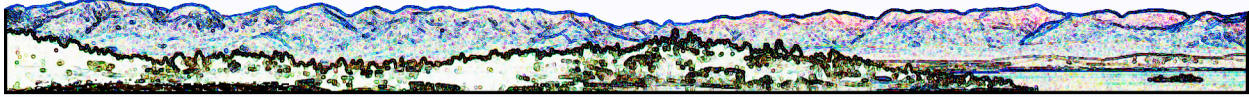


Swan View Coalition

Nature and Human Nature on the Same Path



3165 Foothill Road, Kalispell, MT 59901

swanview.org & swanrange.org

ph/fax 406-755-1379

March 12, 2020

Hillary Cooley
Grizzly Bear Recovery Coordinator
U of M University Hall #309
Missoula, MT 59812

Re: Comments and Materials Submitted for 5-Year Status Review of Grizzly Bear

Dear Ms. Cooley and Folks at FWS;

Swan View Coalition and Friends of the Wild Swan submit these comments and the enclosed DVD of materials for your consideration in the newly initiated 5-Year Status Review of Grizzly Bear. When the DVD materials are referenced in these comments, we will most often use the format DVD Folder Number, Subfolder Name (if any), Filename.

Our comments are primarily concerned with the Northern Continental Divide Ecosystem and the continued destruction of bear habitat and habitat security due to the lack of adequate regulatory mechanisms. We find the NCDE Forest Plans, as revised and amended in 2018, lack adequate regulatory mechanisms for the recovery and maintenance of the NCDE bear population and its habitat - as does the NCDE Grizzly Bear Conservation Strategy (CS) they are predicated upon.

We now have nine years of experience gained since the 2011 Status Review, during which time the Flathead National Forest and FWS firstly abandoned faithful implementation of Flathead Forest Plan Amendment 19 (A19) and subsequently dropped its requirements altogether from the revised Forest Plan. We will describe how the post-2011 abandonment of A19 and subsequent implementation of the revised Plan is admittedly reducing bear habitat security below 2011 Baseline levels - in spite of Plan and Conservation Strategy promises to faithfully maintain those levels. In short, for example, the Flathead National Forest substantially decreased its road system in grizzly bear habitat under A19, but is now in the process of increasing its road and trail systems under its revised Forest Plan.

The 2011 Baseline, Its Premise and Promise

The goal of the CS for the NCDE Primary Conservation Area (PCA) is:

[The] maintenance of habitat conditions that were compatible with the increasing grizzly bear population from 2004-2011 . . . A key assumption is that the measured levels of selected conditions/management activities (e.g. secure core, OMRD and total motorized route density (TMRD, see Glossary), developed recreation sites, and livestock allotments) that existed in 2011 did not prevent the growth of the NCDE grizzly bear population and can continue at the same levels . . . Therefore, we chose to use habitat conditions as of December 31, 2011 as a reasonable and conservative baseline that is expected to support a robust, stable to increasing grizzly bear population.

(DVD Folder 22, NCDEConservationStrategyOct15DT.pdf, at 15 and 65-66, parenthesis in original).

The revised Flathead Forest Plan hence promises to “maintain on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population.” (DVD Folder 39, Subfolder Project File Exhibits, 12-19_USFWSConsultationFNF2018ForestPlan.pdf, at 126-127). “Updating the [other NCDE] forest plans with habitat management direction that is informed by the draft Conservation Strategy would provide a consistent set of management direction across the NCDE and support continued conservation of the species. [Hence those Forest Plans were amended so that] open motorized route density, total motorized route density, and secure core would be maintained at [2011] baseline levels in each grizzly bear subunit.” (DVD Folder, FEIS Vol 3 NCDE.pdf, at 6-15).

Maintaining the 2011 Baseline Parameter Values Does Not Maintain the Actual 2011 Habitat Conditions or Habitat Security

In response to our Objections to the Flathead’s Taylor Hellroaring and Hellroaring Basin projects, the Forest Service divulged that its revised Forest Plan “direction does not require maintenance of [grizzly bear habitat] security levels that existed in 2011,” while citing the very Plan documents and CS that promise the Forest Plan(s) will indeed do so! (DVD Folder 39, Draft DN.pdf, at C-12). How could this be?

What has become clear to us in monitoring the development and implementation of the CS, FWS’s NCDE Habitat-Based Recovery Criteria, and the revision and amendment of NCDE Forest Plans is that FWS and FS have no intention of maintaining the 2011 habitat security conditions they purport enable a stable and increasing NCDE grizzly bear population. Instead, the agencies have set forth a very limited and misleading set of 2011 Baseline parameters that, even if maintained in terms of their numbers, do not maintain the actual on-the-ground security that existed in 2011 as promised. In fact, the agencies set about neutering the 2011 Baseline parameters’ ability to measure actual habitat security, as evidenced in the NCDE Forest Plans and CS.

