



June 16, 2026

Via Email and Certified Mail

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RE: Notice of Intent to Sue for Violations of the Endangered Species Act Relating to the Bitterroot Front Project

On behalf of the Center for Biological Diversity, Friends of the Bitterroot, Alliance for the Wild Rockies, WildEarth Guardians, Friends of the Clearwater, and Native Ecosystems Council (collectively, the “Center”), and pursuant to Section 11(g) of the Endangered Species Act, 16 U.S.C. §1540(g), we hereby provide the U.S. Forest Service (“USFS”) and the U.S. Fish and Wildlife Service (“FWS”) (together, “Agencies”) regarding violations arising from the approval and implementation of the Bitterroot Front Project (“Project”), its related reliance on the 2025 Biological Opinion on the Effects of Continued Implementation of the Bitterroot National Forest Plan Reinitiated Elk Amendment on Grizzly Bears (“Revised Forest Plan BiOp”), and the Project-level consultation. Unless you reinitiate consultation on the Project within 60 days, the Center intends to initiate litigation seeking declaratory and immediate injunctive relief.

The Bitterroot Front Project authorizes extensive logging, burning, road building, and associated activities such as heavy equipment and helicopter use, log yarding, and herbicide application on 138,026 acres in the Bitterroot National Forest. Although characterized as a fuels-reduction project, the Bitterroot Front prioritizes heavy commercial logging above all other activities. The Forest Service has stated that the “majority of activities in the entire Project area will be completed within 20 years of the Project start,” but gives no further detail as to when implementation will occur or how long Project activities will last.

The Project entails extensive commercial logging, including in inventoried roadless areas and old-growth stands. It also authorizes various noncommercial activities including prescribed burning at low to mixed severities, hand thinning small trees, “slash and burn” fuels reduction, and whitebark pine restoration through further thinning and burning.

The claims summarized below arise from the agencies' failure to consider the best available science regarding secure grizzly bear habitat, reliance on an arbitrary one-acre secure habitat patch size, failure to adequately analyze the effects of high road densities both within and outside secure habitat, reliance on legally deficient biological opinions, and proceeding with irreversible or irretrievable commitments of resources during consultation.

The Endangered Species Act

The ESA's central purpose is to protect endangered and threatened species and the ecosystems upon which they depend. 16 U.S.C. § 1531(b). As the Supreme Court has declared, the ESA "represent[s] the most comprehensive legislation for the preservation of endangered species ever enacted by any nation," *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 180 (1978), and "Congress intended endangered species be afforded the highest of priorities." *Id.* at 174.

To these ends, section 7 of the ESA requires all federal agencies to work to recover listed species, and it contains both procedural and substantive requirements to do so. Substantively, section 7 requires federal agencies to ensure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any ESA-listed species or result in the destruction or adverse modification of critical habitat. 16 U.S.C. § 1536(a)(2). The ESA defines "jeopardize" as "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species." 50 C.F.R. § 402.02.

To fulfill these substantive duties, section 7 also sets forth procedural requirements directing any federal agency proposing an action (*i.e.*, the "action agency") to consult with an expert agency—here, the FWS—to evaluate the effects of a proposed action on a listed species. *Id.* If listed species may be present in the action area, the action agency must prepare a "biological assessment" to analyze "the effects of the action" on the species and designated critical habitat. 16 U.S.C. § 1536(c)(1); 50 C.F.R. § 402.12. The "effects of the action" are "all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action but that are not part of the action." 50 C.F.R. § 402.02. The "action area" includes "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." *Id.*

If the action agency determines in the biological assessment that the action "may affect" but is "not likely to adversely affect" listed species or critical habitat, the agency may engage in "informal consultation," and the FWS may concur with the agency's determination. *Id.* § 402.14(a), (b). If the biological assessment concludes that the proposed action is "not likely to jeopardize the continued existence" of the species or adversely modify or destroy its critical habitat, and the FWS concurs, consultation concludes. *Id.* § 402.14(k)(1). The FWS can issue a concurrence in lieu of a biological opinion only if the effects of the action on listed species or critical habitat are "beneficial, insignificant, or discountable." *NRDC v. Evans*, 364 F. Supp. 2d 1083, 1129 (N.D. Cal. 2003) (quoting FWS Consultation Handbook). Additionally, "the action

agency has an obligation to ensure that its action will not jeopardize a listed species or its critical habitat.” *Pacificans for a Scenic Coast v. Cal. DOT*, 204 F. Supp. 3d 1075, 1083 (N.D. Cal. 2016) (citing *Salmon Spawning & Recovery All. v. Gutierrez*, 545 F.3d 1220, 1227 (9th Cir. 2008)). A no-jeopardy conclusion is arbitrary and capricious if it fails to “articulate[] a rational connection between the facts found and the conclusion made.” *Wild Fish Conservancy v. Salazar*, 628 F.3d 513, 527 (9th Cir. 2010).

If the FWS determines that the action is “likely to adversely affect” listed species or critical habitat, or if the FWS does not concur, the action agency must engage in “formal consultation” with the FWS, as outlined in 50 C.F.R. §§ 402.02, 402.14, 402.14(a). In formal consultation, after the FWS evaluates the status of listed species and the proposed action’s effects on the species and critical habitat using the best scientific data available, the FWS issues a “biological opinion” that addresses “whether the action, taken together with cumulative effects, is likely to jeopardize the continued existence of listed species.” 16 U.S.C. § 1536(a)(2); 50 C.F.R. §§ 402.14(d), (g)(4).

The FWS’s biological opinion must evaluate the direct, indirect, and cumulative effects of the proposed action within the action area and “add the effects of the action and cumulative effects to the environmental baseline in light of the status of the species.” 50 C.F.R. § 402.14(g)(4). The “action area” includes “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” *Id.* § 402.02. Cumulative effects are the effects of future, non-federal activities “that are reasonably certain to occur within the action area.” 50 C.F.R. § 402.02. The “environmental baseline” includes the effects of all past and present federal actions as well as other human activities in the action area, including those that have already undergone section 7 consultation. 50 C.F.R. § 402.12. If the FWS fails to adequately address effects and consider important factors, its decision making is arbitrary and capricious. *Ctr. for Biological Diversity v. BLM*, 698 F.3d 1101, 1121 (9th Cir. 2012) (5 U.S.C. § 706(2)(A)).

If the FWS’s biological opinion finds that an action will incidentally “take” listed species but is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of critical habitat, the FWS provides an “incidental take statement” (“ITS”). *Id.* § 402.14(g)(7). The ITS must specify the amount or extent of the impact of the taking on the listed species, set forth any “reasonable and prudent measures” that are necessary or appropriate to minimize such impact, and provide the “terms and conditions” that the action agency must comply with to implement those measures and avoid jeopardy to the species. 16 U.S.C. § 1536(b)(4); 50 C.F.R. § 402.14(i).

Take of listed species without a valid ITS violates section 9 of the ESA, which prohibits “take” of listed species. 16 U.S.C. § 1538. The ESA defines “take” broadly to encompass all manner of harm and harassment, including direct injury or mortality and any acts or omissions that disrupt or impair significant behavioral patterns. *Id.* § 1532(19); 50 C.F.R. § 222.102.

