2.320	-0.620	14.110	11.170
	FISCAL YEAR TOTALS "2003"												804.542	403.888	0.000	62.830	238.004	104.870	809.592
	miles accomplished 9/30 - 12/31/03															0.000	25.255	0.000	25.255
	CALENDAR YEAR TOTALS "2003"												809.854	378.840	0.000	62.830	263.259	104.870	809.799
	miles accomplished 1/1 - 9/30/04															7.840	6.544	15.250	29.634
	FISCAL YEAR TOTALS "2004"												809.244	348.451	0.000	70.670	269.803	120.120	809.044
	miles accomplished 9/30 - 12/31/04															0.000	16.082	0.257	16.339
	CALENDAR YEAR TOTALS "2004"												810.183	333.251	0.000	70.670	285.885	120.377	810.183
	miles accomplished 1/1 - 9/30/05															0.000	0.000	0.700	0.700
	FISCAL YEAR TOTALS "2005"												810.183	332.141	0.000	70.670	285.885	121.077	809.773
	miles accomplished 9/30 - 12/31/05															0.000	20.398	6.990	27.388
	CALENDAR YEAR TOTALS "2005"												894.163	389.143	0.000	70.670	306.283	128.067	894.163
	miles accomplished 1/1 - 9/30/06															0.000	18.406	3.600	22.006
	FISCAL YEAR TOTALS "2006"												894.839	367.813	0.000	70.670	324.689	131.667	894.839
	miles accomplished 9/30 - 12/31/06															0.000	24.659	0.000	24.659
	CALENDAR YEAR TOTALS "2006"												895.128	343.443	0.000	70.670	349.348	131.667	895.128