We will summarize here five of the ways that actual habitat security is being reduced on the Flathead National Forest (and similarly on the other NCDE Forests) while Baseline security numbers are reportedly being maintained:

1. By allowing unlimited miles of non-motorized trails to be constructed with no trail density standard - or 2011 Baseline parameter - to limit them. This although research shows non-motorized uses of areas, roads and trails displaces grizzly bears and can result in population-level effects! (See e.g. DVD Folder 24, Mace and Manley 1993.pdf, Mace and Waller 1997.pdf, Kasworm Manley 1990 roads and trail.pdf, Fortin et al 2016. See also DVD Folder 35, Mattson_Effects of pedestrians on grizzly bears_GBRP-2019-3.pdf).

2. By allowing unlimited miles of non-motorized “high-use” trails to exist in the Secure Core Baseline parameter by redefining the previous Plan's Amendment 19 “Security Core” in order to allow them to go undetected in the revised Plan’s “Secure Core.” “Security Core” did not allow such high-use trails. (See DVD Folder 22, NCDEConservationStrategyOct15DT.pdf, at 289).

This although research shows non-motorized uses of areas, roads and trails displace grizzly bears and can result in population-level effects! (See e.g. DVD Folder 24, Mace and Manley 1993.pdf, Mace and Waller 1997.pdf, Kasworm Manley 1990 roads and trail.pdf, Fortin et al 2016. See also DVD Folder 35, Mattson_Effects of pedestrians on grizzly bears_GBRP-2019-3.pdf). This results in an artificial inflation of Secure Core numbers and falsely represents most Wilderness subunits as 100% Secure Core, as shown in CS Appendix 7 (DVD Folder 22, NCDEConservationStrategyOct15DT,). This masks the fact that high-use Wilderness trails, for example, lead to grizzly mortality rates higher in “wilderness” than “multiple-use” lands and severe enough for wilderness to be called a population “sink!” (See DVD Folder 24, mace and waller 1998.pdf).

3. By allowing an unlimited mileage of roads by not including roads with the entrance simply rendered “impassable” to motor vehicles in Total Road Density, even though the road will be retained as a road and continue to contribute human impacts to grizzly bear habitat as a road and/or trail. This was not allowed under Amendment 19, which required that roads had to be reclaimed and no longer function as roads or trails, motorized or non-motorized, to be omitted from TMRD.

4. By not including Special Use Permit roads that are on Forest Service land, and at best simply closed by gates, in calculations of TMRD. Private roads and Plum Creek/Weyerhaeuser roads are similarly omitted from TMRD. (See DVD Folder 22, NCDEConservationStrategyOct15DT, Appendix 6).

5. By allowing road construction and the relaxing of road closure types to diminish the amount of “security habitat” greater than 500 meters from roads simply because that habitat does not still remain in blocks of at least 2,500 acres. This is essentially a license to further fragment already fragmented habitats and further relegate security habitat to higher elevations rather than allow it to persist in critical lower elevations.

These five factors are discussed in greater detail in our Objection to the Flathead's Hellroaring Basin project. (See Folder 39, SVC-FOWS-Peck Hellroaring Basin Objection 200108.pdf). The Project File documents referenced in that Objection to help illustrate the above five factors are located in Folder 39, Subfolder Project File Exhibits. As you read the Objection, which references documents on a companion DVD, know that those documents are also on the enclosed DVD in the same numbered Folders and with the same Filenames.

The 2011 Baseline Parameters Allow a Return to a Road- and Trail-Building Binge

The 1986 Flathead Forest Plan intended to build another 2,000 miles of new logging road, at a rate of 75 miles of new road each year, in addition to its already abundant 4,000 miles of logging roads. In order to abide by the best available science, however, Flathead Forest Plan Amendment 19 in 1995 essentially put an end to new road construction and instead resulted in a reduction in the road system via 787 miles of road decommissioning between 1995 and 2015.

Following the release of its revised Forest Plan Proposed Action in 2015, however, the Flathead and FWS jammed the process in reverse. Contrary to A19 and 20 years of its implementation, roads no longer had to be decommissioned and removed from the road system to be omitted from TMRD. The Flathead began reconstructing previously decommissioned roads in bear habitat, then simply rendering them impassable to motor vehicles in order to omit them from TMRD even though they were to be retained in the road system and continue to function as roads and/or trails. FWS went along with it.