An action agency—here, the Forest Service—cannot rely on a faulty biological opinion to fulfill its substantive section 7 duties to ensure it does not jeopardize the continued existence of a listed species. *See Defs. of Wildlife v. EPA*, 420 F.3d 946, 976 (9th Cir. 2005) (*rev'd on other grounds, Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644 (2007)); *Resources Ltd. Inc. v. Robertson*, 35 F.3d 1300, 1304 (9th Cir. 1994) (“Consulting with the FWS alone does not satisfy an agency’s duty under the Endangered Species Act.”). The action agency must independently ensure that its actions do not result in jeopardy or adverse modification of critical habitat and may not rely on a legally flawed biological opinion.

An action agency’s duties do not end with the issuance of a biological opinion or assessment. *Rio Grande Silvery Minnow v. Bureau of Reclamation*, 601 F.3d 1096, 1106 (10th Cir. 2010); *Wild Fish Conservancy v. Salazar*, 628 F.3d 513, 532 (9th Cir. 2010). Section 7 of the ESA imposes an additional, independent, and continuing obligation upon the action agency to avoid jeopardizing the existence of a listed species or adversely modify critical habitat. 16 U.S.C. § 1536(a)(2). Reinitiation of formal consultation is mandatory and must be requested by the action agency “where discretionary Federal involvement or control over the action has been retained or is authorized by law” and any of four triggers is met: (1) “[i]f the amount or extent of taking specified in the incidental take statement is exceeded;” (2) “[i]f new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;” (3) “[i]f the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence;” or (4) “[i]f a new species is listed or critical habitat designated that may be affected by the identified action.” 50 C.F.R. § 402.16(a).

An action agency “cannot be relieved of its duty to adhere to the ESA simply through compliance with the [biological opinion]; it has an independent duty to ensure that its reliance is not arbitrary or capricious.” *Ctr. for Biological Diversity v. Bernhardt*, 595 F. Supp. 3d at 900 (citing *Pyramid Lake Paiute Tribe of Indians v. U.S. Dep’t of Navy*, 898 F.2d 1410, 1415 (9th Cir. 1990)), *see also Ctr. for Biological Diversity v. U.S. BLM*, No. CV-24-00141, 2026 U.S. Dist. LEXIS 68876, at *30 (D. Ariz. Mar. 30, 2026) (holding that the BLM violated the ESA by relying on an unlawful FWS letter of concurrence). Consequently, an action agency’s reliance on an inadequate, incomplete, or flawed FWS concurrence violates the ESA.

Federal agencies must “use the best available scientific and commercial data” in assessing a proposed action’s impact on a protected species. 16 U.S.C. § 1536(a)(2); *see also San Luis & Delta-Mendota Water Auth. v. Locke*, 776 F.3d 971, 996 (9th Cir. 2014) (“The purpose of the best available science standard is to prevent an agency from basing its action on speculation and surmise.”).

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Legal Violations

I. The Agencies cannot provide a detailed discussion of effects of the action because they cannot analyze the location, timing, or scope of Project units and road locations in violation of ESA Section 7.

As an initial matter, because the timing, intensity, and site-specific location of Project activities are not yet known or disclosed by the USFS, the Agencies are unable to fully and adequately assess the Projects' effects to grizzly bears, bull trout, bull trout critical habitat, wolverine and Canada lynx. The resulting consultation and jeopardy determinations, which includes the Bitterroot Front Project Biological Assessment, the Project Biological Opinion for bull trout and whitebark pine, and the FWS's letter of concurrence regarding grizzly bear, Canada lynx and its critical habitat and wolverine, are therefore inadequate and ill-informed, in violation of the ESA.

For example, the Agencies were required to consider the Project's impacts on secure habitat for grizzly bears.¹ The Forest Service concedes that "Due to the condition-based approach of this project, the specific location of temporary roads may be adjusted based on further ground-truthing, and effects are thus difficult to predict." Without knowing the location of the Projects' roads, the Agencies cannot provide a detailed discussion of effects of the action on grizzly bears. The Project authorizes the reconstruction, repair, and heavy use of a significant but undisclosed number of undetermined roads; the construction of over 2 miles of new permanent roads; and the construction of over 27 miles of new temporary roads. The USFS does not disclose the location of these roads with any detail and, in any case, has admitted that they may change with no further analysis or notice. As the District of Montana Court recently held, "it is the precise location of [the] roads, not their total mileage, that determines the impact they will have on grizzly bear secure habitat." *Center for Biological Diversity v. U.S. Forest Service*, 811 F.Supp.3d 1206, 1217 (D. Mont 2024). The Agencies failure to consider the placement of the roads and the uncertainty surrounding road placement violates the ESA.

Relatedly, due to the lack of concrete information, the Agencies cannot say with any certainty what the actual road density in the Project area will be at any given time. The Project authorizes temporary and permanent road construction, reopening closed (or functionally nonexistent) roads, road decommissioning, and administrative road closures and road storage. But because the USFS cannot say *when* any of these activities will occur, the Agencies cannot predict the conditions on the ground or their impacts on grizzlies and secure habitat at any point during the 20-year-plus lifespan of the Project. Will all of the Project roads be in use at one time, before any decommissioning or closures occur? The Agencies cannot say. They can only generally assert that the Project will eventually have an overall positive impact on road density—assuming that

¹ Secure habitat consists of areas more than 500 meters from motorized routes that are free of motorized-access-related disturbances and provide security for grizzly bears. The best available science shows that secure habitat and motorized access management are critical aspects of grizzly conservation.

no “adjustments” are made in the intervening decades. This is insufficient. The impact of roads is determined by both where *and when*, precisely, the roads will be in use, and the Agencies cannot simply gloss over impacts to grizzly bear secure habitat for the next 20 years.

Moreover, the USFS utilized Lidar to identify old and undetermined roads that will be used as roads to access timber and haul roads. It is clear that the Agencies did not ground truth this data because during a trip to the Project area, one member discovered that a one-mile-long “road” identified in the Project documents is actually an irrigation ditch. The Project authorizes the use of this irrigation ditch as a road merely requiring “reconstruction.” The Agencies apparently do not know, and clearly did not consider, how much of the planned repair or reconstruction will constitute functionally new road construction. Further, because the Agencies do not disclose the location of any of the Project area’s current roads, it is impossible to understand how these “roads” relate to secure habitat and how their reconstruction and use will impact grizzly bears.

Additionally, the Agencies acknowledge that the project will affect grizzly bear denning habitat but fail to acknowledge that without knowing the location of the project units, the Agencies are unable to adequately or accurately understand the Project effect to denning habitat. The Agencies acknowledge the importance of the Project area to grizzly bear connectivity, but cannot explain how the Project will impact connectivity without knowing the location or timing of roads or project units.

The same is true for the Project’s bull trout consultation. The Agencies are unable to provide a detailed discussion of effects on bull trout because they do not know where logging units and roads will be placed, when road work will occur, how much road reconstruction and use will actually be required, and the effects of those units and roads on bull trout and bull trout critical habitat.

Therefore, the Agencies are unable to comply with their duties under the ESA to provide a detailed discussion of effects of the action without knowing the location, timing or scope of Project activities.

II. The Agencies violate ESA Section 7(a)(2) by failing to consider the best available science relating to grizzly bear secure habitat patch size.

On June 9, 2026, the District of Montana issued a decision invalidating the Bitterroot National Forest’s use of a one-acre patch size for grizzly bear secure habitat. *See Friends of the Bitterroot v. Burgman*, No. CV-24-169-M-DLC, 2026 WL 1660439 (D. Mont. June 9, 2026). The Court determined that the use of a one-acre patch size in the Revised Forest Plan BiOp fails to consider best available science and is arbitrary and capricious.

