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SUBJECT: Divide Travel Plan DEIS Comment Summary

Dear Supervisor Avey, Ranger DeGeest, and Project Leader Tompkins:

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 Divide Travel Planning Area. Much of 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, cultural resources 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 Divide Travel Management Evaluation Committee, and include: Steve Platt, Gary Ingman, Bill Orsello, Charlie McCarthy, Thomas Baumeister, Doug Powell, Jim Posewitz, and Stan Frasier. We are tiering our comments off of and adding to those of HHAA Issues Chair, Gayle Joslin. We have reviewed the conceptual alternatives in the Divide Travel Planning area and provide extensive detailed comment in the attached narrative. Our comments focus on the following subject areas:

1. Wildlife
2. Big Game Security Standard/Amendment
3. Roadless Areas
4. Water Quality
5. Individual Road Recommendations

6. Alternatives
7. Cumulative Effects
8. Monitoring, Enforcement and Schedule
9. Recommendations

Specific comments on individual roads/routes presented in the 2014 Divide Travel Plan and how they might be improved for the benefit of wildlife and other natural resources are also provided for your consideration and action.

1. Wildlife

Linkage

The Divide Travel Planning area constitutes one of the most important linkage zones in the Northern Region. It connects the Northern Continental Divide, Yellowstone, and Salmon-Selway ecosystems, yet 19th century mining and over-exuberant 20th century USFS timber harvest have left it as one of the most roaded, fragmented, and fragile areas of National Forest lands in Montana. It consists of relatively open, park-like landscapes. In the last few years much of this area's forest has experienced extensive beetle-kill.

The Divide Landscape of the Helena National Forest constitutes the central linkage connection between all areas of western and central Montana as described by American Wildlands (2008) and Montana Fish, Wildlife and Parks' analysis of wolverine movements (2008 Furbearer Regulations). The Divide Landscape is the center or "Hub" of wildlife linkage within the state of Montana. Its ability to continue to function in this capacity is critical for low-density, far-ranging carnivore species such as grizzly bears, wolverine, mountain lions, wolves, lynx, as well as wide-ranging ungulate species (elk, moose, and bighorn sheep). Bighorn sheep have been seen at the headwaters of Minnehaha Creek, along the Continental Divide in the Divide Landscape even though this is not bighorn habitat. Another marked bighorn from the Sleeping Giant area was located near Elliston, attesting to the linkage importance of the Divide landscape. And yet the Divide Landscape is a relatively battered place in need of careful, restorative management.

Maps of seasonal elk distribution over a portion of the Divide Landscape (Divide elk maps 27-34) demonstrate the importance of the Helena National Forest lands along the Continental Divide. Maps from 2008 showing wolverine and lynx distribution for the MacDonald Pass area are also available. Additional information on low-density mid-sized carnivores for a broader area of the Helena National Forest has been compiled by wildlife contractor Wild Things Unlimited. They report:

"Our cameras obtained photos of several different wolverines, and added valuable data related to year-round use of an area of atypical wolverine habitat including: relatively low elevation, roaded, and with human uses such as logging, hunting, and snowmobiling. We believe this is extremely important to wolverine conservation in Montana. Last winter's efforts resulted in documentation of more previously unknown lynx and wolverines in the Helena National Forest study area, which is exciting and valuable news."

In addition, the Wildlife Conservation Society has defined a crucial area connecting the three major wolverine ecosystems as the Central Linkage Ecosystem that includes the Divide Landscape (Inman et al., 2008).

Grizzly bear occurrences throughout the Divide Landscape attest to the area's importance as a linkage zone and year-long habitat in areas such as Nevada Mountain, Snowshoe Creek, Hahn-Hat Creek near Elliston, and the Little Blackfoot River. Travel planning actions taken to improve landscape linkages, in the form of limiting duplicative motorized road and trail use in the Divide area, would be an important and positive step. Alternative 3 clearly does the best job of that, but still can be improved upon.

Effects of Recreation on Wildlife

National Forest management decisions are required to be based upon "the best available science." In borrowing from the Montana Chapter of The Wildlife Society's January 14, 2009 comment on the Divide Travel Plan, it should be noted that the Chapter undertook a comprehensive effort to address the *Effects of Recreation on Rocky Mountain Wildlife – A Review for Montana*[1]. That document, and its associated on-line bibliography, was partially funded by the USFS. Copies of the report were provided to every National Forest and most ranger districts in Montana. The *Effects of Recreation* report was compiled by 35 wildlife biologists from state, federal, university and private settings from across Montana who volunteered their time specifically to provide this information to land and wildlife managers.

The Divide Draft EIS cites the Montana Chapter of The Wildlife Society document in the References section. However, the material provided in the document does not appear to be utilized or referenced in the DEIS, either in the various Wildlife chapters or the Recreation chapter. Valuable scientific information was provided for all wildlife species groups including amphibians and reptiles, small mammals, birds, ungulates, carnivores, and semi-aquatic mammals. In addition, discussion about impacts from recreational uses to soils, water, and vegetation was presented. Several Chapter members have been responsible for collecting information for this specific area over the years. Within the chapter on Ungulates, the following comments pertaining to big game security are noted:

"Managers of public lands control only a few of the potential variables that contribute to security including retention of important vegetative cover, travel management, and enforcement of travel regulations. There is a strong relationship between adequate security and predicted buck/bull carryover"[2]

Three key issues are mentioned: vegetative cover, travel management, and enforcement of travel regulations. Since the final selected alternative will determine the effectiveness of the proposed big game security forest plan amendment, these subjects must be fully addressed within the FEIS and reflected in the selected Alternative.

Previously, the Montana Chapter of The Wildlife Society noted the following, and these comments are still relevant to the Draft EIS:

- Established analysis procedure requires that the USFS use the best scientific and commercial information available and ensure that any final decision is based on the most recent, up-to-date information on wildlife use of the area.

[1] Joslin, G., and H. Youman's, coordinators. 1999. Effects of Recreation on Rocky Mountain Wildlife – A Review for Montana. Committee on effects of Recreation on wildlife, Montana Chapter of The Wildlife Society. 307pp.