Since 2015, the Flathead has or is currently planning to: a) reconstruct 37 miles of previously decommissioned roads and retain them in the system, b) construct 68 miles of new system roads, c) construct 24 miles of temporary roads, d) construct 80 miles of new system trails, and e) renege on 60 miles of previously scheduled road-specific decommissioning (in addition to the 518 miles of unscheduled decommissioning required to finish implementing Amendment 19).

All this is occurring in grizzly bear habitat and largely in bull trout habitat. It demonstrates a clear reversal and abandonment of prior limits on development found necessary to protect these and other wildlife species. It most certainly does not "maintain on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population," as promised by the Forest Plans and CS.

The above is discussed in greater detail, with links to supporting documents, in Keith Hammer's "Jammed in Reverse" report. (See DVD Folder 15, Jammed in Reverse 200127.pdf).

Notes on the Evolution of Total Road Density and Total Motorized Route Density

The Flathead in its A19, along with the Interagency Grizzly Bear Committee, took note of research finding that even roads closed to motor vehicles continued to displace bears from otherwise preferred habitats. Hence, TRD/TMRD was developed to account for the impacts of all roads not fully re-vegetated and prohibitive of even foot traffic, in addition to those open to motor vehicles and accounted for in ORD. The Flathead interpreted A19's road reclamation requirements to mean that reclaimed roads also had to be decommissioned and removed from the road system in order to be omitted from TRD/TMRD.

In order to also account for the displacement of bears from motorized trails, TRD was expanded to include them and was renamed Total Motorized Route Density. After 2011, however, and especially once the agencies began drafting the CS, revised Flathead Forest Plan and NCDE Plan Amendments, they took a dishonest wrong turn in trying to argue that roads need only have the entrance made impassable to motor vehicles in order to be omitted from TMRD.

This is important because A19 capped the total miles of roads allowed in grizzly habitat on the Flathead. By allowing the road system to expand and by allowing that expansion to not be counted in TRD/TMRD, the CS and Forest Plans literally blows the lid off road building limits, to the detriment of grizzly bear security. This evolution of road management and A19 is discussed in great detail in Keith Hammer's "Roads to Ruin" report, its Appendix A "TMRD" report, and its three Supplements. (These reports and supplements are in DVD Folder 04).

Status of the NCDE Grizzly Bear Population and its Habitat

So what is the status of the NCDE Grizzly Bear Population and its habitat? In terms of population numbers, it appears the increasing trend from 2004-2011 has leveled off if not turned into a decline. Mace et al (2012) estimated an upward trend of 3.1% for 2004-2009. Costello et al (2016) revised that trend to 2.3% increase, after adding data for 2010-2014 to Mace et al's previous data.

More recently, Kendall et al (2019) estimated the population trend from 2004-2012 to be 4.3% increase. This would estimate a 2012 population of 1,071, starting with the 765 bears Kendall et al (2008) estimated existed in the NCDE in 2004. Oddly, Cecily Costello presented a 2019 estimate of 1,069 NCDE bears to the Governor's Grizzly Bear Advisory Committee meeting in Missoula in November, 2019. So, has the population trajectory been flat from 2012 to 2019? It would have to be if both Kendall et al's and Costello's estimates are correct. (All of the above research papers and Costello's slide presented to the GBAC are included in DVD Folder 24).

Dr. David Mattson has, though prior to the release of Kendal et al (2019), discussed the pitfalls of population models and projected population sizes on pages 23-31 of his Heart of the Grizzly Bear Nation presentation. He finds that the NCDE population may have "declined at near 2% per annum between 2014 and 2018." (See DVD Folder 24, Mattson_2019_Heart of Grizzly Nation GBRP-2019-2.pdf).

Are we already seeing the results of the post-2011 declines in habitat security we've described above, in terms of population numbers? It would be nice to be able to turn to the Grizzly Bear Recovery Plan's Habitat-Based Recovery Criteria (HBRC) for answers, but they are based on the same illogic as the CS and Forest Plan(s) neutered 2011 Baseline parameters! But one thing is for sure: those inadequate and dishonest Baseline parameters are allowing actual habitat security to decline even as the Baseline parameter values remain the same, as described above.