In the Revised Forest Plan BiOP, the FWS acknowledges that studies have shown that grizzly bears select for and survive better in areas with greater secure habitat and that larger, less fragmented patches of secure habitat are “likely ideal for grizzly bears and better support daily use.” FWS admits that “no current research on grizzly bear habitat use exists for Bitterroot Ecosystem of Bitterroot National Forest to inform if there is a minimum size patch of secure

habitat the grizzly bears might use.” Rather than using a conservative measure of habitat, the FWS used a minimum patch size of one acre to identify existing secure habitat. This means that all areas larger than one acre that fall outside the 500-meter buffer are designated as “secure habitat.” This analysis, justification, and the use of the one-acre secure habitat patch size was rejected in *Friends of the Bitterroot et al., v. Doug Burgum et al.*, 24-CV-169-M-DLC (D. Mont. June 9, 2026).

The Bitterroot Front Project’s Biological Assessment and Letter of Concurrence rely upon the exact same analysis, justification and one-acre patch size to analyze the Project’s impact grizzly bears that the Court invalidated. As the District of Montana recently stated, the agencies “disregarded decades of science regarding grizzly bear habitat needs because the research had not been conducted specifically in the Bitterroot National Forest.” *Friends of the Bitterroot*, 2026 WL 1660439 at *7. Instead, as the court recognized, the best available science consistently shows that grizzly bears require secure patches thousands of acres in size, wherever they are found.

Therefore, the Agencies are in violation of the ESA for utilizing a one-acre secure habitat patch size in their effects analysis for the Bitterroot Front Project.

III. The Agencies fail to consider motorized use and road density outside of secure habitat in violation ESA Section 7.

In addition to secure habitat, road density is an important consideration when analyzing effects to grizzly bears. The Montana district court recently held that “using secure habitat as the sole metric of road impacts on grizzly bears ‘ignores the interplay between secure habitat and road density . . . outside of secure habitat as predictors of grizzly bear survival.’” *Friends of the Bitterroot*, 2026 WL 1660439 at *9. “Using secure habitat as the sole metric of road impacts on grizzly bears, ‘ignores the interplay between secure habitat and road density . . . outside of secure habitat as predictors of grizzly bear survival.’”

The Bitterroot Front Project area already has a very high road density. The 2025 Revised Forest Plan BiOp states that the Forest-wide open-road density is about 1.7 mi/mi² and total road density is 2.2 mi/mi². The Project BiOp for bull trout states that road densities per watershed in the Project area range from 0 to 10.85 road miles per square mile. The Travel Analysis Report for the Project states that the road density of the Project area is 2.14 miles/squire mile. Project Travel Analysis Report at 4. There are 22.2 miles undetermined roads with road numbers in NRM and 38.6 miles of undetermined roads with no road numbers and not in NRM. It is unknown whether the Agencies included these roads when calculating road density for the project and for secure habitat for grizzly bears.

What is clear is that the Agencies did not consider motorized road density in analyzing the Project’s effect on grizzly bears. As a federal court recently stated, “ignoring the increasing road densities outside of secure habitat is particularly concerning here, because the road densities in

the Bitterroot National Forest already exceed those generally deemed acceptable for grizzly bears.” *Friends of the Bitterroot*, 2026 WL 1660439 at *9.

Moreover, illegal road use from ineffective road and trail closures is a rampant problem on the Bitterroot National Forest. Friends of the Bitterroot submitted the attached report to the USFS in July of 2024 documenting many illegal roads on the Forest which include illegal road use on the Project area. The Agencies’ failure to consider known illegal road use when analyzing the effect of the Project on grizzly bears is a violation of the ESA for failing to consider best available science and data and ignoring an important aspect of the problem. *Center for Biological Diversity v. U.S. Forest Service*, 2025 WL 3006790 at *10 (D. Mont 2025).

The Agencies’ failure to consider motorized road densities and the known presence of illegal roads when analyzing the effect of the Project on grizzly bears is a failure to consider best available science and a violation of Section 7 of the ESA.

IV. USFS violated ESA by relying on the inadequate Project consultation for bull trout and grizzly and the illegal 2025 Revised Forest Plan BiOp.

An action agency may not rely on a Biological Opinion that is legally deficient or unsupported by the best available science to satisfy its substantive obligations under ESA § 7(a)(2). The Forest Service has an independent, non-discretionary duty to ensure that its actions are not likely to jeopardize listed species or adversely modify critical habitat.

Here, the Forest Service adopted and relied upon a Project consultation that violates the ESA. It also relied on the 2025 Revised Forest Plan BiOp that was found to be legally deficient under the ESA and APA by the District of Montana. Because the BiOps do not satisfy the ESA’s requirements, the Forest Service’s reliance on it is arbitrary, capricious, and contrary to law. By proceeding with approval of the Bitterroot Front Project based on deficient consultations, the Forest Service has failed to ensure that its action is not likely to jeopardize the continued existence of grizzly bears and bull trout or adversely modify their critical habitat, in violation of ESA § 7(a)(2).

V. Violation of ESA Section 7(d)

The Montana district court invalidated the Revised Forest Plan BiOP for grizzly bears. *Friends of the Bitterroot*, 2026 WL 1660439 at *9. It further found that the Agencies must reinstate consultation on Forest Plan Amendment 40’s effect on bull trout. *Id.*

Section 7(d) of the ESA prohibits agencies from committing an irretrievable commitment of resources. The Ninth Circuit has held that timber sales are by their very nature irretrievable commitments of resources. Therefore, the USFS may not allow ground-disturbing activities while the Bitterroot National Forest engages in consultation over the effects of the Forest Plan on grizzly bears and bull trout.

VI. Violation of duty to recover species under ESA.

As a final note, the ESA commands all federal agencies to “seek to conserve endangered species and threatened species and . . . utilize their authorities in furtherance of the purposes of” the Act. 16 U.S.C. § 1531(c)(1). Its purpose is to “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, [and] to provide a program for the conservation of such endangered and threatened species[.]” *Id.* § 1531(b). The ESA is intended not just to forestall extinction, but to allow species to recover to the point where they may be delisted. The Ninth Circuit has held that “recovery considerations are an important component of both the jeopardy and adverse habitat modification determinations. . . The goal of the ESA is not just to ensure survival, but to ensure that the species recovers to the point that can be delisted.” *Alaska v. Lubchenco*, 723 F.3d 1043, 1054 (9th Cir. 2013). Federal agencies are thus mandated to work towards recovery of protected species. *Id.* §§ 1532(3) (defining “conservation” to mean both survival and recovery of species), 1536(a)(1) (requiring agencies to work towards species’ recovery).

The USFS and FWS’s authorization of this Project violates the ESA because, rather than promoting recovery, it undermines it. Recovery for grizzly bears depends on connectivity between recovery zones. In the Bitterroot, that requires fostering habitat that would support grizzly bear occupancy within the Project area and allow the Bitterroot National Forest to become occupied habitat. Instead, the USFS has authorized a vast, 20-year Project that will further impede grizzly bears from establishing a presence in the Bitterroot National Forest. At a minimum, the Agencies must have considered whether the Project would prevent the grizzly bear from achieving the Recovery Plan’s goals for delisting. That did not happen here. The Agencies thus have failed their duties under the ESA to promote the recovery of the grizzly bear.