[2] Canfield, J. E., L. J. Lyon, J. M. Hollis, and M. J. Thompson. 1999. Ungulates. Pages 6.1– 6.25 *in* G. Joslin and H. Youman's, coordinators. Effects of recreation on Rocky Mountain wildlife: a review for Montana. Committee on Effects of Recreation on Wildlife. Montana Chapter of The Wildlife Society.

- Conversion of previously closed routes to open routes for motorized use has not been analyzed or justified with respect to initial closure rationale and whether the purposes for initial closure have changed.

- The proposed action must be in compliance with the Helena National Forest Plan. At present, the proposed action does not appear to be in compliance with standards for soils, watersheds, elk (security, summer and winter range standards), or the Northern Rockies Lynx Management Direction.

- User-created roads (whether they are called roads or trails) must be closed and reclaimed, and should not be included in the transportation system. These "user created routes were developed without agency authorization, environmental analysis, or public involvement and do not have the same status as National Forest System roads and trails included in the forest transportation system"(70 Fed. Reg. 68268). In other words, these illicit routes were illegally created, never authorized by the USFS, and have never undergone any form of NEPA analysis. As such, these user created routes must be immediately closed, repaired, reseeded, and excluded from the USFS's transportation network. The USFS cannot and should not legitimize such routes or reward OHV users for their illegal and destructive behavior by now designating such routes as part of the new transportation system. The Sweeny Creek, Priest Pass, and Greenhorn Mountain areas are prime examples of places on the Divide Landscape where illegal motorized use and lack of USFS travel management have lead to a plethora of illegal routes that are damaging soil and water quality, and compromising important wildlife habitat.

- The USFS must initiate and complete formal consultation on lynx pursuant to Section 7 of the Endangered Species Act.

- The USFS must ensure compliance with the Travel Management Rule and all relevant Executive Orders – including Executive Order 11644 (as amended by Executive Order 11989). At present, the proposed action is not in compliance with Executive Order 11644's duty to locate areas and trails to minimize damage to soils, watersheds, and vegetation, minimize harassment to wildlife, or minimize conflicts with users.

2. Big Game Security Standard/Amendment

The existing big game security standard was based on published literature derived from 15 years of research on the specific topic of road density, placement, and timing of use in Montana (Lyon, et al. 1985). The document, *Coordinating Elk and Timber Management*[3], was conducted in four study areas and concluded:

> Road density and pattern, including off-road travel, play an important role in determining the security level an area provides to elk during the hunting season. An area with sparse cover and

[3] Lyon, L. Jack, USDA Forest Service, Intermountain Forest and Ranger Experiment Station; Terry N. Loner and John P. Weigand, Montana Department of Fish, Wildlife and Parks; C. Les Marcum and W. Daniel Edge, Forestry School, University of Montana; Jack D. Jones and David W. McCleery, USDI Bureau of Land Management; Loran L. Hicks, Plum Creek Timber Company, inc. *Coordinating Elk and Timber Management – Final Report of the Montana Cooperative Elk-Logging Study, 1970-1985.* 53pp.

low road densities may provide as much security as the same size area with heavy cover and high road densities. (8)

Conversely, it is also true that *areas with heavy cover and high road densities may provide as much security as the same size area with sparse cover and low road densities.* However the proposed big game security standard would eliminate all reference or requirement for cover.

With respect to security and the need for cover, Lyon et al. (1985) stress:

- Road density and cover quality are both important when considering adequate elk security during the hunting season. (8)

- Central Montana elk require the greater security provided by good cover at the edge of the opening. (10)

The proposed big game security amendment was not derived from field research, nor is it based on full application of scientific literature on the subject of elk vulnerability. None of the literature presumes that during the hunting season no vegetative cover is required. In circumstances where little cover is naturally available, such as the Missouri River Breaks, topography must substitute for vegetative cover. However, the hunting season must be severely restricted through permit-only hunting to compensate for the lack of security.

The proposed big game security amendment merely draws polygons on the landscape and declares that these areas will provide big game security. No longer would all National Forest lands be potential elk security and big game security would be relegated to a series of polygons. Additionally, the requirements for non-cover vegetation that Lyon et al. recommended have not been described and listed as caveats for these polygons. Those requirements as described by Lyon et al. include:

- Clearcuts: Openings should be small, even though openings up to 100 acres may be acceptable where the adjacent forest edge supplies adequate security.
- Provide undisturbed security areas adjacent to the area of activity.
- Concentrate management activity into the shortest possible time (including follow-up activity such as planting and burning) (39).
- Confine disturbance to the smallest area possible within a single drainage (39).

It must be noted that the knowledge of elk security with respect to vegetative cover and roads described in "*Coordinating Elk and Timber Management*" (1985) was signed and adopted unilaterally in 1984 by the Bureau of Land Management (Edwin Zaidlicz, State Director), the Northern Region U.S. Forest Service (Tom Costain, Regional Forester), School of Forestry, University of Montana (Benjamin B. Stout, Dean), Montana Department of Fish, Wildlife and Parks (James W. Flynn, Director), and the U.S. Forest Service, Intermountain Forest and Ranger Experiment Station (Laurence El. Lassen, Director).

We question on what grounds and based on which literature is the Lyon et al. (1985) time-tested approach to elk security being tossed out and replaced with the proposed big game security amendment? We posit that there is none and that the current proposal to change the standard for big game security has been designed at a conference table over the past couple of years, with no supporting field research or testing.

The very plausible reason for this approach is that the Helena National Forest has failed, over the past 28 years since the Helena Forest Plan was adopted, to apply and adhere to the existing security standard. Instead, the Forest has determined repeatedly for landscape altering projects that there would be "No Significant Impact". As a result, the Helena National Forest has finally arrived at the day of reckoning. In fact, they cannot comply with their own standards now because they have failed to do so incrementally over the past 28 years.