More Details on the Enclosed DVD

Our purpose in these comments is to provide evidence and a description of the post-2011 process by which the agencies have been knowingly degrading bear habitat security while formulating inadequate and deceptive Baseline parameters that make it look instead as though habitat security is being maintained. We have previously described in greater detail the inadequacies of the revised Flathead Forest Plan, the NCDE Forest Plan Amendments, the CS, and the Recovery Plan's HBRC in this regard. We will not repeat those details here but ask that you review them on the enclosed DVD as information critical to assessing the status of the NCDE grizzly bear population, threats to its habitat, and regulatory mechanisms we find inadequate to sustain either.

In this regard, see DVD Folder 22 for our comments on the CS, Folder 21 for our comments on the HBRC, and Folder 00 for our Objection to the revised Flathead Forest Plan and NCDE Forest Plan Amendments. As you read those documents, some of which reference documents on a companion DVD, know that those documents are also on the enclosed DVD in the same numbered Folders and with the same Filenames.

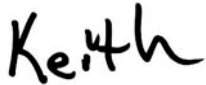
We include, below our signature line, a list of all the Folders on the enclosed DVD and a brief description of their relevance to your review of the status of the grizzly bear.

Conclusion

The 2011 Status Review concluded that the NCDE grizzly bear population, among others, remained "threatened" due to the lack of adequate regulatory mechanisms. Since then, FWS, FS and other agencies have systematically dismantled the regulatory mechanisms that existed in 2011, largely found previously in Flathead Forest Plan Amendment 19 and its equivalents on the other NCDE National Forests. Rather than improve A19 and other regulatory mechanisms to better account for rapidly increasing human populations, rapidly increasing local human populations, increased demand for National Forest products, and rapidly increasing visitation and recreation on public lands, the agencies have instead left grizzly bears more vulnerable to displacement, mortality and the destruction of their habitat.

As described above and in the enclosed DVD documents, the revised Flathead Forest Plan, NCDE Forest Plan Amendments, CS, and Recovery Plan HBRC have been purged of meaningful A19 mechanisms, limits and measurements. Substituted in their place are neutered 2011 Baseline parameters wholly unable to accurately measure and maintain the actual health and security of bear habitat and bear populations.

Sincerely,



also signing for

Keith J. Hammer
Chair
Swan View Coalition

Arlene Montgomery
Program Director
Friends of the Wild Swan

Enclosure: DVD of supportive documents

Synopsis of Documents in the Enclosed DVD's Folders And Their Relevance to Your Status Review

Folder 0 contains our comments on and Objections to various Flathead NF projects. Your review of our Objections to Hungry Lion, Taylor Hellroaring, and Crystal Cedar will allow you to see how the Flathead is returning previously decommissioned roads to its road system, constructing new roads it will keep on its system, and/or constructing mountain bike trails (as tallied in DVD Folder 15, Jammed in Reverse 200127.pdf) without increasing TMRD or violating any trail density limit).

Your review of our comments on and Objections to Cold Jim, Glacier Loon, Betty Baptiste, and Weed Lake projects will allow you to see how the Flathead was not meeting A19 standards and Objectives in the post-2011 era of the old Forest Plan, was already beginning to omit from TMRD roads it was simply rendering "impassable" rather than decommissioning as required by the old Forest Plan's A19, and continues to do so under the revised Forest Plan.

Your review of our comments on the Mid-Swan Project will allow you to see how, with this single project, the Flathead proposes to build 60 miles of new logging roads in the already over-roaded Swan Valley. Nor will Mid-Swan reclaim and decommission these new roads in order to not increase TMRD, because the revised Forest Plan doesn't count all roads in TMRD, masking the existence of these new roads.

Folder 00, as described earlier in this comment letter, contains our Objections to the revised Flathead Forest Plan. Your review of these Objections, as well as the Court Complaint and 60-day Notice of Intent to File Suit also in Folder 00, will afford you greater detail about issues raised earlier in this comment letter.

Folder 01 contains A19 documents and reports, many of which are referenced in Keith Hammer's Roads to Ruin report and its various Supplements contained in Folder 04. Your review of these documents will allow you to better understand the Roads to Ruin report and track the evolution and devolution of A19 as a regulatory mechanism intended to protect grizzly bears and their habitat.

Folder 02 contains the Flathead's Beaver Creek project EA and other NEPA documents. Your review of the EA will disclose, among other things, that the Flathead continues to use the term/acronym TRD instead of TMRD, yet still argues that "impassable" roads need not be counted in TRD because they are impassable to wheeled motor vehicles. As discussed earlier in this comment letter, roads cannot be omitted from TRD or TMRD simply because they are blocked to motorized use. The "M" was added to the acronym to capture motorized trails in calculations of TMRD, not to excuse from TMRD those roads "impassable" to motor vehicles.