ROAD DECOMMISSIONING PROJECTS

DIST	Decision Name	Road No.	Spur	Beginning System	System Now	Year Const	Pres. Init. \$\$	Year Reclaim (CY)	Year Reclaim (FY)	AD-112 on file	Beg. M.P.	End M.P.	Total Length	Only Has Decision	Category 3 Roads Reclaimed & Left as System Roads, Still Monitor for A19	Category 1 System Roads Reclaimed and Moved to Historic But Still Monitor for A19	Category 2 System Roads Reclaimed and Moved to Historic = Revegetated - No Monitoring	Category 4 Moved to Historic, Naturally Revegetated, No Contract Work Needed, No Monitoring	TOTALS
	miles accomplished 1/1 - 9/30/07															0.000	18.910	8.220	27.130
	FISCAL YEAR TOTALS "2007"												895.128	316.313	0.000	70.670	368.258	139.887	895.128
	miles accomplished 9/30 - 12/31/07															0.000	11.990	2.970	14.960
	CALENDAR YEAR TOTALS "2007"												895.518	301.743	0.000	70.670	380.248	142.857	895.518
	miles accomplished 1/1 - 9/30/08															0.000	36.210	2.400	38.610
	FISCAL YEAR TOTALS "2008"												879.470	247.085	0.000	70.670	416.458	145.257	879.470
	miles accomplished 9/30 - 12/31/08															-0.011	9.845	0.000	9.834
	CALENDAR YEAR TOTALS "2008"												880.704	238.485	0.000	70.659	426.303	145.257	880.704
	miles accomplished 1/1 - 9/30/09															0.000	6.265	0.000	6.265
	FISCAL YEAR TOTALS "2009"												886.969	238.485	0.000	70.659	432.568	145.257	886.969
	miles accomplished 9/30 - 12/31/09															0.000	16.160	0.000	16.160
	CALENDAR YEAR TOTALS "2009"												870.958	206.314	0.000	70.659	448.728	145.257	870.958
	miles accomplished 1/1 - 9/30/10															0.000	48.642	6.200	54.842
	FISCAL YEAR TOTALS "2010"												881.366	161.880	0.000	70.659	497.370	151.457	881.366
	miles accomplished 9/30 - 12/31/10															0.000	0.000	0.000	0.000
	CALENDAR YEAR TOTALS "2010"												881.366	161.880	0.000	70.659	497.370	151.457	881.366
	miles accomplished 1/1 - 9/30/11															0.000	1.770	2.970	4.740
	FISCAL YEAR TOTALS "2011"												881.366	161.880	0.000	70.659	499.140	154.427	886.106
	miles accomplished 9/30 - 12/31/11															0.000	8.860	-0.750	8.110
	CALENDAR YEAR TOTALS "2011"												879.006	146.670	0.000	70.659	508.000	153.677	879.006
	NOTE: these miles also include non-system historical roads																		
	2001 NOTE: Road 5317-A MP 0.00 - 0.20 (Paint Emery) was removed from reclamation consideration 2/28/01 (was not part of the decision to reclaim, only leave closed by gate.)																		
	2001 NOTE: Roads 316 MP 16.66 - 23.47,Road 1696 MP 0.00 - 3.30, & Road 1696Y (Big Mtn Ski) were removed from reclamation consideration 12/5/01 (were not part of the decision to reclaim, only berm & allow to brush-in.)																		
	2002 NOTE: Beginning in 2002 some mileages were based on actual ground surveys while others were based on established INFRA databaes miles. Some minor changes may be seen in cumulative miles by FY & CY totals.																		
	The overall objectives did not change but beginning and ending Mile Posting may have been adjusted slightly to match actual ground conditions. Added Spotted Beetle FONSI, Moose Post-Fire ROD, & Good Creek Resource.																		
	2003 NOTE: Mileage for Road #317 in the North Coal Decision was revised by a letter to the file moving the begining of the decommissioned segment from 16.2 to 18.52.																		
	2003 NOTE: Mileage for Road #5360 in the Paint Emery Decision was revised by a letter to the file moving the begining of the decommissioned segment from 0.000 to 0.620.																		
	2003 NOTE: Mileage for Road #895F under the President's Initiative, was adjusted by a DMI road log for Def. Mtc. Originally, 1.07 miles were decommissioned and we now have 1.137 miles decommissioned.																		
	2003 NOTE: Due to major fires in 2003, some decommissioned roads were utilized for fire breaks and access. These roads have been re-habilitated and put back to bed, but will be monitored for compliance.																		
	Mileages for monitoring will be displayed only in INFRA, not this spreadsheet.																		
	2004 NOTE: Mileage for Road #546 under Paint Emery, was adjusted by a DMI road log for Def. Mtc. Originally, 1.000 miles were decommissioned and we now have 1.055 miles decommissioned.																		
	2004 NOTE: Mileage for Road #896C under Paint Emery, was adjusted by a contract road log. Originally, 0.190 miles were decommissioned and we now have 0.189 miles decommissioned.																		
	2004 NOTE: Mileage for Road #2851C under Bent Flat II, was adjusted. Originally, 0.05 miles were left on the system, in 2004 that 0.05 Miles was Decommissioned.																		
	2004 NOTE: Mileage for Road #895C under the President's Initiative, was adjusted by a DMI road log for Def. Mtc. Originally, 0.37 miles were decommissioned and we now have 0.43 miles decommissioned.																		
	2004 NOTE: Mileage for Road #1672 under the Hornet Wedge, was adjusted by a survey road log for Decommissioning. Originally, 7.15 miles were shown in INFRA and we now have 6.43 miles decommissioned.																		
	2004 NOTE: Mileage for Good Creek was adjusted by +0.610 to account for actual ground miles.																		
	2004 NOTE: Mileage for North Coal was adjusted by -0.088 to account for actual ground miles.																		
	2004 NOTE: Mileage for Spotted Beetle was adjusted for 3 place contracted miles resulting in a change of +0.186 miles.																		
	2004 NOTE: Mileage for Big Mountain Ski Area was adjusted by -0.142 miles to account for actual ground miles.																		
	2004 NOTE: Mileage for Moost Post-Fire was adjusted by +0.373 miles to account for actual ground miles.																		
	2005 NOTE: Total decision mileage for Paint Emery was adjusted by -0.41 miles to account for actual ground verification. No work has been done on this mileage, only the total miles has changed.																		
	2006 NOTE: Road 5339A under the Wounded Buck Quarry Decision was dropped from decommissioning. The West Side Reservoir Post-Fire Decision superceded this decision and shows it as a gated road.																		
	2006 NOTE: Road 5233 under Moose Post-Fire was decommissioned from MP 0.00 instead of from 0.005. This adds 0.005 miles onto decisions and work done.																		