The "Decision Notice and Finding of No Significant Impact" for the Forest-wide Hazardous Tree Removal and Fuels Reduction Project, signed August 23, 2010 by Supervisor Riordan is just one of hundreds of projects that have been similarly issued over the past 28 years. The Decision stated:

"An alternative that was considered but eliminated from detailed study was one that addressed the road density issue raised from the public. These comments came during the Objection period. Some comments suggested the Responsible Official should consider an alternative that would reduce open road densities as a means of increasing elk security. With this proposal not being a travel management decision, this proposed alternative is outside the scope of the decision space and analysis."(Hazard Tree Project DN, August 2010).

The decision that was made to "treat" many roads in remote settings influenced the subsequent Travel Plan and the functionality of the big game security and habitat effectiveness standards, but failed to address those impacts.

The analysis conducted for the Hazardous Tree Project clearly reveals that all the Elk Herd Units that were meeting Forest Plan Standard 4a for big game security were in and near roadless areas, including Nevada Mountain, Jericho, Little Blackfoot, and Bison Mountain. All of these Inventoried Roadless Areas (IRAs) occur on the Divide Landscape and emphasize the importance of IRAs to Elk Herd Unit security. The rationale for "clearing" old routes within these roadless areas was unjustified as indicated by the lack of compliance with the security standard and the fact that other areas that do not occur in or near roadless areas do not meet the existing security standard. This is not to say that areas not having roadless areas cannot meet the standard. However, the Helena National Forest will simply need to limit road densities in these areas.

Appendix C of the Divide DEIS (page 17) indicates that even for Alternative 3, one herd unit would remain below the 30% threshold, but then goes on to say all six EHUs would meet the 30% standard. That in fact is not the case – one would <u>not</u> meet the standard. Measures should be taken to raise all EHUs above the minimum 30% security level.

Elk have been used as a surrogate, or Management Indicator Species, for the needs of other ungulates (mule deer, white-tailed deer, and moose). However, for a variety of behavioral and nutritional reasons elk do not reflect the needs of other ungulates. While elk herd numbers have often risen over the years because they are so mobile and move off of National Forest lands when it becomes insecure, deer and moose do not. Currently in Montana, mule deer, white-tailed deer, and moose populations are at serious lows. These are species whose movements are much more limited than that of elk. This is not a time to be eliminating the forest cover component from the big game standards.

It is time for restoration of the landscape. The landscape and wildlife will begin to heal if an aggressive travel plan is implemented so a return to the time-tested "best available science" of the existing big game security standard can be restored.

3. Roadless Areas

Compliance with the Roadless Rule must be demonstrated. That compliance includes providing "lasting protection" for IRAs in the project area. These IRAs are characterized by high quality, undisturbed soil and water and a diversity of plant and animal communities. According to the USFS, these IRAs "provide clean drinking water and function as biological strongholds for populations of threatened and endangered species . . . [and] large, relatively undisturbed landscapes that are important to biological diversity and the long-term survival of many at risk species." (66 Fed. Reg. at 324).

These IRAs also "provide opportunities for dispersed outdoor recreation, opportunities that diminish as open space and natural settings are developed elsewhere. They also serve as bulwarks against the spread of non-native invasive plant species and provide reference areas for study and research." By law, these biological strongholds are to be managed for "lasting protection." In adopting a proposed action the USFS: (1) must comply with the Roadless Rule and manage these areas for lasting protection; and (2) should prohibit and/or restrict all motorized access in the IRAs.

Jericho Mountain is an Inventoried Roadless Area (IRA). It should be returned to a roadless status. The Divide Landscape is extremely fragmented with private in-holdings in Banner, Monitor, Minnehaha, and Telegraph Creeks. Roads that have been created in roadless areas should be removed to improve the landscape integrity.

The Bison Mountain Inventoried Roadless is known to have denning grizzly bears and wolverine. Yet, over-snow vehicles can use Road 1801 which traverses the Bison Mountain Area (Electric Peak Roadless Area) in Alternative 3 and 4, but is currently closed to snowmobiles in Alternative 1. The Helena National Forest should maintain the existing condition of no over-snow motorized vehicles by keeping Road 1801 closed. Within meters of the Bison Mountain IRA, Road 495-D1 was sanctioned for "treatment". This road connects to the CDNST that has restrictions of 50" or less, yet 495-D1 is open to highway vehicles year- long even though it does not connect to any road that is currently open to motorized vehicles.

Road 495-D1 is a clear example of a road that was included in the Hazardous Tree Removal Project, deep in the National Forest next to an IRA, but didn't provide a hazard to anyone. Yet Road 495-D1 has been or will be "treated" by removing trees along its length, grading and possibly gravelling. This was an action that was not necessary and was predecisional to the Divide Travel Planning process. Other roads not occurring within the Wildland Urban Interface that are slated for Hazardous Tree Removal treatment prior to the Divide Travel Planning process were also predecisional and cumulatively impacted big game security, leading the Helena National Forest to declare that they could not meet the standard for big game security. This recurring situation has lead to the Catch-22 situation wherein the Forest has chosen not to meet the big game security standard, but then devised a new standard that would not limit either timber removal or motorized travel. The harsh truth is that the Helena National Forest cumulatively ignored its own valid, scientifically based standard for nearly three decades.

The Nevada Mountain Inventoried Roadless Area supports grizzly bears, wolverine and lynx. While doing aerial wildlife surveys as a wildlife biologist for Montana Fish, Wildlife and Parks, Gayle Joslin observed wolverine tracks and excavation holes on Nevada Mountain. HHAA board member, Gary Ingman, has personally observed wolverines within the Nevada Mountain Roadless Area on three occasions and typically see their tracks annually. In Alternatives 2 and 4, Road 4044-E1 goes deep into

the Nevada Mountain Inventoried Roadless Area. This route dead-ends after crossing through an area restricted to over-snow motorized vehicles and penetrates about 1.5 miles into the IRA.

None of the action alternatives adequately address massive road duplication to the south of the Nevada Mountain IRA. These roads inhibit linkage between the Nevada Mountain Roadless Area along the Continental Divide to and south of Highway 12, thus hindering movement of wildlife between ecosystems.

