

Notice of Objection to Blackfoot Travel Plan Non-Winter Final EIS Draft Record of Decision

Lead Objector: Gary Ingman, on behalf of Helena Hunters and Anglers Association

Signature and Date:

Helena Hunters and Anglers Association (HHAA) members live, work, and recreate on the Helena National Forest, and several of our members are intimately familiar with the Blackfoot Travel Planning Area. Our membership is made up of professionally trained natural resource managers. We either are now or have previously worked in the fields of fish, wildlife, forestry, recreation management, water quality, and environmental assessment. Our mission statement is commensurate with stated management objectives for the Helena National Forest:

“The Helena Hunters and Anglers Association is dedicated to protecting and restoring fish and wildlife to all suitable habitats, and to conserving all natural resources as a public trust, vital to our general welfare. HHAA promotes the highest standards of ethical conduct and sportsmanship, and promotes outdoor hunting and fishing opportunity for all citizens to share equally.”

The following members of our club formed the Blackfoot Travel Management Evaluation Committee, and include: Gary Ingman, Steve Platt, Bill Orsello, Charlie McCarthy, Thomas Baumeister, Doug Powell, Jim Posewitz, Gayle Joslin and Stan Frasier. HHAA was one of ten groups that worked with former Helena National Forest Supervisor Kevin Riordan and Lincoln District Ranger Amber Kamps in spring 2011 to develop a conservation alternative, Alternative C, for their use in developing travel management alternatives as part of the Blackfoot Travel Plan Draft EIS. Alternative C contained the ten groups’ consensus recommendations for travel management in the Blackfoot Planning Area. In winter 2013, our group and individual HHAA members submitted comments on the Helena National Forest’s draft EIS document. Most recently, we met with Ranger Kamps on April 1, 2013 to review the final EIS and the draft Record of Decision and to ask questions, reiterate our concerns, and discuss the objection process.

With this submittal, we are now formally objecting to several aspects of the draft ROD and proposed Alternative 4. The following discussion itemizes our objections and rationale and describes HHAA’s proposed remedies.

Objection A. Motorized Use within 300 feet from a Designated Route

References: p. 17 of the Travel Plan Draft Record of Decision; p. 38, p. 53 of the FEIS; p. 263-264, Appendix J.

HNF Proposed Action: The draft ROD states that parking vehicles within 30 feet of a designated road or motorized trail will continue to be allowed, as before. In addition, wheeled motorized vehicle travel for dispersed camping or parking associated with dispersed camping will be allowed within 300 feet of designated system routes, including roads and trails (unless signed otherwise or specifically closed) as long as:

- No new permanent routes are created by this activity,
- No damage to existing vegetation, soil, or water resources occurs,
- Travel off-route does not cross streams, and

- Travel off-route does not traverse riparian or wet areas.

Motorized off-route travel within 300 feet of a designated route would be allowed under Alternatives 1, 2, 3 and 4 with a stated rationale of providing a “reasonable level of access for recreational purposes”. The FEIS further states that, with the implementation of the criteria for resource protection described in the actions common to all alternatives section of the FEIS, any off-route vehicle impacts resulting from such use would be minimized. The FEIS concludes that the 300 foot provision would be consistent with the 2001 Tri-State OHV Decision, the 2005 Travel Planning Rule, Executive Order 11644, and the Helena Forest Plan. The FEIS further states that the Helena National Forest would make a commitment to monitoring and enforcement of this provision, in order to ensure routes would not expand in these areas and any problems encountered would be dealt with as they arise.

HHA Issues of Concern:

1) Land Area Impacted - Allowing vehicle travel for dispersed camping for up to 300 feet from a designated travel route will potentially affect a large amount of land and essentially constitutes unmanaged motorized recreation. 300 feet on either side of a designated route equals a 600 foot corridor of potential vehicle use. Multiplying this width times the number of motorized roads and trails in the proposed Alternative 4 (352 miles, or 1,858,560 feet) totals 43,560 acres, or 40 square miles of land area that could be negatively impacted by off-route motorized travel. Potentially, up to 11.4 percent of every square mile of forest land containing a motorized route of one mile in length would be opened to off-route motorized travel for dispersed camping purposes. This is a significant action for which resource impacts have not been specifically evaluated within the EIS.