ROAD DECOMMISSIONING PROJECTS

DIST	Decision Name	Road No.	Spur	Beginning System	System Now	Year Const	Pres. Init. \$\$	Year Reclaim (CY)	Year Reclaim (FY)	AD-112 on file	Beg. M.P.	End M.P.	Total Length	Only Has Decision	Category 3 Roads Reclaimed & Left as System Roads, Still Monitor for A19	Category 1 System Roads Reclaimed and Moved to Historic But Still Monitor for A19	Category 2 System Roads Reclaimed and Moved to Historic = Revegetated - No Monitoring	Category 4 Moved to Historic, Naturally Revegetated, No Contract Work Needed, No Monitoring	TOTALS
	2006 NOTE: Mileage for Road 5304 under Moose Post-Fire was adjusted +0.564 to account for actual surveyed ground miles.																		
	2006 NOTE: Mileage for Road 5316 under Moose Post-Fire was adjusted +0.212 to account for actual surveyed ground miles.																		
	2006 (FY07) NOTE: Mileage for Road 10338 under Spotted Beetle was adjusted +0.335 to account for actual surveyed ground miles.																		
	2006 (FY07) NOTE: Mileage for Road 1624 under Paint Emery Stewardship was adjusted -0.046 to account for actual surveyed ground miles.																		
	2007 (FY08) NOTE: Mileage for Road 1632 under Paint Emery Stewardship was adjusted -1.43 to account for surveyed ground miles and remove end section that fell outside of the Project Boundary																		
	2007 (FY08) NOTE: Mileage for Road 1623 under President's Initiative was removed from the decommissioned list. This road was determined to have been decommissioned without decision and was in fact																		
	needed as noted under the Paint Emery Decision. This road (0.80 miles) was put back on the system.																		
	2008 (FY08) NOTE: Logan Creek Ecosystem Restoration Project was dropped from the list of projects for decommissioning. Close review of the NEPA decision determined that these roads are to have watershed																		
	restoration only and to remain on the system. Total miles removed 15.83.																		
	2008 (FY08) NOTE: Good Creek Resource road 2869 and 2869A mileages updated due to more accurate survey data. Was 2.20 miles of decom., now 2.45 miles of Decommissioning for +0.25 mi. total gain.																		
	2008 (FY08) NOTE: West Side Reservoir roads 2806, 2807 and 5345 mileages updated due to more accurate survey data. Was 6.65 miles of decom., now 6.503 miles of Decommissioning for -0.147 miles (less).																		
	2008 (FY08) NOTE: Spotted Beetle road 9734 new survey length total 4.506 miles. Decom drops -0.194 miles to 3.864. Rd 2829 Decom adjusted to begin at 5.397 for drop of -0.077 miles.																		
	2008 (FY09) NOTE: Road 5241 under North Coal had a DMI road log completed and adjusted the decommissioning from MP 3.55 to 3.561 for a decrease of 0.011 miles of decommissioning.																		
	2009 (FY09) NOTE: Road 1666Y under Battery Mtn was decommissioned in 1997 and was not noted as such. Credit taken in FY09 to avoid adjusting past 12 years of data.																		
	2009 (FY09) NOTE: Mileage for road 9794 under West Side Reservoir was adjusted from 1.2 to 1.345 (+0.145) to account for actual surveyed ground miles.																		
	2009 (FY10) NOTE: Roads 10183 & 5368 were inadvertently omitted under Paint Emery and 0.359 miles were added to the decision to decommission.																		
	2009 (FY10) NOTE: Roads 5360, 1614, 1615, and 10188A were removed from Paint Emery decision due to recreation concerns, a total of 10.45 miles were removed from the decision under the Firefighter Project EA.																		
	2009 (FY10) NOTE: Added Firefighter Project.																		
	2009 (FY10) NOTE: Paint Emery Project mileage updated due to ground survey: added 0.245 miles to road 2834.																		
	2009 (FY10) NOTE: West Side Reservoir mileage updated due to ground survey: added 0.10 of Decom. miles to road 9797.																		
	2010 (FY10) NOTE: Added Project - "Road Management on PC Lands Acquired with LWCF" - for total of +0.35 miles.																		
	2010 (FY10) NOTE: Road 11069 under Firefighter Project was incorrectly entered as decommission entire road, only 0.10 miles to be decommissioned adding 0.15 miles back onto system.																		
	2010 (FY10) NOTE: Road 9705 under Crane Mountain Salvage was verified as being only 0.729 miles long as opposed to 1.00 miles. 0.271 miles was dropped from having been decommissioned.																		
	2010 (FY10) NOTE: Road 1048 under Paint Emery was modified under the Firefighter Project resulting in leaving miles open on the north end and the south end (adjustment of -2.496 miles).																		
	2010 (FY10) NOTE: Road 9854 under Paint Emery was erroneously shown as being decommissioned beginning at MP 1.30 - the decision shows it beginning at MP 1.80 just beyond road 9854A (adjustment of -0.500 miles).																		
	2010 (FY10) NOTE: Road 9778 under Paint Emery was erroneously shown as being decommissioned beginning at MP 1.81 to the end (northern end). Decision was to waterproof and leave on system (adjustment of -0.69 miles).																		
	2010 (FY10) NOTE: Road 9778 under Paint Emery mileage changed from beginning at 0.55 to 0.576 to reflect ground conditions (adjustment of -0.026)																		
	2010 (FY10) NOTE: Road 11140 under Paint Emery was shown as being decommissioned beginning at MP 0.00 to 0.09. Firefighter Project decision is leave on system (adjustment of -0.09 miles).																		
	2010 (FY10) NOTE: Road 5334 under Paint Emery was shown as being decommissioned beginning at MP 0.00 to 1.50, actual ground miles was 0.00 to 1.519 (adjustment of +0.019 miles).																		
	2010 (FY10) NOTE: Added new Decision: Road Management on Plum Creek Land Acquired with WLCF, Sections 9 and 10; T21N, R17W (adjustment of +0.82 miles)																		
	2011 (FY11) NOTE: Road 10184 under Sheppard Griffin (originally planned to be decommissioned) is now being kept as NFSR (adjustment of -1.910 miles).																		
	2011 (FY11)NOTE: Roads 9784D & 9784B under Sheppard Griffin (originally planned to be decommissioned) are now waterproofed and being kept as NFSR (adjustment of -0.6 and -0.37 miles, respectively - for a total of -0.97 miles). As of 10/31/2011, we are still waiting on a letter to the file officially keeping these on the system.																		
	2011 (FY11)NOTE: Road 10206 under Sheppard Griffin from MP 0.00-0.520 was inadvertently left off of this spreadsheet. (added +0.520 miles)																		