A total of 22.59 miles of roads that were stamped for Hazardous Tree Removal in 2010, prior to this 2014 Divide Travel Plan, but which failed to meet the standards for "hazard" under the Wildland Urban Interface include Roads 1863, 607, 293, 293-A1, 296, 296-B1, 4196, 1892, 485-D1, 601-F1, 601-K2, 601-K3, and 601-K4. Another 18 roads (36.44 miles) were slated for "treatment" next to inventoried roadless areas during the Hazardous Tree project even though the trees were not a hazard to anyone (Roads 607-H1, 123, 495-D1, 1834, 1834-C1, 1834-D1, 296-A1, 296-A2, 296-A3, 1830, 1831, 329-E1, 1838-E2, 1838-F1, 4135, 601-D1, 601-E1, and 601-J1).

This was simply an expeditious move on the part of the Helena National Forest to improve roads for future projects without having to go through the travel planning process. The Helena Hunters and Anglers Association objected to this approach, but their objection was denied by the Regional Office of the Forest Service. In addition, the Hazard Tree Removal project concluded that the big game security standard could not be achieved during that project, so the Forest Supervisor simply exempted the Helena National Forest from adherence to Forest Plan Standard 3 (summer hiding cover) and 4a (big game security), as follows:

"As part of my Decision I am amending the Forest Plan through a site-specific Forest Plan amendment for this project. Analysis for this project indicated the need for a site-specific Forest Plan amendment to the Helena Forest Plan regarding elk summer and winter range and big game security… As part of my Decision I am also making a site-specific amendment to the Forest Plan. This amendment exempts this project from the Forest Plan big game standards 3 and 4a."

There was no actual amendment to Forest Plan wildlife standards 3 and 4a. The amendment was simply an exemption from compliance with the Helena Forest Plan by the Helena Forest Supervisor.

4. Water Quality

The following streams within the Divide Travel Planning Area have been identified by Montana DEQ as having water quality impairments due to sedimentation/siltation stemming from forest roads and/or silvicultural activities:

- Little Prickly Pear Creek from the North and South Forks to Clark Creek (23.9 miles)
- Tenmile Creek from the headwaters to Spring Creek (6.72 miles) and from Spring Creek to the Helena Water Treatment Plant (7.32 miles)
- Little Blackfoot River from the headwaters to Dog Creek (22.54 miles)
- Telegraph Creek from the headwaters to Hahn Creek (5.35 miles)
- Elliston Creek from the headwaters to mouth (4.95 miles)
- Dog Creek from the headwaters to Meadow Creek (4.33 miles)
- Trout Creek from the headwaters to mouth (11.5 miles)

- Snowshoe Creek from the headwaters to mouth (11.45 miles)

The above list is not all inclusive for streams within the Divide Travel Planning Area. Montana DEQ has developed sediment Total Maximum Daily Loads (TMDLs) for all of the above streams except Little Prickly Pear Creek. The Tenmile Creek sediment TMDL was completed in 2006, while sediment TMDLs for the Little Blackfoot River and the above listed tributaries to the Little Blackfoot were completed in 2011. DEQ assessed sediment delivery to the subject streams from open unpaved roads using GIS, field data collection, and sediment modeling techniques. The most significant source of road sediment loading was linked to unpaved road crossings. DEQ determined reductions in sediment loading from unpaved roads that are needed to attain water quality standards for each of these streams as a component of the TMDLs. The stated prescription for attaining the sediment load reductions includes the application of road sediment best management practices (BMPs) and road closure or abandonment, where appropriate. For the Little Blackfoot streams, targeted percent reductions in sediment delivery from unpaved roads are as follows:

- Little Blackfoot River – 71% reduction
- Telegraph Creek – 71% reduction
- Elliston Creek – 70% reduction
- Dog Creek – 70% reduction
- Trout Creek – 76% reduction
- Snowshoe Creek – 74% reduction

As a primary landowner in these watersheds, the Helena National Forest has a responsibility to help attain the targeted reductions in road sediment loading established in the TMDLs. Travel management, and especially road closures and decommissioning, is an effective tool for reducing sediment loading to streams from unpaved forest roads. The Helena National Forest should select an alternative for the Divide Travel Planning Area that appropriately minimizes the miles of open motorized travel routes within these sediment impaired watersheds in order to improve water quality and attain full support of the streams' designated beneficial uses.

As the Divide Travel Plan EIS is finalized, we ask that you fully address Helena National Forest water quality conditions and where and how sedimentation would be curtailed and TMDL standards met under each of the 4 alternatives. Please specify actions that are planned to fully rectify human-caused sedimentation and other water pollution problems across the Divide Travel Plan landscape.

Of the 23 stream segments sampled for percent fines in gravels (Table 3.31 of the DEIS), all but one (North Fork Ophir Creek) exceeded reference levels – in some cases by 100%. The alternative having the least amount of motorized routes would help reduce sediments, and along with restoration activities, would be the most cost effective approach to improving the water quality.

The Forest Service maintains jurisdiction on about 58.6 miles of high risk roads (page 213 of the DEIS). Under action Alternative 3, about 27.98 miles of high risk Forest Service roads would remain open and 30.66 miles (17.32 miles currently closed plus 13.34 proposed miles) or 52% would be closed to wheeled motorized vehicle use. Private and county roads account for the balance of high risk roads, or about 19.8 miles. These non-Forest Service roads represent an ongoing cumulative impact to the surface water quality in the planning area. With approximately 378 stream-road intersections (crossings) in the planning area, the Forest Service has jurisdiction on 288 crossings. About 142 forest road crossings

(49%) would be closed under Alternative 3. Additionally, nine dispersed campsites associated with high risk roads are located directly adjacent to TES fish habitat, and six of these would close under this alternative. The other three dispersed recreational campsites would remain open to public use and would continue to potentially adversely affect TES fish habitat without mitigation measures. Six currently open fords on TES fish streams would experience permanent or temporary closures to reduce the risk of direct mortality to westslope cutthroat trout and bull trout. A seventh closed ford located in the Ontario Creek drainage would remain closed to wheeled motorized traffic.