2) Resource Impacts - The premise of the 300 foot proposal seems to be that this privilege will not be abused by the public and that no travel route to a camping site will ever be reused. This seems highly unlikely. Unmanaged off-route vehicle use can cause uncontrolled proliferation of trails resulting from repeated use. Effects of off-route travel by vehicles on soil, water quality, vegetation, heritage sites, wildlife and the spread of invasive species are well documented in the scientific literature. Soil compaction and erosion contributes to sedimentation of streams, and damaged vegetation may create opportunities for establishment of invasive plant species. Many wildlife species are affected by noise and disturbance associated with vehicles. While the proposed allowance specifically states that such use will not be allowed to create permanent routes or to impact vegetation, soil, water resources, and riparian areas, it is reasonable to assume that such impacts will indeed occur.

The FEIS acknowledges that the Helena National Forest has never conducted a comprehensive survey of this use, but states that cursory monitoring and field checks by various Forest Service resource crews have not resulted in any wide-spread violations or wide-spread resource concerns. Where site-specific issues have arisen, they state they have been able to address them via site-specific area closures or restrictions. Such general statements and anecdotal observations do not constitute a reasonable assurance that the 300 foot provision will not result in irreparable resource damage.

3) Monitoring and Enforcement - The draft ROD states that the highest priority for (travel plan effectiveness) monitoring will be ensuring that wheeled, motorized vehicle travel within 300 feet of

designated system routes is not creating any new permanent routes and damaging vegetation, soil, or water resources, or crossing streams, riparian or wet areas. However, it does not state how site-specific problems (which seem likely to occur at some frequency) will be addressed once they are discovered. This could be a huge task for which resources are extremely limited. The Lincoln Ranger District has acknowledged that enforcement of travel plans is difficult and that they do not have the resources to monitor for illegal travel activities (Amber Kamps, April 1, 2014 in comments to HHAA). Surveys of travel restrictions in the Blackfoot Planning Area by HHAA members in 2013-2014 have shown a high degree of violations and a readily apparent lack of monitoring and enforcement. This causes us to doubt the accuracy of the statements in the FEIS pertaining to intended comprehensive monitoring and enforcement of the 300 foot provision.

HHAA Proposed Remedy: Attain consistency with the 30 foot parking rule by allowing parking for dispersed camping purposes only within 30 feet of a designated system travel route. This rule would not prohibit camping greater distances from roads and motorized trails but would require vehicle parking closer to the established roads, thereby reducing resource impacts associated with cross-country travel and preventing the establishment of numerous new spur roads to dispersed campsites. Alternatively, restrict motorized wheeled cross-country travel to designated roads and trails.

Objection B. Implementation of Roads Proposed for Decommissioning and Storage

References: p. 7-8, p. 18 of the Travel Plan Draft Record of Decision; Table 4 in the FEIS; page 1 of Amber Kamps' handout at the April 1, 2014 meeting of HHAA; Amber Kamps' summary notes from the April 1, 2014 meeting; p. 29 of the FEIS.

HNF Proposed Action: 212 miles of existing roads are proposed for decommissioning under Alternative 4 of the draft ROD. An additional 82 miles of roads are proposed for storage. Details of how roads would be decommissioned (level 4) and stored (level 3-S) are included in the draft ROD. However, the draft ROD does not include a schedule for implementation. The Draft Record of Decision states that an implementation plan will be developed after finalization of the Travel Plan, and that this plan will outline and set priorities for road and trail treatments, including decommissioning or storage, construction, reconstruction, or closure actions, etc. that will occur throughout the implementation process. It is not clear what the timeline for developing the implementation plan will be, or how and when actions will be implemented on the ground. The discussion of plan sequencing for implementation in the Draft ROD indicates that road closure, storage or decommissioning activities will be implemented carefully so as not to impact road access needs for other ongoing or planned projects.