Conclusion

The Agencies have ignored their duties under the ESA, 16 U.S.C. §1531 et seq., to utilize the best available science, to ensure that their actions do not jeopardize threatened and endangered species, to ensure their actions do not result in unauthorized take of these species of wildlife, and to ensure that their actions promote conservation and recovery of these species. The Agencies’ actions in this matter represent an unlawful departure from their ESA’s legally binding mandate to protect and recover threatened species and their habitats. If the violations of law described above are not cured within 60 days, the Center intends to file suit for declaratory and injunctive relief, as well as attorney and expert witness fees and costs.

Sincerely,



Kristine M. Akland
Northern Rockies Director
Center for Biological Diversity

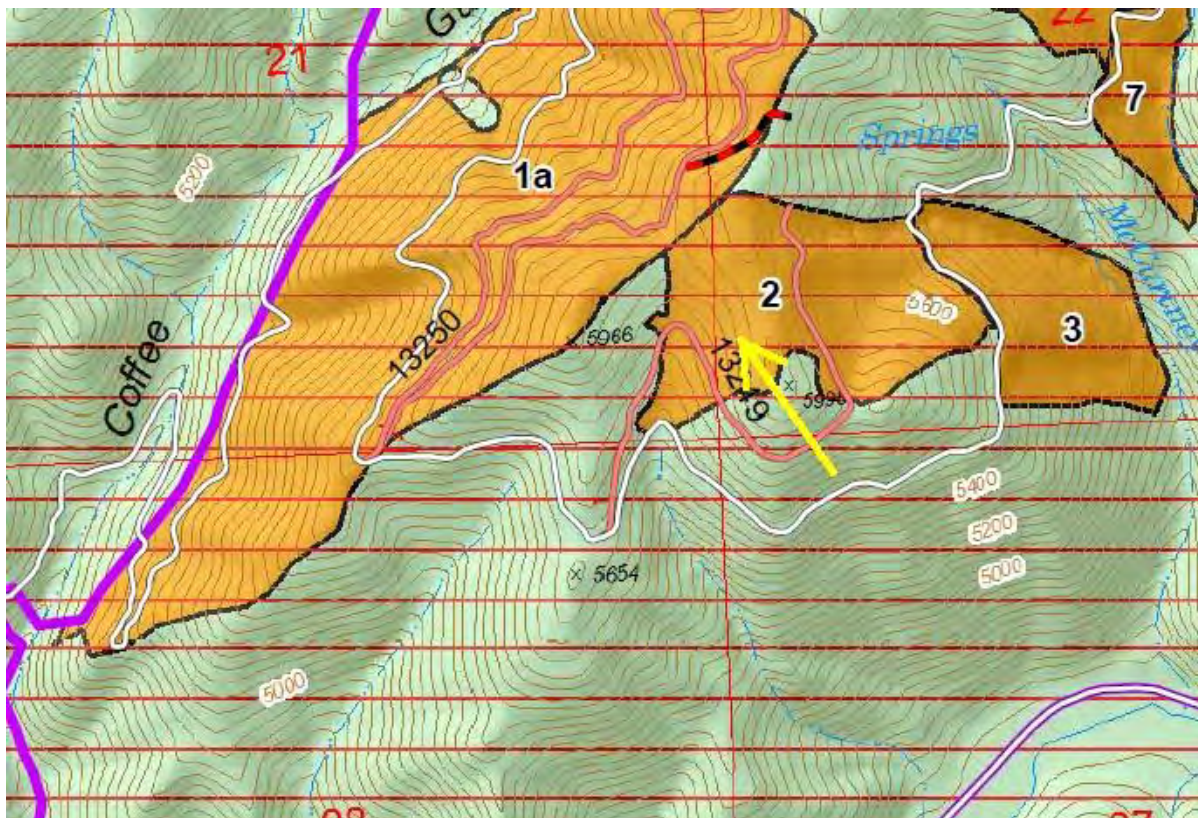
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Bitterroot National Forest Buckhorn GNA project Report

By Jeff Lonn, 5-31-2023

On May 28, 2023, I visited part of the Bitterroot National Forest Buckhorn GNA project (unit 2), observing several violations of the Forest Plan, the Buckhorn scoping and decision documents, and the decision design criteria. This project was/is being done under a Categorical Exclusion (CE). Most of these violations concerned the use of ground-based logging equipment on slopes greater than 40%, which is prohibited by the Forest Plan (FP). CE's can only be used when the project complies with the FP; FP amendments are not allowed. In fact, unit 2 was supposed to use skyline logging, not ground-based methods, according to Table 1, p. 5 of the Decision. The American Forest Resource Council and the Mineral County Resource Council (why Mineral County?!) suggested that the slope limit should be increased to 45%, and BNF responded **"Bitterroot National Forest Plan does not allow for use of ground-based equipment on slopes greater than 40%.** The use of a categorical exclusion to document potential environmental impacts of this project does not allow for a project-specific amendment of the Bitterroot National Forest Plan to exceed the 40% slope standard" (p. 2, PF-Scope-019). I found that they used ground-based equipment on slopes up to 48% steepness in unit 2. In addition, they also bulldozed a path up and across a 53% slope. See photos with explanations below.



Map of part of the BNF Buckhorn GNA project showing unit 2, with yellow arrow pointing to location of violations discussed in this report.

Table 1. Treatment unit acreage and logging system.

Treatment Unit	Size (acres)	Logging System
1a	244.2	Combination of Tractor and Skyline
1b	11.8	Skyline
2	51.4	Skyline
3	30.6	Combination of Tractor and Skyline
4	31.4	Tractor
5	74.9	Excaline or Skyline
6	101.4	Combination of Tractor and Skyline
7	14.1	Skyline
8	40.1	Combination of Tractor and Skyline
9	13.6	Skyline

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Table 1 from p. 5 of the Decision document shows that a skyline system was supposed to be used for unit 2, not a ground-based (tractor) system.



Center and left of center are feller-buncher two-tracks on 43% slope, "reclaimed" by placing slash across them.



This road or skid trail was bulldozed across a 53% slope. The road climbs at a 43% grade. Near the top of the photo, it turns to the right and contours across the slope. See photo below. Note that the map shows no temporary roads were planned for unit 2. Reclamation here consisted of pulling slash across it without recontouring the slope. Design criteria on page 10 of the Decision state: *“Rehabilitation of temporary roads, skid trails, and landings include recontouring cut and fill areas, slashing with readily available debris, and application of organic fertilizer and native plant seed.”*



Bulldozed road or skid trail cutting across 48% slope and then intersecting the end of an old road beyond the slash. It has not been recontoured as required. Feller-buncher tracks were seen on the steep slopes both above and below this road (see following photos).



The double track and straight single cuts across the stumps show that the feller-buncher operated on this 48% slope below the bulldozed road or skid trail. The “existing closed road” 13249 that was re-opened for the project can be seen crossing the slope in the upper part of the photo.



Close up of a track on the 48% slope shows it was made by the tracked feller-buncher.



Double ruts created by the feller-buncher operating on this 48% slope below the bulldozed road.



New temporary road constructed in unit 1a as shown on the map. Obviously, it has not been recontoured and reclaimed as required by the design criteria (Decision, p. 10), but they do have 3 years after project completion to do so.

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

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April 6, 2021

Mr. Eric Winthers
District Ranger
Darby Ranger District
U. S. Forest Service
712 N. Main St.
Darby, MT 59829

Re: SMZ Violation on Roan Creek.