Page 218 of the DEIS states that currently there are approximately 58.6 miles of high risk roads and 288 crossings under Forest Service jurisdiction throughout the planning area. Under the No Action Alternative, 17.3 miles (30%) of high risk roads and 94 (33%) of crossings are currently closed to wheeled motorized vehicle travel. Alternative 3 is the most beneficial alternative with respect to needed water quality improvements associated with sedimentation because it has the least number of stream crossings (146 open crossings), and the least miles of sediment producing roads with 28 miles open and 30.6 closed. This translates into eight fewer crossings and 1.6 new miles of closed high risk roads. Although Alternative 3 appears to be the best of the offered alternatives, it seems there could be an improved alternative offered to further reduce the extent of human caused sedimentation that would be generated from 146 open stream crossings and 28 miles of open road in Alternative 3. Even in the best alternative, this still amounts to 50.7% of the damaging stream crossings, and 47.8% of the high risk roads being open to motorized travel. Please provide an improved alternative that better addresses the well documented and widespread sedimentation problems in the Divide Travel Planning Area and meets the intent of the completed and approved TMDLs.

5. Individual Road Recommendations

General Comments and Questions

- See comments regarding Road 227-B1 and all other roads that have been "Closed to motorized vehicles year-long, including over-snow motorized vehicles" (gold lines over roads in Alternative 1). We question what constitutes an over-snow vehicle and whether there is a minimum amount of snow that must be on the ground to travel on it.

- Adequate signage and physical barriers are essential to prevent illegal use of roads designated for closure. Decommissioning must be considered in certain cases. Such actions must be part of this proposal, but currently are not.

- The Divide Travel Plan public notice in the March 18, 2014 *Independent Record,* states: "The DEIS would include only open or closed determinations; decommissioning would not be specified in this decision."

- We wonder why this limitation is being imposed on the Divide Travel Planning area when it was not imposed on the Blackfoot Travel Planning area in either the Draft or Final EIS, when arguably the Divide area needs more attention and restoration than the Blackfoot. We request that decommissioning be allowed as a tool in Divide Travel Plan implementation.

- Road decommissioning and removal must be available tools to address landscape recovery. The Divide Landscape does not compare to many other less impacted, less damaged areas of the Northern Region that have not been as affected by mining, logging, roading, damaging motorized use, and thus requires more attention in bringing it back to a more healthy, naturally

functioning status. A failing landscape is one that is experiencing severe water quality issues, diminished fisheries and wildlife services in terms of habitat quantity and quality, movement, and population structure. The Divide Landscape is verging on such a place. However, responsible, assertive stewardship can go a long way to recovering this portion of the Helena National Forest on the edge of the capitol city, along the Continental Divide, and linking the Yellowstone and Northern Continental Divide Ecosystems.

- As tattered as the Divide is, the Helena City Commission recognized its value when it passed Resolution 2008-57 entitled, *Resolution to Protect and Promote Conservation of Wildlife Habitat and Corridors along the Continental Divide*.

- The 2006 Helena National Forest Travel Map, signed by supervisor Kevin Riordan on May 1 does not show many roads that appear on Alternative 1. Opening such roads for motorized use is not responsible management in a landscape that has severe water quality and wildlife security issues.

<u>Area-Specific Road recommendations</u>

<u>Clancy-Unionville Area - Interface with Clancy-Unionville Travel Plan</u>

- *The Clancy-Unionville Vegetation Manipulation and Travel Management Project* Record of Decision was signed in February 2003 by Helena National Forest Supervisor Thomas Clifford. That decision specifically does not provide for motorized routes from the Clancy-Unionville area to the Divide.

- Chessman: Roads 4009-A1 and 4009-B2 – These should be kept closed to motorized vehicles year-long, including to over-snow vehicles. This area is used by moose year-long and is spring elk calving area. It crosses into the Clancy-Unionville Travel Area and is closed year-long to all motorized vehicles via the Record of Decision issued in 2003. All action Divide alternatives open this route. This is not acceptable to the Clancy-Unionville Citizen's Task Force (K. Lloyd, President, pers. com.). The Clancy-Unionville Citizen's Task Force worked in concert with the Helena Ranger District during the entire Clancy-Unionville Travel Planning process, even going so far as to develop a citizen's travel plan alternative for the EIS. Several HHAA members also are members of the Clancy-Unionville Citizen's Task Force.

- Red Mountain: Close Road 299-G1 and the parallel Road 299-A1, Road 299-I1 and all roads associated with the Chessman flume project.

- Banner Creek: Close Road 1876-A1 from NW ¼ Sec 16 (8N, 5W) to SE ¼ of Sec 16. Private land accessed from Road 1876-B1 – Open ¼ section to access private land in SE ¼ Sec 16. This will reduce road mileage but still serve private land needs.

<u>Jericho Mountain</u>

This is an Inventoried Roadless Area. It should be returned to a roadless status. The Divide is extremely fragmented with private in-holdings in Banner, Monitor, Minnehaha, and Telegraph Creeks. Roads that have been created in roadless areas should be removed to improve the landscape integrity.

Close the following:

- Un-numbered road in center of Sec 23 T9N,R6W that is open to over-snow vehicles 12/2-10/14 in Alternatives 1 and 2 (closed in Alternatives 3 and 4).
- In inventoried roadless area: Roads 1863, 1863-E1, and 527-B1.
- Road 1856-B1 provides access to private land with no public access.
- Closure of Road 1856-D1 would add substantially to big game security.
- It is unclear what this number, Road 1856-J1, refers to on the map.
- What decision process allows Road 527-C1 to be constructed into the Jericho Mountain IRA? This route up Moose Creek does not appear on the 2006 Travel Map. Now the route is open to over-snow vehicles. This is elk, moose, and deer winter range.

Bison-Negro Mountain

Bison Mountain inventoried roadless area occurs within this area.