HHAA Issues of Concern:

1) Implementation Schedule and Funding - Ranger Kamps told members of HHAA on April 1 that roads slated for decommissioning and storage would be closed contingent on the availability of funding, which is uncertain. It is our understanding that these roads would be managed in a status quo fashion until that time meaning that motorized uses will continue for an indefinite period. Implementation for stored and decommissioned roads will be "dependent on funding, capacity, and sequencing" (Kamps' meeting summary notes). HHAA is deeply concerned that all roads and trails slated for decommissioning have

been identified without a schedule for decommissioning, a sequence for decommissioning, or any assurances of funding. As such, these roads and trails may in effect remain open to motorized use for a long period of time, perhaps perpetually. This possibility undermines the analyses, assumptions and conclusions contained in the EIS and reflected in draft ROD. Allowing motorized use to continue and possibly expand until such a time as they are physically decommissioned will not demonstrate to the public that the intent is to eventually close the road and trail to all motorized uses. Leaving nearly 300 miles of roads in a limbo status for a potentially very long time will not support the resource objectives of the travel plan and misleads the public in regard to the selected alternative. In the absence of a concrete plan to immediately implement travel management changes on the ground, there is no assurance that the improvements stated in the FEIS will ever be achieved.

HHA Proposed Remedy: Immediately upon finalization of the Blackfoot Travel Plan, develop and publish a schedule/timeline and priority list for decommissioning roads. Sign and map roads as closed now to avoid increasing use and to notify the public of the intent to decommission/close these roads. On all roads and trails identified for decommissioning, they should be immediately ordered closed to motorized use yearlong.

Objection C. Forest Plan Programmatic Amendments and Management of the Helmville-Gould Trail # 467

References: Pages 15-16 and 19-20 of the draft ROD; the map on the USFS website entitled G12; p. 251, 279, 326 of Appendix J.

HNF Proposed Action: Under the proposed Alternative 4, the Helmville-Gould Trail #467 would be managed as a motorized trail open for use by vehicles 50 inches or less in width for the period from July 1 to October 14. The October 15 closure represents a change from the current situation, which allows motorized use year-round. The trail would be improved and “to address layout sustainability, water drainage, user safety, and Forest Service OHV trail standards, some relocation and reconstruction will occur on this trail.” This action will lengthen the total trail route by approximately 1 mile and will provide continuous OHV access along its length. Additionally, the Forest Service has determined that a programmatic amendment to the Helena Forest Plan is needed to allow motorized use of this trail because portions of the trail are located within a designated R-1 non-motorized area (Nevada Mountain Roadless Area).

HHA Issues of Concern:

1) Motorized Use within an R-1 Non-motorized Area - The Helmville-Gould Trail was designated for non-motorized use in the 1986 Helena Forest Plan following extensive input by area users over at least a four-year period. This fact is well documented. This action (trail closure) was not implemented until 1989, at which time the decision was appealed by a group of motorized users. The appeal was upheld due to a technicality, that the trail closure by the forest supervisor, Ernie Nunn, was not properly public noticed. The decision was ultimately reversed and the trail was reopened to OHV motorized use. Conservationists appealed this decision on several grounds, including the location of the trail within an R-1 non-motorized area. The appeals (forest supervisor and regional supervisor levels) were denied,

partly on the basis that the trail was along the perimeter/boundary of the R-1 area and that there was discretion allowed for managing the trail for motorized use. The USFS's acknowledgment now that the trail is, in fact, within an R-1 non-motorized area illegally and requires an amendment to the Forest Plan to make the motorized use legal is an insult. The proper thing to do would be to acknowledge that the present motorized use is illegal and to close the trail at least until a new Helena National Forest Plan is developed and the issue can be revisited.

2) Resource Impacts -

There have been ongoing impacts to forest resources including soil, vegetation, wildlife, water quality, weeds, and illegal off-route intrusions into the Nevada Mountain Roadless Area associated with motorized management of the Helmville-Gould Trail #467. These issues were observed firsthand and discussed with Ranger Kamps during a public tour of the trail hosted by the Lincoln Ranger District several years ago. The HNF intends to address some of these issues through trail enhancements, reconstruction and lengthening. However, we doubt that the motorized trail improvements can address all of these impacts and certainly would have little impact on enforceability of off-route travel within the R-1 designated area. Motorized intrusions from the trail into the roadless area were documented in 2013 and 2014 by HHAA members and reported to the HNF. Monitoring and enforcement of the current travel plan has not occurred and we remain skeptical that this will be improved upon under the authority of a new travel plan.