File Code: 2300/2500/7700

Date: November 10, 2010

Route To:

Subject: Travel Management, Implementation of 36 CFR, Part 212, Subpart A (36 CFR 212.5(b))

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs and WO Directors

Travel planning is intended to identify opportunities for the forest transportation system to meet current or future management objectives, based on ecological, social, cultural, and economic concerns. As you know, the Forest Service *Travel Management Rule*, promulgated in 2005, has three parts:

- Subpart A – Administration of the Forest Transportation System;
- Subpart B – Designation of roads, trails, and areas for motor vehicle use; and
- Subpart C – Use by over-snow vehicles.

Over the past 5 years, the Agency has made great strides in completing Subpart B of the *Travel Management Rule* (rule), which was prioritized in order to stop uncontrolled cross-country motor vehicle use. Approximately sixty-seven percent of National Forest System (NFS) lands are covered by a motor vehicle use map. It is anticipated that 93 percent of NFS lands will be covered by December 31, 2010.

Subpart A of the *Travel Management Rule*

This letter is to reaffirm agency commitment to completing those sections of Subpart A of the rule which requires each unit of the NFS to:

- Identify the minimum road system needed for safe and efficient travel and for the protection, management, and use of NFS lands; and
- Identify roads that are no longer needed to meet forest resource management objectives and; therefore, scheduled for decommissioning or considered for other uses (36 CFR 212.5(b)).