- Maintain Existing Conditions, which is "Closed year-long to all motorized use": Roads 1801, 1801-A2, 1801-A3, and 1801-A1.
- Road 1801 is allowed to traverse the Bison Mountain Roadless Area in Alternative 3 and 4, but is currently closed to snowmobiles in Alternative 1. Maintain the existing condition of no over-snow motorized vehicles. Denning grizzly bears and wolverine are known to be in this area.
- Maintain Existing Condition: "Closed to all but snowmobile use": Road 1104-A2. All action Alternatives would open this to wheeled motorized use. Please do not change the existing condition.
- Close Road 495-D1. This road connects to the CDNST that has restrictions of 50 inches or less, yet Road 495-D1 is open to highway vehicles year-long even though it does not connect to any road that is currently open to motorized vehicles. Alternative 3 should offer closure of this road which would substantially enhance wildlife security.
- Road 495-D1 is a clear example of a road that was included in the Hazardous Tree Removal Project, deep in the National Forest next to an IRA, but didn't provide a hazard to anyone. Yet Road 495-D1 has been or will be "treated" by removing trees along its length, grading and possibly graveling. This was an action that was not necessary and was predecisional to the Divide Travel Planning process. There are other roads not occurring within the Wildland Urban Interface that have been slated for Hazardous Tree Removal treatment prior to the Divide Travel Planning process and thus were also predecisional and cumulatively impacted big game security. A list of roads that were stamped for hazardous tree removal prior to a travel plan decision, but which failed to meet the standards for "hazard" under the Wildland Urban Interface have been included in our earlier comment letter (Roads Analysis 3rd – Divide Landscape, Hazardous Tree Removal/Issues/HHAA).
- Close Road 495-D1.
- Road 227-B1 listed as Charter Oak is shown on the Existing Condition (Alternative 1) map as "Closed to motorized vehicles year-long, including over-snow motorized vehicles. We maintain it was predecisional and in violation of the existing travel plan when in 2010 this road was sanctioned for "treatment" through the Hazardous Tree Removal Project. Now all Action alternatives in the Divide Travel Plan would "open this road to over-snow vehicles 12/2-5/15. Keep Road 227-B1 closed – if it has been open to now, this has been a clear and known violation of the Travel Plan.

Telegraph

- Road 1863-B1 is a short dead-end and should be closed.

- These private parcels have access already via Road 1859 so close Roads 527-A1, 527-A2, and 495-C2.
- Treasure Mountain: A plethora of roads show as open for highway vehicles in the existing Alternative 1. However they do not show at all on the 2006 signed Travel Plan. This is not legal.
- The following roads did not exist on the 2006 travel map and should be closed now: Roads 1857-B3 and 1857-008.
- Road 1857 parallels the main Little Blackfoot Road less than a half mile to the east for more than three miles. This duplication should be avoided.
- Illegal OHV use of a pioneered trail around Slate Lake would continue in the absence of effective enforcement. If this use were eliminated, the Slate Lake area would serve as a non-motorized focal area for wildlife year-round.

<u>Limburger Springs</u>

- The Limburger Springs area is in known big game winter range. The following should be closed in all Alternatives (1, 2, 3, 4) to over-snow vehicles: Roads 314, 314-J1, and 314-J3.
- Only Alternative 1 retains an over-snow vehicle closure on winter range during the hunting season. This closure should be retained in all alternatives.
- Close this route in the calving area: Roads MTR 501 and 503.
- All of these are dead-end roads in winter range so close Roads 314-G1, G2, H1, I1, I2, and J5.
- These routes are dead end spurs and should be closed: Roads 314-D1, F1, and K2.

<u>Sweeney Creek-MacDonald Pass</u>

- The Sweeny Creek area is rocky, well-watered and heavily timbered. It provides over 7,000 acres of high quality wildlife habitat that extends to the east from the Continental Divide. This area should have been inventoried as roadless but for some reason was never classified as such. It contains important elk calving and summer range, and security cover during the big game season. In the cold months the south facing slopes of Sweeny provide winter forage for mule deer, elk and moose. Sweeny provides important big game security along a part of the Divide Landscape that is otherwise heavily fragmented by roads.

- "Alternative 1 maintains existing condition. A 12-mile maze of motor trails produces a local open trail density of 2.9 mi/mi^2. There are no seasonal restrictions, and snowmobiles use the trails when snow is adequate. The northwest end of the area and adjacent slopes provide prime winter range for big game animals. Motorized activity in this part of the area from mid-fall through mid-spring is a serious disruptive influence." (DEIS Appendix C-25)

- The numerous motorized routes in Sweeny Creek are all illegal user-created routes. No NEPA evaluation has been done on any of these routes. They need to be physically closed, reseeded and fully reclaimed.

- The cluster of illegal spur roads emanating from the Priest Pass Road must be physically closed and reclaimed. A number of these spur roads cross live streams or are located in wet aspen/dogwood riparian habitat. Uncontrolled firewood cutting is starting to impact the aspen stands along the Priest Pass road.

- This area has always been recognized as important mule deer winter range. Both Alternatives 3 and 4 would finally close it to wheeled motorized vehicles and also recognize it as a winter area closure. This move is strongly encouraged, and if implemented would finally accommodate the requests of MFWP that were made in 1991 to create a motorized area closure for Sweeney Creek to protect critical mule deer, elk, and moose winter range, as well as limited old growth ponderosa pine habitat for sensitive species including pileated woodpecker and flammulated owls (MFWP correspondence 1991). In fact, one of the rationales for the Sweeney Creek timber sale was to enhance bitterbrush production on the winter range. This project then extended into the Porky-Roundwood timber sale of 1995. Recognition of a year-long area closure is due and appreciated.

- No alternative closes Road 1802-B2 to over-snow motorized travel, yet this road accesses the non-motorized winter area and the Continental Divide linkage zone in this immediate area is know to be used by lynx, wolverine, and wolves.

<u>Greenhorn</u>

- Close Road 1853-C1. This leads to an unauthorized road and two other open roads parallel it.
- Road 1853-D2 is a short dead-end route in a cluster of roads and is closed in Alternative 3 but should be closed under all options.
- Numerous (non-system) user created routes in the Greenhorn Mountain area were identified by the Helena National Forest watershed team. These routes must be physically closed and reclaimed.