Your review of our Beaver Creek Objection, Court Complaint, and Summary Judgment Briefs in this Folder will allow you to see photos of previously decommissioned and re-vegetated roads on the Flathead before and after they were reconstructed for timber sale use. The photos demonstrate how reconstruction of these roads makes them once again easily navigable by non-motorized human use, if not motorized use, as roads and trails - in violation of A19. Beaver Creek is a post-2011 project under the old Forest Plan and is also an example of not removing roads from the road system prior to omitting them from TMRD, in violation of the Flathead's earlier interpretation and implementation of A19.

Folder 03 contains the Flathead's Bug Creek project scoping documents and our comments on them. This project would be implemented under the revised Forest Plan. Your review of these documents will confirm that this project would rebuild 12 miles of previously decommissioned roads, build 5 miles of new system roads, and build 15 miles of mountain bike trails in grizzly habitat - without increasing TMRD or violating any trail density standard. The project would also cancel/renege on 60 miles of road decommissioning included in the Crane Mountain Salvage project under A19 but not yet implemented (as also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

Folder 04 contains Keith Hammer's Roads to Ruin report and its three Supplements. We referenced and described the relevance of these documents to your Status Review earlier in this comment letter.

Folder 05 contains the Flathead's Hungry Lion project EA cover letter, EA, and our Objections to the project. Your review of these documents will allow you to see how this project, implemented post-2011 under the old Forest Plan, would rebuild 5 miles of previously decommissioned roads and return them to the Forest's road system without including them in TMRD, in violation of the Flathead's earlier interpretation

and implementation of A19. This project would also construct 12 miles of mountain bike trails in grizzly habitat (as also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

Folder 06 contains FWS's 1988 BiOp for the Noisy Face Recreation Plan, finding that ATV trails in the Krause Basin must be greatly reduce, that the few that remain could not be marked on the ground, and that the area must be closed seasonally to motor vehicles to protect grizzly bears and their habitat. The revised Flathead Forest Plan designates Krause Basin instead as a "Focused Recreation Area" with ATV trails to be signed and marked. The folder also included our 60-day Notice to File Suit should those trails be marked on the ground and the Flathead's response to it. The Folder also includes our 4/4/18 post-Objection letter to the Regional Forester, pointing out, among other things, how Krause Basin had been designated a "Wildlife Management Area" in light of A19 and FWS's 1988 BiOp - and that continued implementation of A19 requires the closure of the remaining ATV trails to motorized use.

Your review of these documents will let you see how the abandonment of A19 and the adoption of the revised Forest Plan and CS would turn a grizzly bear "Wildlife Management Area" into a "Focused Recreation Area" where the promotion of recreation trumps the wildlife protections previously promised. (See also our arguments involving Krause Basin in our Objections to the revised Flathead Forest Plan, in Folder 00).

Folder 07 contains our correspondence with the Flathead NF and some press coverage concerning its issuance of backcountry ski guiding and snow-cat skier shuttle permits in grizzly bear, lynx and wolverine habitat - with no public notice or comment period whatsoever and no in-house scoping. Your review of these documents will let you see how the Flathead is already shortcutting NEPA procedures through the inappropriate use of Categorical Exclusions. This has left FS staff and the public in the dark, especially concerning potential impacts to ESA listed species.

Folders 08, 09 and 21 contain our comments on FWS's development of its HBRC for its Grizzly Bear Recovery Plan Supplement. Earlier in this comment letter we asked that you review these documents and explained their relevance to your Status Review.

Folder 10 contains the Flathead's Taylor Hellroaring EA cover letter, EA, and our Objection to that project. Your review of those documents will let you see how that project being implemented under the revised Flathead Forest Plan will rebuild 3 miles of previously decommissioned road and return it to the road system, build another mile of new system road, and build 28 miles of mountain bike trails in grizzly bear habitat already riddled by the Big Mountain ski area, bike trails, and logging roads - all reportedly without increasing TMRD or violating other 2011 Baseline parameters. (This project is as also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

Folder 11 contains the Flathead's Trail Creek project DN and our Objection to this project under the old Forest Plan and A19. This was the first project on the Flathead that we are aware of that rebuilt previously decommissioned roads (3.3 miles) for salvage logging, then kept them in the road system without counting them in TMRD. Your review of these documents will allow you to see photos of previously decommissioned and re-vegetated roads on the Flathead before and after they were reconstructed for timber sale use. The photos demonstrate how reconstruction of these roads makes them once again easily navigable by non-motorized human use, if not motorized use, as roads and trails - in violation of A19. The photos also show ATV trespass of earth berms relied on to close reclaimed / decommissioned roads in the absence of re-contouring or otherwise rendering the entire length of the road impassable to motor and foot use. (This project is also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