Dear Eric,

Regarding the Notice of Violation and Repair Order sent to the Forest Service via certified mail and received on December 9, 2020, the Office of General Counsel and our DNRC attorneys now agree and have clarified that the DNRC does not have authority to assess fines on the Forest Service for a Streamside Management Zone (SMZ) violation under the MOU dated September 27, 2016 (FS Agreement No. 16-MU-11015600-003). The Notice and Order along with the associated penalties are hereby officially and formally withdrawn. At your earliest convenience please destroy the Notice of Violation and Repair Order sent to you.

We appreciate that this process has resulted in the Forest Service putting a higher priority on determining whether, under the September 2016 MOU, an Alternative Practice, (AP), is needed for planned work. Improved communication within the various Forest Service sections and with the DNRC can eliminate this type of situation going forward. The request of an AP in this case would have resulted in the same work being allowed but with sideboards and mitigation measures clearly spelled out, avoiding any potential violation of the Montana SMZ Law. If the Forest Service believes an AP may be needed, an ideal protocol would be to contact the DNRC Service Forester early in the process so a review can take place and the AP prepared and ready to be implemented well before any on-the-ground work takes place.

Protecting the water resource is the prime objective of the Montana SMZ Law. By working together to address these questions of what is needed before proceeding with the work we will all benefit. DNRC appreciates the high level of cooperation in this investigation. This case is closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger M. Ziesak".

Roger M. Ziesak
Forest Practices Program Manager
MT Dept. of Natural Resources & Conservation

Friends of the Bitterroot - Darby Lumber Lands Phase II Implementation Monitoring Report

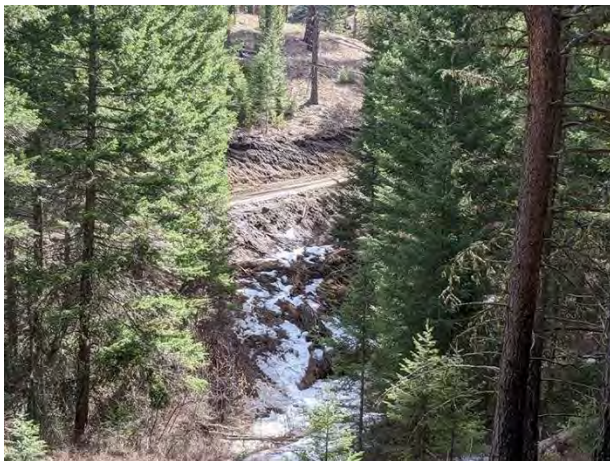
DLL2 Design Features ignored:

On April 1, 2021, members of Friends of the Bitterroot explored a rumor that logging operations were proceeding in March as is prohibited in the design features mandated in the project, the forest plan and the contract signed by Pyramid Lumber.

Our first concern was the Roan Gulch “road” that had long become a well vegetated trail that had been reconstructed paralleling the stream with 25 feet of the waterway. This is in violation of the Montana Streamside Management Zone Regulations.



We entered the project area from the opposite side of Roan Gulch. One can see the road cut through the trees and the stream below.





The road is too close to stream. Reconstructing it, removing all vegetation, and widening it is illegal. This illegal reconstruction, accompanied by logging operations and log hauling during spring melt will cause problems for Roan Gulch into the future.



Rocks and debris were dumped onto the steep slope just above the stream.

Along the road we saw evidence of pooling and deep rutting from vehicles associated with spring melt conditions.





Further down Roan Gulch paralleling the stream we came upon a road failure with a strawbale thrown into the path of sediment rushing into the stream.

Road damage was apparent on the new system road switchbacking above Road Gulch and another road failure, this one with logs seemingly laid across the break in the edge of the road.





Sediment pooling.



Road failure with logs piled in break in roadway from two angles.

We also found numerous ruts in the landscape deeper than 2 inches.





We also found slopes over the 40% limit for machine work including the following 44% slope with a deep rut in the lower part of the slope.



A number of ruts were found on slopes over 40% like this one. In the small area we visited, we found 3 slopes, 43%, 44%, and 45% with evidence of ground based logging.



Soil was disturbed throughout the area due to ground base logging operations in wet conditions.



We found that large trees were taken and smaller trees left behind. This is not a forest resilient to disease and fire. The trees removed have withstood the test of time. Though we are often told that these projects will retain large trees.



A large stump surrounded by small diameter trees



This slope is filled with small diameter trees that will be susceptible to fire and clumping as recommended by Andrew Larsen is not evident. The tree in the foreground is surrounded by cut stumps.

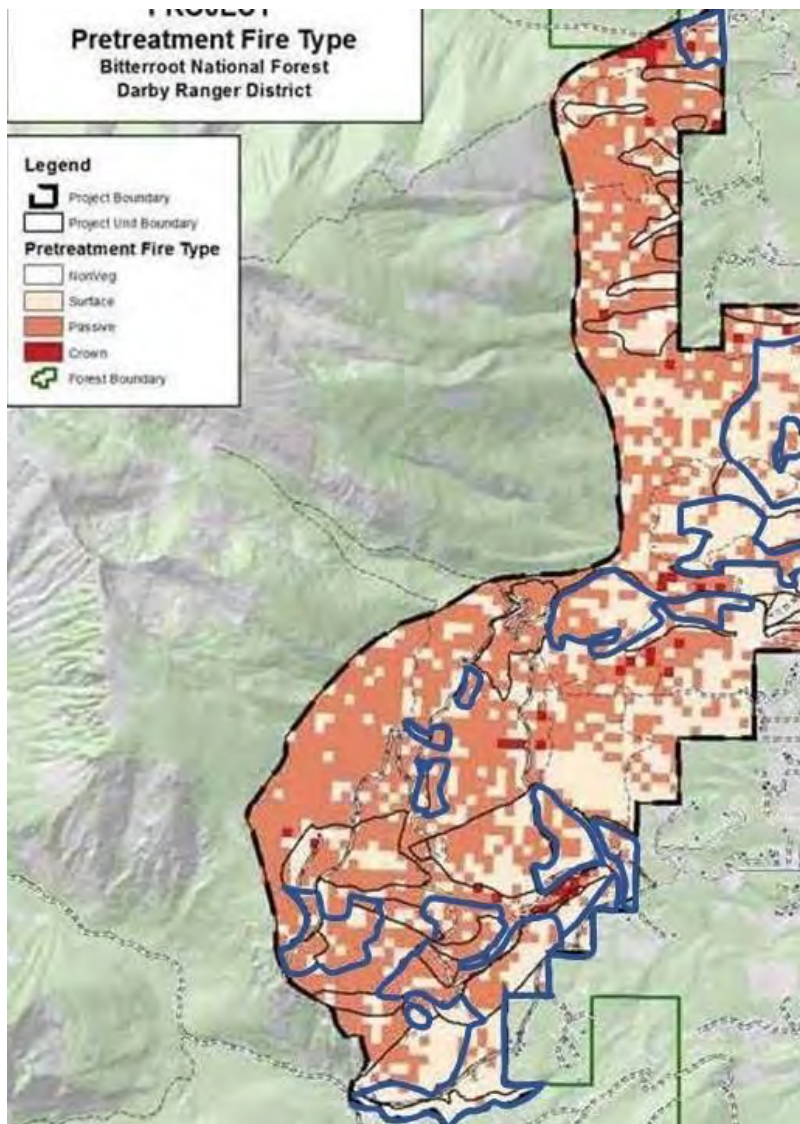


These trees look stressed from machine damage, not resilient to insects, disease and fire.