By completing the applicable sections of Subpart A, the Agency expects to identify and maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns. Though this process points to a smaller road system than our current one, the national forest road system of the future must provide needed access for recreation and resource management and support watershed restoration and resource protection to sustain healthy ecosystems and ecological connectivity.



Process

Identifying the minimum road system and unneeded roads requires a travel analysis process that is dynamic, interdisciplinary, and integrated with all resource areas. With this letter, I am directing the use of the travel analysis process (TAP) described in Forest Service Manual 7712 and Forest Service Handbook (FSH) 7709.55, Chapter 20, to complete the applicable sections of Subpart A. The TAP is a science-based process that will ensure future travel-management decisions are based on the consideration of environmental, social, and economic impacts. All NFS roads, maintenance levels 1-5, must be included in the analysis.

For units that have previously conducted travel analysis or roads analyses (RAPs), the appropriate line officer should review the prior report to: 1) assess the adequacy of the analysis and the relevance of any recommendations to the process for complying with Subpart A; 2) help determine the appropriate scope and scale for any new analysis; and 3) build on previous work. A RAP completed in accordance with publication FS-643, "Roads Analysis: Informing Decisions about Managing the National Forest Transportation System," will also satisfy the roads analysis requirement of Subpart A.

Although the TAP does not include a National Environmental Policy Act (NEPA) decision, we expect line officers to engage the public in the process, which should involve a broad spectrum of interested and affected citizens, other State and Federal agencies, and tribal governments.

Results from the TAP must be documented in a **travel analysis report**, which should include:

- Information about the analysis and recommendations;
- A map displaying the recommended minimum road system;
- A list of recommended unneeded roads; and
- Further reporting requirements identified in Step 6 of FSH 7709.55, Chapter 20.

Each regional forester must certify that TAP reports for units within their region comply with this direction and are consistent with national policy.

In complying with this direction, units should seek to integrate the steps contained in the Watershed Condition Framework (WCF) with the six TAP steps contained in FSH 7709.55, Chapter 20, to eliminate redundancy and ensure an iterative and adaptive approach for both processes. We expect that the WCF process, and especially the initial watershed condition assessment (Step A) to be completed by March 31, 2011, will provide important information for your work on Subpart A, while the TAP process will likewise provide information for the WCF process. The intent is for each process to inform the other so that they can be integrated and updated with new information or where conditions change. However, the Agency expectation is that each process will move forward: units should not halt one process to wait for the other.

Timing

The travel analysis report **must be completed by the end of FY 2015**. Beyond FY 2015, no Capital Improvement and Maintenance (CMCM) funds may be expended on NFS roads (maintenance levels 1-5) that have not been included in a TAP or RAP.



Once certified by the regional forester, units are directed to immediately use the TAP reports to inform resource assessments, project and forest plan NEPA decisions to achieve the TAP recommendations.

Leadership

The Washington Office lead for Subpart A is Anne Zimmermann, Director of Watershed, Fish, Wildlife, Air and Rare Plants. Working with her on the Washington Office Steering Team are Jim Bedwell, Director of Recreation, Heritage, and Volunteer Resources, and Richard Sowa, Director of Engineering. I expect regions to create a similar leadership structure to lead this integrated effort.

This work will require significant financial and human resources. Your leadership and commitment to this component of the *Travel Management Rule* is important. Together, we will move towards an ecologic, economic, and socially sustainable and responsible national road system of the future.

/s/ James M. Pena (for) Joel D. Holtrop
JOEL D. HOLTROP
Deputy Chief, National Forest System

NEWS RELEASE

USDA Forest Service
Washington, D.C.



Contact: Alan Polk 202/205-1134

<http://www.fs.fed.us>

Forest Service Protects Roadless Areas and Announces Development of New Transportation Policies

WASHINGTON (January 22, 1998, 2:00 p.m.) - The U.S. Department of Agriculture's Chief of the Forest Service, Mike Dombeck, today proposed a major overhaul of the forest road system including a proposal to halt all road construction in roadless areas on National Forests.