Folder 12 contains our 2016 60-day Notice of Intent to file suit over the Flathead's failure to decommission and remove all stream-aligned culverts from its Raghorn Road in the bull trout critical habitat Coal Creek watershed and grizzly bear Security Core. This violated A19 and prior decisions to fully decommission this road. Also in this Folder is the Flathead's 2017 contract to finally remove all the culverts and avoid a lawsuit. Your review of these documents will allow you to see how, in its post-2011 haste to abandon A19, the Flathead began reneging on prior road decommissioning decisions, instead simply rendering the first portion of the road impassable to motor vehicles, and leaving the roads on the road system while not counting them in TMRD.

Folder 13 contains the revised Flathead Forest Plan and its FEIS volumes, the NCDE Forest Plan Amendments ROD and its FEIS volume, and the BAs and BiOps for these Plans and Amendments. Your review of these documents will help you better understand our claims that these documents do not contain adequate regulatory mechanisms for the recovery and maintenance of grizzly bears and their habitat.

Folder 14 contains documents demonstrating that mountain biking and mountain bike trails not only displace grizzly bears and other wildlife, they greatly increase the likelihood of grizzly-human encounters and death to either or both. Your review of these documents is essential to an appreciation of the threats the rapid increase in recreation on public lands, and mountain biking in particular, poses to grizzly bears and the use of their habitat.

Folder 15 contains documents, photos and reports about the adverse effects of forest roads on water quality, fish and wildlife and measures taken to reduce or eliminate those effects. Your review of these documents, reports, and photos will remind you that it was largely because of the ineffectiveness of berms and gates that the IGBC and A19 required that roads be reclaimed and decommissioned in order to not be counted in TMRD. Simply blocking the first little portion of a road to motor vehicles does not truly render it impassable to motor vehicles, though such minimal closure now exempts roads from TMRD in the revised Forest Plan, NCDE Plan Amendments, CS, and HBRC - rendering them all inadequate regulatory mechanisms.

Folder 16 contains documents and email strings regarding late-season snowmobiling near grizzly bear dens as bears are emerging from those dens. Your review of these documents will help you see that snowmobiling near dens during emergence is extremely hard to capture during monitoring and that, when it is captured and we pushed to have that snowmobiling closed down, the Flathead simply advertised that snowmobilers move to other denning habitat during the same den-emergence season!

Folder 17 contains the 1994 and 1998 IGBC Task Force Reports on Grizzly Bear/Motorized Access Management. Your review of these documents will remind you of the interagency effort that was largely simultaneous with the writing of A19.

Folder 18 contains Flathead Forest Plan Implementation Note #13, a 1999 attempt by the Flathead to abandon A19's requirement that all stream-aligned culverts must be removed from a reclaimed/decommissioned road before it can be omitted from TMRD. The Folder also contains our Notice of Intent to File Suit over the matter, a Missoulian news article quoting the Flathead as saying federal attorneys agreed with us, and subsequent documents essentially withdrawing Note #13 and returning to A19's definition of "reclaimed road" requirements.

Your review of these documents will help remind you that the removal of culverts not only helps protect water quality and listed species like bull trout, their removal helps discourage human and motorized uses of reclaimed/decommissioned road beds - uses that displace grizzly bears. Your review will also hopefully remind you that Forest Plans are often inadequate regulatory mechanisms even when they contain nondiscretionary management standards. Worse yet, such standards are absent from the revised Flathead Forest Plan, NCDE Plan Amendments, CS, and HBRC - as described earlier in this comment letter.

Folder 19 contains Flathead NF monitoring reports concerning roads, culverts and bull trout habitat. These documents are partially summarized in Keith Hammer's Roads to Ruin report and its three Supplements in Folder 04. Your review of these documents will help you better understand the context of the Roads to Ruin report and overall road management on areas of the Flathead NF where grizzly bear and bull trout habitat coincide.

Folder 20 contains data from the Flathead's 2017 inspection of 78 road segments designated "impassable" and not included in TMRD, even though the old Forest Plan and A19 was still in force. The Flathead later corrected errors in its tabulation of the data and the results are summarized in Subfolder 180829 Correction, Keith Corrected Digest INTMRD.pdf (INTMRD = Impassable Not in TMRD). Your review of these documents will confirm that 17 of the 78 road segments inspected (and highlighted in pink) contained stream-aligned culverts not allowed by A19 to persist in roads omitted from TMRD. Your review will also hopefully remind you that Forest Plans are often inadequate regulatory mechanisms even when they contain nondiscretionary management standards. Worse yet, such standards are absent from the revised Flathead Forest Plan, NCDE Plan Amendments, CS, and HBRC - as described earlier in this comment letter.