<u>Dog Creek</u>

- Currently there are 10 road segments – all open in all Alternatives and not necessary for transportation in Sec 34 T11N R6W. Close Road 1855-A2.
- Close and decommission the spur to the southwest off of Road 1855-A1 in Sec 27.
- Close all "yellow" unauthorized routes everywhere.
- Decommission the short dead-end Road 622-G1.
- A rat's nest of roads occurs north of Greenhorn Mountain. Decommission/remove to improve linkage zone along Continental Divide: Roads 1853-A1, C1, B3, B4, D2, and E1. Leave open Roads 1853 and 1853-D1.
- Close Road 1851 since it encourages traffic to unauthorized Road 202. If necessary, provide a private access route with a special use permit to the inholding in Sec 15. This is an important Continental Divide linkage area.
- The following encourage incursions into the Blackfoot Winter Travel Plan closed area and are dead-ends: Road 774 and all spurs.
- Very short dead-end road on the Continental Divide: Close Road 4036-A.

<u>Ophir Creek</u>

- Road densities are extreme. All roads marked for closure in Alternative 3 and 4 should be done but in addition, several dead-end roads parallel each other and are currently left open but should be removed: all Road 708 spurs except the main, Road 571-C1, remove all spurs of Roads 4005, 4006, 571, and 1855.
- In Alternatives 2 and 4, Road 4044-E1 goes deep into the Nevada Mountain Inventoried Roadless Area where both wolverine and grizzly bears are known to den. While doing aerial wildlife surveys, we have seen wolverine tracks and den holes on Nevada Mountain. This route

dead-ends after crossing through an area restricted to over-snow motorized vehicles and penetrates about 1.5 miles into the IRA.

- None of the action alternatives adequately address the massive road duplication in this area, which inhibits linkage between Nevada Mountain Roadless Area along the Continental Divide to and south of Highway 12, thus hindering movement of wildlife between ecosystems.

6. Alternatives

Alternative 1 – Existing Condition/No Action

Alternative 1 would retain the existing condition, which in many cases is friendlier toward water, soil, and wildlife resources in that dozens of miles of roads that would be opened in the other three action alternatives would remain closed on a year-long basis. All "yellow" roads on the Alternative 1 Travel Map are designated closed year-long, but most of these in the other alternatives would be opened to some type of motorized use, even in Alternative 3. Alternative 1 is the only alternative that would retain the closure to over-snow vehicles in the Limburger Springs area winter range so they could not be used during the hunting season. Alternative 1 is clearly more winter friendly to lynx and wolverine than the other alternatives with 31,350 acres open, while Alternatives 3 and 4 would allow 44,980 acres to be open to over-snow vehicles. Alternative 1 would retain the existing Forest Plan Big Game Security Standard (involving a matrix of road density and vegetative cover – all action alternatives would remove all vegetation cover requirements) and would not implement the proposed security amendment. The proposed amendment would remove all vegetation cover requirements for big game security.

Alternative 2 – Maximum Motorized Use

This Alternative does try to rectify on-going natural resource problems but would exacerbate these problems with the maximum motorized use.

Alternative 3 – Most Natural Resource Friendly

Of the three action alternatives, Alternative 3 is generally the best choice for natural resource concerns, but it does not go far enough and could be improved upon with certain site-specific alterations described previously. It allows more winter motorized travel than Alternative 4, and would allow snowmobile use on the previously designated winter ranger in the Spotted Dog-Limburger Springs area. Winter range in this area should be identified on the Travel Map. Off-route over-snow use would increase in this alternative over the existing condition from 31,350 to 44,980 acres. These limitations should be corrected. Alternative 3 is the best of the offered alternatives for grizzly bear, elk, and mule deer. Lynx would be better served with over-snow use at existing levels (Alternative 1, Appendix C-18). Alternative 3 reduces open road density from to 0.1 mi/sq mi, so is clearly the best option for key areas including Baldy Ridge-Spotted Dog-Kading.

Alternative 4 – Helena National Forest Proposed Alternative/Combination of Alternatives 1, 2 and 3

From a natural resource perspective, Alternative 4 is an improvement over Alternative 2 but not Alternative 3, and only in some cases is it better than the Existing Condition (Alternative 1). It does not recognize winter motorized closures. It designates additional motorized trails, highway vehicle use roads, and longer motorized use periods. It does not recognize the Blackfoot-North Divide Winter Travel Plan restrictions to over-snow motorized vehicles.

Alternative L – Landscape Restoration

This alternative would allow for reasonable recreational motorized use but maximize implementation of authority, regulations, and executive orders to restore, preserve, and protect water quality, soil and vegetation health, fish and wildlife habitats, and healthy ecosystem function and resilience.

7. Cumulative Effects

Thank you for listing some of the projects conducted in the Divide Travel Planning Area. We would ask that you also include the decision process that was used for each project. Decision notices, RODs, and other decisions associated with these projects will describe stipulated mitigation (and other) measures that were or should have been implemented since the Forest Plan was adopted in 1986.

We noticed that not all activities are listed, including the Sweeney Creek or the subsequent Porky-Roundwood timber sales. This area has been particularly damaged by motorized use subsequent to those actions. In addition, inconsistent information about the projects is provided. For example, the acreage and board feet of timber removal are not listed for the Hope/Snowshoe, Ophir Creek and Cave Gulch timber sales, or the Hazardous Tree Removal project which involved "treatment" of 491 miles of road on the Helena National Forest. Please provide this missing information in the final EIS.

Not all timber projects listed in Appendix B include the acreage involved. In addition to the 1,352 acres that have been "treated", there is the 6,335 acre Telegraph Creek treatment area, and the 491 miles of road in the Hazard Tree Project (9,415 acres or nearly 15 square miles) (Table 2, Soils Report, Hazard Tree Project). These projects total at least 26.7 square miles of the Helena National Forest. Cumulatively, a 27 square-mile area of timber removal cannot be considered as having "no significant impact." Clearly there has been little effort to maintain or adhere to Forest Plan Standard 4a for big game security. This inconvenient truth does not absolve the Helena National Forest from its responsibility to work to restore this science-based standard.