The Nevada Mountain Roadless Area adjacent to the Helmville-Gould Trail represents valuable and heavily used wolverine and lynx habitat and provides important elk security cover. Recent research by contract wildlife biologist Steve Gehman documented that this area is regularly occupied by a high density population of Canada lynx and that it represents a wolverine "hotspot", supporting a relatively high density of wolverines (*Snow-Tracking Surveys on the Helena National Forest, 2010, 2011, 2012, 2014*). Some of this information is cited in Chapter 3 of the FEIS. Mr. Gehman's DNA sampling and camera station monitoring provided evidence of at least 10 individual lynx, and at least eight wolverines, including two reproductively active females, that continuously used the area over the last four years. Mr. Gehman also obtained photographic evidence of five grizzly bears, including a lone adult in Nevada Creek in 2012 and a female with three yearling cubs in the Dalton Mountain to Ogden Mountain area in 2014. These findings suggest that the Nevada Mountain Roadless Area and Helmville-Gould Trail are within a grizzly bear biological activity center (BAC) that may be compromised by continuing or expanded motorized use of Trail #467 and especially improvements and reconstruction of the trail, as proposed in the Draft ROD. Improving the trail and authorizing OHV use will invite increased use thereby impacting lynx, a threatened species, and wolverine, a current candidate for listing. It is also contrary to the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategies Agreement, which is intended to limit miles of open roads and trails in roadless habitats such as the Nevada Mountain Roadless Area.

3) Wilderness Designation -

Proposed improvements to the Helmville-Gould Trail #467 using public monies may create pressure to allow year-round motorized use. The Nevada Mountain Roadless Area has been included in past Wilderness legislation, and Wilderness designation has been vocally supported by a large number of people and interest groups, including the Lewis and Clark County Commission. Improvement of the trail, and possibly increased use of the trail for motorized purposes resulting from the improvements, will compromise the potential for future Wilderness designation of the HNF's largest unprotected roadless area.

HHAA Proposed Remedy: The HNF should acknowledge that motorized management of the H-G Trail #467 has been illegal since the Helena Forest Plan was signed into effect in 1986. HHAA urges the HNF to take this opportunity to close the trail to motorized use pending development of a new Forest Plan. The proposed programmatic amendment to the Forest plan which would authorize motorized use within the designated R-1 management area should be dropped. Improvements to the Helmville-Gould Trail will only invite public pressure to maintain or increase the proposed motorized use period. HHAA urges adoption of Alternative 3 of the FEIS, which would manage the trail as non-motorized as was intended in the Forest Plan.

Objection D. Preferred Alternative

References: Pages 13, 20, 36, etc. of the draft ROD, and the FEIS.

HNF Proposed Action: The Helena National Forest proposes to adopt Alternative 4 in the final EIS.

HHAA Issues of Concern:

1) Linkage to Big Game Security Amendment 4(a) – Montana Fish, Wildlife and Parks asserted in their review comments on the draft Blackfoot Travel Plan EIS that their specific recommendations regarding amending the Big Game Standard 4(a) followed directly from the implementation of Alternative 3. Their rationale which was stated in their comment letter of April 22, 2013 was that travel plan Alternative 3 represents a more complete application of the Hillis Paradigm than other alternatives. Alternative 4 which has been proposed by the HNF for adoption runs contrary to this qualifier and would appear to negate MFW's support for the Big Game Standard Amendment as currently proposed.

2) Consistency with Helena Forest Plan Direction, Goals, Objectives and Standards - HHAA finds Alternative 3 as superior to Alternative 4 with regard to environmental protections, including watershed health and water quality, fisheries, soil integrity, native vegetation, wildlife populations, and fair chase hunting opportunities. Alternative 3 goes furthest in moving the planning area towards compliance with the existing Forest Plan standards and NCDE Access Management Guidelines for grizzly bear security and habitat within the recovery zone. Alternative 3 is superior with regard to elk security needs that meet the intent of the current Forest Plan, and better supports management direction applicable to big game security based on the best available science.

HHAA Proposed Remedy: HHAA encourages adoption of Alternative 3 as the preferred alternative.