Dombeck said, "We intend to work with the American people, Congress, and the scientific community to develop a science-based forest transportation system that meets the needs of local people while minimizing, and reversing, environmental impacts such as erosion, landslides, and degradation of wildlife habitat and water quality."

The Forest Service road system is extensive. An estimated 373,000 miles of authorized roads and an additional estimated 60,000 miles of unplanned and unmanaged "ghost roads" traverse the National Forests - a road network far larger than the Interstate Highway System. The Forest Service estimates a \$10 billion backlog in needed road reconstruction and maintenance. Only about 40% of forest roads are maintained to the safety and environmental standards to which they were designed.

"Forest roads help fulfill many social, economic, and environmental objectives," said Dombeck. "However, of all the things that we do on National Forests, road building leaves the most lasting imprint on the landscape. Roads are a long-term financial commitment, once built they must be maintained year after year."

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The proposal to develop new forest transportation regulations will be announced in an Advanced Notice of Proposed Rulemaking (ANPR) published in the Federal Register. The ANPR invites public comment and involvement in helping to shape the scope and content of new forest road management policies and regulations. The public comment period will last for 60 days.

The agency identified three expected outcomes for the final road management policy. First, fewer forest roads will be built and those that are built will minimize environmental impacts. Second, roads that are no longer needed or that cause significant environmental damage will be removed. Third, roads that are most heavily used by the public will be made safer and promote more efficient use.

To ensure that forests and future management options are not compromised while the long-term road policy is under public review and development, the Forest Service issued a proposed interim regulation ("interim policy") to temporarily halt road construction in most areas of the National Forest System that are not presently roaded.

Dombeck noted, "We have ample new scientific evidence of the immense social and environmental values provided by roadless areas." As evidence, he pointed to new scientific information that proves over 60 percent of the healthiest aquatic habitats occur in roadless or very low road density areas on federal land in the Columbia River Basin, which includes all or parts of seven western states. Certain aspects of roads negatively affect 70 percent of key wildlife species in this area.

Presently, 33 million acres of the National Forest System are roadless but allow future roads. Of those 33 million acres, 9 million are defined as "suitable for timber harvest" and therefore more likely to be roaded.

Dombeck pointed out, "We cannot afford to manage our existing road system and are essentially proposing a 'time out' on road building in roadless areas until we can engage Congress and the American people in a constructive dialogue about where and when new roads should be built in National Forests."

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The interim roadless proposal will be in the Federal Register and is open to public comment for 30 days. The proposal fully complies with all existing environmental laws. Once effective, the policy would remain in place for 18 months or until improved analytical tools are developed to make more informed decisions about building future roads in roadless areas, whichever is earlier.

The interim proposed policy would apply to about 130 National Forests that have:

- * Roadless areas inventoried and identified within their Land and Resource Management Plans ("forest plans");
- * Roadless areas over 1,000 acres that are adjacent to other roadless areas of 5,000 acres or larger, congressionally designated wilderness, or "wild river" corridors as classified under the Wild and Scenic Rivers Act; and
- * Roadless or very low road density areas designated for inclusion by Regional Foresters because of their unique ecological or social values such as those areas inventoried through the Southern Appalachian Ecosystem Assessment.

Forests that have had their plans recently revised and those that were recently amended by the President's Forest Plan for the Pacific Northwest would be exempted from the interim proposal. For revised forest plans that are still under public appeal, road construction in roadless areas will be addressed within the appeals period, as appropriate.

"These forests have recently completed an extensive, multi-year public planning process so it is important to people that we retain the integrity of the planning and appeals processes," Dombeck said. "We anticipate that the final long-term road policy will apply to all forests."

Dombeck added, "These proposals are sure to cause a great deal of debate, but prudence and sound stewardship require us to take a cautious approach to road construction and management. Our objective is to make scientifically based, publicly supported decisions that best meet the changing needs of the American people while protecting our rich forest legacy."

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Individuals or organizations seeking more information should contact Rhey Solomon, Ecosystem Management Coordination Staff, 202-205-0939, USDA Forest Service, 14th and Independence, Washington, DC, or email: roads/wo@fs.fed.us.

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