A list of roads that were stamped for Hazardous Tree Removal in 2010, prior to this 2014 Divide Travel Plan, but which failed to meet the standards for "hazard" under the Wildland Urban Interface were submitted with our earlier comments (Roads Analysis 3rd – Divide Landscape, Hazardous Tree Removal/Issues/HHAA).

In the case of the Hazardous Tree Removal Project, the Helena Forest Supervisor decided in the Decision Notice and Finding of No Significant Impact:

"As part of my Decision I am amending the Forest Plan through a site-specific Forest Plan amendment for this project. Analysis for this project indicated the need for a site-specific Forest Plan amendment to the Helena Forest Plan regarding elk summer and winter range and big game security… As part of my Decision I am also making a site-specific amendment to the Forest Plan. This amendment exempts this project from the Forest Plan big game standards 3 and 4a."

There was no actual amendment to Forest Plan wildlife standards 3 and 4a -- the amendment was simply an exemption from compliance with the Helena Forest Plan by the Helena Forest.

There is concern that measures to protect natural resources and abide by wildlife standards and guidelines have not been consistently applied as per these decisions. Cases in point would be all the roads and trails that appear on the existing condition Alternative 1 map, but do not appear on the 2006 Travel Map, or now (as per Alternative 1) have broader use periods than what appears on the 2006 Travel map.

Timber sale projects such as Sweeney Creek, Mullan Pass, Hope/Snowshoe, Lava Mountain, etc. had associated decisions that may not have been fully followed. For example it took more than a decade to implement road decisions for the Lava Mountain sale, and then only because the public objected to new timber sale action unless the earlier stipulations regarding road closures at Lava Mountain were completed.

Also, Roads 335-A1 and 335-A2 on the south side of the Priest Pass road were closed for big game security after timber removal in the 1980s. Despite ongoing and increasing illegal motorized trail pioneering in the area (note the Helena National Forest watershed group identified "non-system" routes), several Divide Travel Plan alternatives call for opening Roads 335-A1 and 335-A2, inviting further motorized incursion into secure big game hiding cover. These roads were closed as part of past NEPA-reviewed forest management activities and must not be used as "bargaining chips" during the present travel planning process.

If decisions and stated rationale behind those decisions are not followed, the consequences cumulatively add up to impacts on natural resources. Such cumulative actions, many of which had associated decisions of No Significant Impact, also are the reason that Forest Plan amendments are now being proposed – because they cannot, through their own doing – meet the Forest Plan standards. This behavior does not justify throwing out the scientifically-based big game standard for security.

Another example was the proposed Biathlon Project which received a No Significant Impact finding by the Helena National Forest (June 12, 2008), but was challenged in court and was remanded to the Helena National Forest based in part on inattention to wildlife linkage/connectivity, cumulative impacts, wetlands, elk standard for hiding cover, among other things.

We believe the Helena national Forest must be accountable to past decisions, and through future actions the Helena National Forest has the means to rectify past management oversight or actual transgressions. We welcome the opportunity to work with Forest personnel to help identify and promote restorative stewardship projects for natural resources.

8. Monitoring, Enforcement, and Schedule

Monitoring

"Overwhelmingly, scientists agree that in absence of monitoring, a project may be rendered invalid. While funding for monitoring is almost universally short of what is required to address scientific and technical uncertainties, monitoring is the only way to understand short- and long-term effects of restoration actions."[4]

At the April 1, 2014 meeting of HHAA the Lincoln District Ranger for the adjoining Blackfoot Travel Planning area stated that because financial resources are limited, it would take years to implement that

[4] Febrile Van Cleve, University of Washington; Charles Simmental, University of Washington; Fred Goetz, U.S. Army Corps of Engineers; Tom Mumford, Washington Department of Natural Resources. May 2004. Application of the "Best Available Science" in Ecosystem Restoration: Lessons Learned from Large-Scale Restoration Project Efforts in the USA. Prepared in support of the Puget Sound Near shore Partnership (PSNP). Lessons Learned from Large-Scale Restoration Efforts in the USA. Technical Report 2004-01. 30p.

plan. In the meantime, she stated that all roads that are currently open would remain open. She did not say that all roads that are currently closed would remain closed or that any enforcement would occur. She stated that monitoring and enforcement is a partnership between the USFS, MFWP, and the public. Of course the public has no authority to enforce anything, thus essentially divesting the USFS of the responsibility to monitor and enforce. We are concerned that this same situation should not be repeated in the Divide Travel Planning Area.

Enforcement

Positive feed-back loops to correct problems on the ground seem to be very limited, only occurring through site-specific emergency orders. Please identify and communicate the steps that must be taken for the public to request and document the need for an emergency order.

The Divide DEIS acknowledges serious enforcement deficiencies. An active enforcement presence must be guaranteed. What is the point of having a Travel Plan if it is not enforced? How will the ROD address this very serious issue within the Divide Landscape? Just one example: "Illegal OHV use of a pioneered trail around Slate Lake would continue in the absence of effective enforcement." (Appendix C-25)

Existing travel restrictions up to 2014 have not been enforced for years on the Helena National Forest. Recently the new Helena Forest Supervisor signed emergency orders to require enforcement of the existing (2006) travel plan. What will be the requirements and time frame for enforcement of this new travel plan once it is signed into law?

Schedule

Fundamental to a functional Travel Plan is an implementation schedule on the order of 5 years or less. Please provide a schedule in the ROD that speaks to site-specific implementation of all actions associated with the Travel Plan. We request expeditious implementation of road closures, decommissioning, and removal (revegetation in some cases).

9. Recommendations

We encourage you to fashion a modified alternative that will bring the Divide Landscape, to which this travel planning process is being applied, to a responsible restored condition.

HHAA members are interested and willing to provide volunteer labor to assist the Helena Ranger District with closing illegal trails, rehabilitating user-created routes, and posting travel management signs. Our membership is also looking forward to helping the Helena Ranger District monitor compliance with this travel management decision.

Thank you for addressing these concerns and considering these suggested modifications to the final alternative.

Sincerely,

Stan Frasier, President
Helena Hunters & Anglers Association