Folder 21: See **Folders 08, 09 and 21**, above.

Folder 22 contains the 2013 draft CS, its Appendices, our comments on them, and the 10/15/18 version of the Final CS (the most recent Final we are aware of). These documents are referenced and their relevance to your Status Review is described earlier in this comment letter.

Folder 23 contains our Notice of Intent to File Suit on behalf of bull trout over the new culvert-monitoring plan the Flathead has now included in its revised Forest Plan. Your review of this document will help you see that the Flathead cannot afford to adequately and annually monitor the roads and culverts it already has and that this situation will be made worse by the ever-expanding road and culvert system allowed under the revised Flathead Forest Plan, NCDE Plan Amendments, CS, and HBRC.

Folder 24 contains grizzly bear research papers referenced earlier in this comment letter along with a description of its relevance to your Status Review.

Folder 25 contains a few Flathead forest-planning documents key to and supportive of arguments made earlier in this comment letter.

00172_FNFModelingForAlternativeAtoFullyMeet19-19-6820151015.pdf, for example indicates that full implementation of A19 would require the reclamation of another 518 miles of road in grizzly bear habitat and the closing of the remaining ATV trails in Krause Basin to motorized use. Your review of these documents, and particularly the one mentioned immediately above, may help you appreciate the gravity of abandoning A19 and its regulatory mechanisms.

Folder 26 contains Keith Hammer's "A Review and Summary of Flathead National Forest's 2017 Survey of Closed Roads in Bull Trout Watershed," along with the Flathead's 2017 survey data and photos. Your review of this document will confirm that 72% of the 46 stream-aligned culverts in the 14 closed roads inspected were at risk of plugging and/or failing. Your review of this document will help you see that the Flathead cannot afford to adequately monitor and maintain the roads and culverts it already has and that this situation will be made worse by the ever-expanding road and culvert system allowed under the revised Flathead Forest Plan, NCDE Plan Amendments, CS, and HBRC.

Folder 27 contains the Flathead's FOIA responses and data concerning which roads it considers "impassable" and whether or not they are included in TMRD. It was our review of this data and our complaints that convinced the Flathead to look for stream-aligned culverts in its impassable roads not included in TMRD, as reported in Folder 20, above. The relevance to your Status Review is also described in our synopsis of Folder 20, above.

Folder 28 contains photos of our 2017 survey of unlawful, user-created mountain bike trails that would become FS sanctioned/system trails in the Hungry Lion project. The 12 miles of new system mountain bike trails in the Hungry Lion area is

also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf. Your review of these photos and the Hungry Lion documents contained in Folder 05 will confirm that existing regulatory mechanisms are inadequate to prevent the illegal and legal expansion of mountain bike trails in grizzly bear habitat.

Folder 29 contains the Flathead's forest-wide Travel Analysis Report, which was conducted under the old Forest Plan and A19, and our comments on it. Of particular note is that the TAP/TAR, at 24, finds only 54 miles of the Flathead's 3,519 miles of roads to be candidates for road decommissioning and removal from the road system. This even though the forest-planning document we highlight in Folder 25, above, estimates an additional 518 miles of road need to be reclaimed/decommissioned under A19. Your review of these documents should make it abundantly clear that the Flathead's TAP/TAR is an inadequate regulatory mechanism for enforcing the faithful application of Forest Plan standards, goals and objectives intended to protect grizzly bears and their habitat.

Folder 30 contains FWS's 1985 and 1989 BiOps on the old/1985 Forest Plan and a number of its initial Amendments. Your review of these documents will serve as a reminder of the painful number of years it has taken for FWS to develop Incidental Take Statements to presumably limit the incidental take of grizzly bear by forest roads and human uses of the Flathead NF. Your review should also give FWS pause to revisit how the mandatory terms and conditions of its 1995 BiOp on A19 (Folder 01) requiring timely implementation of OMRD, TMRD and Security Core standards have now been relegated to the trash heap, with those standards no longer mandatory and instead simply referred to as "Research Benchmarks" below which grizzly bears continue to be "harmed" with the blessings of FWS in its 2017 BiOp on the revised Flathead Forest Plan (Folder 13).