Post-project evaluation of the EA, design criteria, and reclamation results, Westside Collaborative Vegetation Management Project, Bitterroot National Forest compiled by Friends of the Bitterroot 3-23-2024

This report is a post-project evaluation of the implementation, effectiveness, and completeness of the Environmental Analysis (EA), design features, reclamation, and other EA specifications for the Westside Collaborative Vegetation Management Project (Westside project), Bitterroot National Forest. On the ground commercial timber harvest activities began in the fall of 2016 and were completed in 2018. Observations below follow the order of the EA. Page numbers refer to the EA, and quotes from the EA are italicized.

Purpose and Need: *there is a need to reduce stand density to provide more separation between tree crowns and reduce the potential that fire would spread through the canopy in low- and mid-elevation mixed ponderosa pine and Douglas-fir forests to reduce the potential of crown fire* (p. 1-4). However, we note that the fire type map below (p. 3-46) shows that there was no potential for active crown fire (dark red) in any of the commercial harvest units (outlined in blue) except for a small part of unit 1, the northernmost one. Most of the commercial units were dominated by only surface fire potential **before project implementation**.



Old Growth: *None of the alternatives would reduce the amount of old growth forest remaining in the project area in the short term, because there are no stands identified as old growth forest in treatment units (p. 1-19). There are stands of old growth in the project area but not in proposed treatment units(p. 3-13).* However, we found that the project did commercially log at least one 20-acre old growth stand, taking it out of old growth status in violation of HFRA (§102(e)). This violation is documented in a separate report (see exhibit A attached).

Post project road maintenance: *Roads will be maintained to design standards after completion of the Westside project (p. 1-19).* The following photos show the unmaintained post-project conditions on some project roads.



3-22-2024 view of FR 74964, the access road to trail 511 and the Westside project road to unit 2c. No maintenance has been done since the Westside commercial harvest concluded, and it is now impassible to passenger cars.



5-17-2022 photo of FR 496 just above the Moose Creek crossing at top left. Gullies were dumping sediment directly into Moose Creek at upper left. At the time, re-routing of NFSR 5620 to improve Moose Creek was ongoing.. Later regrading of the road temporarily fixed the situation, but by 3-2024 the gullies were back.



10-3-2022 photo of the new intersection of FR 496 and FR 5620. Current situation (3-2024) is the same or worse. Water flows down the road for ¼ mile before dumping into an intermittent tributary of Moose Creek.

New road to Unit 2c: *The road into Unit 2c would be stored by removing the drainage structures, stabilizing the road surface drainage, and seeding the road surface to protect it until the next entry (p. 2-2). It would be re-contoured where it crosses the trail system, scarified, and seeded (p. 3-64).: The permanent road to Unit 2c would be a stored, ML 1 road. It would be re-contoured where it crosses the trail system, scarified, and seeded. The system road into Unit 2C would not detract from roadless area values because there would be 20-30 year intervals between its uses for forest management. It would not increase the potential for incursions into the IRA because it would be stored between administrative uses and the terrain and Camas Creek create natural barriers from the proposed road location closest to the IRA boundary (p. 3-73).*



12-1-2023 photo of the road to unit 2c showing that culverts have not been removed and the road has not been scarified, reseeded, or put into storage. A Coyote Coulee trail crossing is just out of view to the right.



3-22-2024 photo of the Coyote Coulee trail crossing of the unit 2c road. Trail is visible in lower left. No recontouring, scarification, or reseeding of the road has been done at either trail crossing (there are two).



The other Coyote Coulee trail crossing of the road to Westside unit 2c on 3-22-2024; note trail sign on left. There has still been no recontouring, scarifying, or reseeding of the road near the trail, and knapweed is pervasive.



5-4-2022 view of the unit 2c road in as seen from the Coyote Coulee trail. Bitterroot Forest Plan states: *timber harvest and road construction will not be visible from major road and trail corridors (p. II-13)*. Note the numerous stumps-root wads that were left; past practice on previous BNF timber projects was to dispose of them.



3-2023 view from inside the gate on the road to unit 2c showing motorcycle track going around the gate and up the closed road. Motorized violations are frequent; even full-sized vehicles can and do drive around the gate.



Snowmobile tracks inside the gate on the unit 2c road. Snowmobile use is common on this road despite the gate and despite the closure of the entire area to over-snow vehicles according to the BNF travel plan.

Undetermined roads rehabbed: *The ID Team also identified about 1.3 miles of undetermined status roads that are necessary for forest management and propose they become part of the transportation system and stored after use (p. 2-9). The vegetation would be cleared and the road surface and drainage would be improved on roads reopened for use during this project (PF-TRANSPORT-001). After use, the roads would be stored by removing culverts and restoring natural drainage, scarifying the road surface (scarification less than 6 inches in depth), and seeding and fertilizing it. The entrances of the roads would be physically blocked with a gate, rock barrier, or the first 50 to 100 feet would be recontoured to prevent motorized access. (p. 2-9).*



11-15-2023 view of the “closure” of the undetermined road that was added as a stored system road. Motorized vehicles commonly illegally access the road to the right of the barrier. Photo below is a closeup of vehicle tracks going around the ineffective barrier.



Invasive Plants: Any Montana 1A or 1B invasive plant detected during field surveys, sale activity, or postharvest inspections and monitoring will trigger an immediate and sustained eradication response (p. 2-10). Remove all mud, soil, and plant parts from off-road equipment before moving into the project area. Off-road equipment will be inspected prior to entering the project area. Haul routes will be treated in subsequent years (p. 2-16).



9-27-2024 photo of the new Westside road to unit 2c showing extensive knapweed along and in the roadbed. It's doubtful it has ever been treated.



3-23-2023 photo of St John's wort and giant mullein covering a "reclaimed" temporary road next to the Coyote Coulee trail. Weeds proliferate wherever the feller-buncher travels, and it goes everywhere.



Knapweed and mullein follow the Westside logging along the Coyote Coulee trail. 2021 photo. If washing and inspection of equipment was done, it did not stop weed invasions.

Slash pile burning: *Pile burning should occur during moist conditions to minimize duff consumption and high severity burn impacts on soils. p. 2-11). Excessive slash and duff mounds around specific trees, slash may be pulled back to reduce scorch and/or mortality during burning (p. 2-20).*



11-22-2023 photo of the aftermath of a large slash pile burn in unit 2c that burned all of the soil organic material. Only mullein, a non-native weed, grows there today. Note that the burn also killed three of the trees that remained after logging, Most of the large slash pile burns killed several of the remaining trees.



A large slash pile burn scorched and killed the two dead ponderosa pines in this photo. The one on the right was an old growth Ponderosa pine estimated to be 250-300 years old.

p. 2-12: **Ground-based logging slope limits:** *All Proposed Ground-Based Yarding Units have inclusions of slopes that exceed 40% gradient. Forest Plan standards do not allow ground-based yarding equipment on slopes exceeding 40%. Directional felling, ground lead, or alternative methods of yarding will be required to remove trees from steep slope inclusions.(p. 2-12). The Bitterroot Forest Plan does not allow for ground-based yarding on slopes steeper than 40 percent. To further minimize disturbances, ground-based yarding operations on the Bitterroot National Forest are generally restricted to slopes less than 35 percent (3-159).*



Two sets of feller-buncher tracks ascending a steep hillside that we measured at 44%, exceeding the design criteria limit for ground-based logging. The two stumps in the foreground were Doug firs over 200 years old. Unit 2c.

Continued on next page.