Folder 31 contains the Flathead's Crystal Cedar project scoping document and our comments on the proposal. It also contains the draft Crystal Cedar DN and its updated EA. Your review of these documents will confirm that Crystal Cedar will build one mile of new system road and 25 miles of new mountain bike trails, without increasing TMRD or violating any trail density limit. (These mileages are also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

Folder 31 also includes the Mid-Swan Scoping Document, which proposes 60 miles of new system road construction (as tallied in DVD Folder 15, Jammed in Reverse 200127.pdf). Our comments on the Mid-Swan Scoping Document are contained in Folder 0 and our description of their relevance to your Status Review is described in Folder 0, above.

Folder 32 contains the Flathead's Glacier Loon final DN and Supplemental EA. The relevance of these documents and our comments on Glacier loon to your Status Review are included in Folder 0, above.

Folder 33 contains research papers and expert commentary on the ability of forests to maintain and restore themselves after fire, insects and disease. Your review of these documents should call into question the Forest Service's insistence that it needs its entire existing road system and more in order to "restore" public forests

through logging and other vegetative treatments. It is this false premise that is trumping A19, the Forest Service's Travel Analysis Process, and other regulatory mechanisms, rendering them inadequate in protecting grizzly bears and grizzly habitat.

Folder 34 contains our annotated bibliography finding, in pertinent part here, that the most resilient forest ecosystems are unmanaged/unlogged and unroaded. Mace and Manley (1993) and Mace and Waller (1997) found that areas free of roads were critical to the survival of female grizzly bears and their cubs, and hence the development of the IGBC and A19 limits on OMRD, TMRD and Security Core. Your review of this bibliography and a revisit of the two Mace reports, should stand in stark contrast to the revised Flathead Forest Plan, NCDE Plan Amendments, CS, and HBRC - all of which are intended to enable road building and logging to invade remaining grizzly bear security habitat without it registering as an increase in 2011 Baseline TMRD or as a decrease in 2011 Baseline Secure Core.

Folder 35 contains two presentations/reports by Dr. David Mattson. Your review of GBRP-2019-3 will afford you an appraisal of the effects of pedestrian traffic on grizzly bears as well as the inordinately increased risks of mountain biking. Your review of GBRP-2019-2, will alert you to his findings that, not only has the NCDE population increase from 2004-2011 likely leveled off, it has likely turned to a decrease "near 2% per annum between 2014 and 2018."

Folder 36 contains documents concerning the Flathead National Forest's failure to espouse safe behavior in grizzly bear habitat, particularly in regards to fast mountain biking, in light of one of its employees slamming into a grizzly bear and dying while speeding on a mountain bike. The Flathead instead encouraged people to take the risks they like on public lands. Your review of these documents should disclose that the Flathead's advice runs contrary to FWS and interagency advice in these matters and is another example of the Forest Service's inability to craft adequate regulatory mechanisms to protect grizzly bears and their habitat, let alone implement them.

Folder 37 contains public notices from Flathead Area Mountain Bikers to support the expansion of mountain bike trails on the Flathead National Forest. Your review of these notices, along with your review of our Hungry Lion, Crystal Cedar, Taylor Hellroaring, and Hellroaring Basin Objections (Folders 0 and 39) should reveal that Forest Service partnerships with such groups compromises or negates regulatory mechanisms intended to stem human development of grizzly bear habitat.

Folder 38 contains documents concerning the issuance of Special Use Permits for trail-run competitions on the Flathead NF, in spite of the advice of grizzly bear experts to not permit them. Your review of these documents should reveal that Forest Service partnerships with such race-promoting and trail-building groups, compromises or negates regulatory mechanisms intended to stem human development of grizzly bear habitat.

Folder 39 contains the draft and final DNs for the Flathead's Hellroaring Basin project, which will build two ski lifts and their 1.3 miles of service roads in a

southern Basin that was supposed to retain its grizzly bear security forever, as mitigation for when the Big Mountain ski area was expanded northward in 1995. (These mileages are also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

This folder also contains our Objections to the Hellroaring Basin project and a Subfolder of Project File Exhibits the Objection references. Your review of these documents will help you understand and see examples of the five ways in which actual grizzly bear habitat and security is being degraded while the 2011 Baseline parameter and values are purported to be maintained, as outlined earlier in this comment letter.

Folder 40 contains the Flathead's Frozen Moose scoping documents, maps and our comments on them. Your review of these documents and maps will reveal how the Flathead is rebuilding 13 miles of previously decommissioned roads in the Flathead's North Fork, largely in Secure Core, in the name of restoring forests through logging and thinning. (These mileages are also tallied in DVD Folder 15, Jammed in Reverse 200127.pdf).

Folder 41 contains this comment letter and its synopsis of the DVD Folders as a PDF.