Looking down on feller-buncher tracks on a 46% slope. Design criteria and the Forest Plan prohibit ground-based logging/yarding on slopes steeper than 40%. The feller-buncher ascended this hill to cut the single tree in the foreground that was adjacent to and more accessible from FR 496, which is just above the stump. Unit 2c.

Riparian Habitat Conservation Areas: *Generally, trees will not be harvested from RHCAs. In RHCAs, trees can be felled when they pose a safety risk. Log landings, temporary roads, and skid trails will not be located in the RHCAs (p. 2-13). Ground based heavy equipment will be prohibited from entering SMZ and RHCAs (p. A-8).*

The standard INFISH (USDA Forest Service 1995) RHCAs will be applied. A map of these areas is located in PF-Fish-001. They are:

300 feet on each side of fish-bearing streams

150 feet on each side of permanently flowing, non-fish bearing streams

100 feet on each side of seasonally flowing or intermittent streams

150 feet on each side of ponds, lakes or wetlands > 1 acre in area

100 feet on each side of ponds, lakes or wetlands < 1 acre in area

100 feet of landslide prone areas. (p. A-8)



Photo of the feller-buncher tracks crossing a spring area and adjacent intermittent stream. This was not identified as a RHCA in the EA. After the logging, Friends of the Bitterroot (FOB) questioned the heavy equipment violation in a RHCA. BNF responded that this a Class III stream and said that Montana Streamside Management Zone (SMZ) laws allow logging along, and heavy equipment crossing of, Class III streams. However, BNF RHCAs are more restrictive than SMZs, and this stream should have had a 100-foot RHCA buffer on each side. Class III SMZs only allow equipment crossings every 200 feet, but FOB found equipment crossings here spaced every 50 feet. Unit 2b.

Continued on next page.



More logging along the Class III stream, which should have had a 100-foot RHCA buffer on each side. Unit 2b.



Logging adjacent to a wetland that should have a 100-foot RHCA buffer around it. Unit 2b.

Slash pile reclamation: *Slash piles visible from Lost Horse Road, Roaring Lion Road, Observation Point, Camas Lake Trailhead, Ward Mountain Trailhead, and Trails #208, 125, and #127 will have priority for burning and will be burned as soon as feasible. Landings and slash pile locations will be rehabilitated as stated in the soils design criteria (p. 2-18). Remove slash and cut stumps to 6 inches or less within 50 feet of Trail #208, Trail #125, Trail #127 (includes Units 1, 2a, 2b, 2c, 3f, 36, and 39) Landing piles would be placed in areas of past disturbance and will be seeded and fertilized after they are burned. They are priority areas for post-treatment monitoring and possible herbicide treatment. Based on past observations, hand piles and landings have a high risk for invasive plant infestations (p. 3-165).*



5-4-2022 view from Coyote Coulee trail of unreclaimed slash pile burn next to trail. Partly burned slash surrounds the interior that is filled with invasive weeds. Also note visibility of the new road to unit 2c in the background and root wads/stumps side cast below road. Past BNF timber required disposal of uprooted stumps/root wads according to a retired BNF road engineer. No rehabilitation of burned slash piles has been done anywhere in the Westside project.



5-4-2022 photo of slash pile burn within view of the Coyote Coulee trail typifies current conditions of burned slash piles in the Westside project. No rehabilitation has been done on any as of 3-2024.

Continued on next page.

Cover tree marking along roads and trails: *Mask tree marking paint with paint color similar to the tree bark along Lost Horse Road, Roaring Lion Road, and Trail #208 and 127, if it is visible at the close of the sale. Remove slash and cut stumps to 6 inches or less within 50 feet of Trail #208, Trail #125, Trail #127 (2-18).*



3-22-2024 photo of orange marking paint and stumps along the Coyote Coulee trail # 127 (center and lower right). Marking paint near the trail was supposed to be covered after the timber sale, but is still visible 7 later. Most stumps are taller than the 6 inches specified by the design criteria for logging adjacent to the trail. Also note uprooted stump on far right from construction of the new Unit 2c road.

Retain screening trees below roads: p. 2-19: Retain trees one tree-height below roads and landings (including cable landings) to screen them from Highway 93 corridor, where feasible. The Units 2c, 3a, 3b, 3c, 3d, 4a, 4b, 5, 7c, 9c, 9b, and 9d would potentially expose roads that would be visible from the Highway 93 corridor but by implementing design features, impacts would be reduced by breaking up liner contrast associated with existing and proposed road (p. 2-19).



View from highway 93 of the new road to unit 2c (above and left of the roof) that was supposed to be screened from view by retaining trees below the road.

Continued on next page.



View from near the hiway 93-Lost Horse Rd junction of four Westside roads that were supposed to be screened from view by retaining trees below the roads. None of these were visible before the timber sale.



View from Lost Horse Rd of FR 496 cutting across the mountain side. It was not visible before the Westside timber sale.

Rerouting of FR 5620: *The decommissioning and rerouting of the lower 0.6 miles of NSFR 5620, the only proposed haul road in the project area that closely parallels a channel, would eliminate what is currently the largest source of sediment in the project area. Road maintenance needs listed in Table 3-37 would be completed prior to log hauling from proposed commercial thinning activities (p. 3-143). The TSA would suspend timber haul in response to rutting and road surface water flow, which would minimize sedimentation at crossings. Decommissioning and rerouting the lower 0.6 miles of NSFR 5620 would eliminate a substantial sediment source. The combination of improvements to existing roads and decommissioning of NSFR 5620 would result in an overall net reduction in long-term sediment and offset the effects of sediment potentially generated by new roads in the project area(p. 3-144).*

The EA indicates that this rerouting would occur prior to log hauling (see above). FR 5620 was not even included as a haul road (see below), presumably because the lower section was to be rerouted to FR 496:

The amount of log hauling determines the amount of road maintenance required. Alternative 2 would produce 6.3 mmbf and that equates to approximately 1400 truckloads (4.5 mbf/truck). From a water quality perspective, the main haul routes are stable, reasonably well maintained. Haul roads for the Westside project are Camas Creek Loop (Hayes Creek Road – NFSR 74967 and Blue Jay Lane – NFSR 74964), Lost Horse Road (NFSR 429 to NFSR 496), and to a lesser degree Roaring Lion Road (NFSR 701) (p. 3-144). The ID Team conducted a Minimum Road System Risk- Benefit Analysis that highlighted NFSR 5620, the Moose Creek Road, as having moderate adverse effects on aquatic species. The lower 0.6 mile of this road would be decommissioned and recontoured. A segment of road (0.1 mile) would be added to the system to reconnect the upper NFSR 5620 with 496 (p. 3-155).

However, the rerouting of FR 5620 did not occur until well after the log haul was completed, with the entire length of FR 5620 serving as a major haul route throughout the project. By BNF's own admission, it was not "stable, reasonably well maintained". It was instead "the largest source of sediment in the project area"(p. 3-143). Rerouting of the lower 0.6 miles did not occur until 2021, with recontouring and culvert removal occurring in 2022. Although the three culverts were removed along this stretch, vertical walls were left where the drainages cross the reclaimed road and continue to erode and dump sediment into Moose Creek as of 3-2024. The three 3-2024 photos below show the conditions of the drainages where culverts were removed. No material was pulled back from the sides to decrease the slope and minimize erosion.

Continued on next page.

South East Elevation

☉ 341°NW (T) ● 46.121915, -114.231512 ±4m ▲ 1268m



Culvert removal along reclaimed FR 5620 showing the eroding vertical banks that were left. This is the main branch of Moose Creek, a perennial tributary of Lost Horse Creek.



Another culvert removal where FR5620 crossed an intermittent stream where no recontouring or reseeding was done.

South East Elevation

☉ 337°NW (T) ● 46.118238, -114.239124 ±5m ▲ 1319m



A third culvert removal along reclaimed 5620 on a perennial tributary.

Detrimental soil disturbance (DSD): *Summer ground-based yarding would cause about 11 percent DSD or less after treatment and will meet R1 SQS in individual units (activity areas). Soils along the entire length of temporary roads are detrimentally disturbed and are considered DSD even after rehabilitation activities p. (3-162).*



2019 photo of ground disturbance in Unit 2c. It's hard to believe that DSD was limited to the R1 standard of less than 15% DSD in this unit.

Attachments: Exhibit A, Westside Old Growth Logging

Ineffective road and trail closures on Bitterroot National Forest

Compiled by Friends of the Bitterroot, July, 2024

Some ineffective road and trail closures and motorized vehicle violations that have been observed on Bitterroot National Forest are documented below.

Trail 511, Darby Ranger District

According to the BNF Travel Plan, Trail 511 is closed to vehicle over 50 inches wide, and closed to over snow vehicles. Some of our members frequent this area and have observed regular (daily to weekly) violations of these closures for years, including full-sized trucks, wide side-by-side OHVs capable of carrying up to 4-people, and snowmobiles that not only travel the trail but go cross-country and impact the non-motorized Coyote Coulee trail. This entire area is closed to over-snow vehicles “for wildlife and resource protection”. Firewood cutters have also utilized the road, sometimes illegally felling live trees. Some of this activity was previously documented in numerous emails to the BNF Supervisor and Darby District Ranger.

There were no signs at either end of 511 until early summer, 2023, when Monte placed a “Closed to vehicles over 50” wide” sign at each end. The east-end closure consists of large boulders that we measured at 73” apart, not the 50” limit specified by the Travel Plan. In addition, it is easy for full-sized trucks to simply drive around the rocks through the open forest. At the west end, a Kelly hump had originally been constructed to restrict access, but has not been maintained for many years, and it is easy for any vehicle to get through it.



View east of the lower eastern end of trail 511. We measured the distance between the boulders at 73", far wider than the 50" restriction in the travel plan. But it wouldn't matter; the logged-out area permits cross-country travel around the rocks almost anywhere. On the left is where Monte pulled logs across one cross-country detour in fall 2022 and put up "unauthorized trail" sign, but full-sized trucks have either been driving over the logs or simply been modifying their detour slightly. 46.13530, -114.22331



West end of trail 511 at its intersection with FR 496 showing the degraded Kelly hump and the ease of driving any vehicle onto 511. Small sign on right side reads "closed to vehicles over 50" wide" and was installed in early summer 2023. 46.13908, -114.23955



Snowmobile tracks along 511 (left side) and going cross country (right side), despite the entire area being closed to over-snow vehicles “for wildlife and resource protection”. Snowmobile use is common when the area has coverage. Photo taken 12-19-2022. 46.13624, -114.23792

FR 74966 new Westside project road to unit 2c

Although a gate was installed near the beginning of this road, it is easy for vehicles to drive around it and access the road, which is closed to all motorized use year-round. However, there is no sign. We have documented numerous motorized violations, including full-sized trucks, motorcycles, 4-wheelers, snowmobiles, and firewood cutters illegally cutting live Doug fir trees (documented in emails to BNF Supervisor and Darby District Ranger). Westside project EA stated that culverts would be removed, the trail 127 crossings (Coyote Coulee trail) would be recontoured, and the road would be scarified and reseeded, but none of these ever happened.



View from inside the gate on FR 74966 (new Westside project road to unit 2c) showing gate on far left and the vehicle tracks going around the gate on the right. The detour has been used by all types of vehicles, including full-sized trucks. Photo 12-1 2-23. 46.13695, -114.22490



Snowmobile tracks behind gate on FR 74966 using the same route as photo above. Whole area is closed to over snow vehicles. Photo 12-12-2022. 46.13695, -114.22490

FR 62960 re-opened for the Westside project

FR 62960 was an undetermined road that had been mostly naturally reclaimed by vegetation until it was re-opened for the Westside timber project and added as a system road to be stored. Westside EA (p. 2-9) stated that the entrance to this road *“would be physically blocked with a gate, rock barrier, or the first 50 to 100 feet would be recontoured to prevent motorized access”*.



11-15-2023 view of the “closure” of the new stored system road leaving from the Lost Horse Observation Point. Motorized vehicles commonly illegally access the road to the right of the barrier on left side of photo. 46.11174, -114.27004.



Photo above is a closeup of vehicle tracks going around the ineffective barrier on 62960 at the Lost Horse Observation Point. Barrier is just beyond left edge of photo. 46.11174, -114.27004.

FR 5608

FR 5608 includes several miles of system road closed year-round to motorized vehicles. There are gates at each end where it intersects FR 5621. Four wheelers regularly circumvent the gate at northern entrance. Photo below, taken 7-3-2024, shows four-wheeler tracks on the right going around gate visible on far left. View is from behind gate looking out. 46.09362, -114.22919.



Unnamed roads from FR 5621

Two unnamed/unnumbered roads that were used during the Como health timber project leave from FR 5621 at 46.09353, -114.22803. According to the travel plan, both are closed to motorized travel.

Although Kelly humps were constructed for both roads, four-wheelers regular go around or over both, as the photos taken 10-16-2023 below show.



Violations off of FR 5623

An unnamed road used for the Como timber project leaves from FR 5623 at 46.06722, -114.25434. An ineffective Kelly hump on the left in the photo below fails to keep motorized traffic off of it. Second photo shows four-wheelers accessing a skid trail at the end of FR 5623 at 46.06204, -114.26820. (both photos taken 11-25-2023).



FR 62885

FR 62885 is open only to vehicles less than 50" wide from 6-6 to 10-14, according to the Travel Plan. There is an ineffective Kelly hump at its entrance from FR 374 at 45.94178, -114.19928. The photo below, taken 9-10-2023, shows the ineffective closure, with full size vehicles driving around the barrier, and over the hump as well.



Unnamed road from FR 5621

An unnamed road used for the Como timber project leaves from FR 5621, and has a gate at 46.09767, -114.25850. However, four-wheelers frequently travel around the gate as the photo below shows (taken 7-16-2024). Gate is on left, with four-wheeler bypass on right. Sign says "Unauthorized Trail".



Trail 39

Trail 39 traverses the Sapphire Wilderness Study Area, which the Travel Plan closes to all mechanized transportation. This trail provides access to the Chain O'Lakes, popular with motorized four wheelers. Photo below shows the trailhead accessed from FR 726 at 45.95704, -113.73433. Note how logs have been cut to allow four-wheeler passage. The only sign describing travel restrictions at the trailhead is the small "no motor vehicles" post. Photo 9-23-2022.





Photo above taken 9-23-2022 shows fresh four-wheeler tracks a few miles up trail 39. A hike of the trail on 9-23-2022 revealed that logs had been cut out to allow four-wheeler passage along at least 6 miles of the trail. The heaviest motorized use appeared to be headed down the spur trail to Chain O'Lakes.

Summary

This is not a comprehensive inventory of road closures on Bitterroot National Forest; it represents random observations made during our travels. However, for the area we know well between Camas Creek and Rock Creek/Lake Como, we counted 14 total road closures. This report documents that 9 of those 14 (64%) are experiencing regular violations.