



# **2023 Final Report**

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# **INTRODUCTION**

Yellowstone to Uintas Connection (Y2U) continues to participate in the National Environmental Policy Act (NEPA) by submitting science-based comments on many Forest Service (FS) and Bureau of Land Management (BLM) project scoping, analysis and decisions. Y2U also provides feedback on agency monitoring protocol and works towards creative solutions to help these underfunded agencies accomplish their stated conservation and restoration goals.

**During 2023, Y2U submitted comments on twenty-seven (27) Forest Service and Bureau of Land Management Environmental Impact Statements, Environmental Assessments and Categorical Exclusions** for proposed projects occurring in the Ashley, Beaverhead-Deerlodge, Bitterroot, Boise, Bridger-Teton, Caribou-Targhee, Custer-Gallatin, Dixie, Fishlake, Flathead, Humboldt-Toiyabe, Kootenai, Manti-La Sal, and Salmon-Challis National Forests and BLM managed lands in Idaho, Montana, Utah and Wyoming. The proposed projects included ATV/OHV trails, Forest Plan Revisions and Amendments, grazing and grazing improvements, logging, mining, stream rehabilitation, trails and vegetation treatments.

**During 2023, Y2U filed eight (8) Objections to Forest Service public land management decisions** in the Ashley, Bitterroot, Caribou-Targhee, Dixie, and Flathead National Forests including a phosphate mine in Southeast Idaho, one regarding range improvements in Utah, one regarding Forest Planning in Montana, and five regarding logging or prescribed fire projects in Idaho, Montana and Utah.

**During 2023, seven (7) projects were cancelled** by the Forest Service or Bureau of Land Management due to our detailed commenting and fear of litigation.

**Y2U also filed two (2) Notices of Intent (NOI) to litigate public land management decisions by the US Forest Service and the US Fish & Wildlife Service during 2022.** One for the Eastside Forest Forest and Habitat Improvement Project and one for the Mud Creek Vegetation Management Project, both in Montana.

**Upper Green River Litigation:** On March 31<sup>st</sup>, 2020, Yellowstone to Uintas Connection, the Alliance for the Wild Rockies, and Western Watersheds Project, filed a lawsuit against the Secretary of the Interior David Bernhardt, the U.S. Fish and Wildlife Service, and the U.S. Forest Service for the 2019 decision to allow 72 federally-protected grizzly bears to be killed for the sake of public lands livestock grazing operations in the **Upper Green River** area of the Bridger-Teton National Forest. To view the comments, the Notice of Intent, or the Complaint, please visit our web page at the following link:

<https://yellowstoneuintas.org/issues/projects/item/86-upper-green-river-area-rangeland-3049>

On November 29<sup>th</sup>, 2021, we filed our opening merits brief and declarations. More detail regarding this litigation can be found in the Grazing section of this report.

On **February 22<sup>nd</sup>, 2022**, the plaintiffs filed our Petitioners' Reply Merits Brief. On **May 17<sup>th</sup>, 2022**, Judge Freudentahl, Wyoming District Court, ruled against all our (and CBD/Sierra Club's) claims regarding the Upper Green Project ROD and BiOp. On **June 10<sup>th</sup>, 2022**, the plaintiffs filed our Motion to Appeal in the 10<sup>th</sup> Circuit Court. On **June 26<sup>th</sup>, 2022**, the plaintiffs filed our Docket Statement. On **September 15<sup>th</sup>, 2022**, the plaintiffs filed the Opening Appellate Brief.

On **May 5<sup>th</sup>, 2023**, The U.S. 10th Circuit Court of Appeals ruled that the U.S. Fish and Wildlife Service's authorization of the killing of up to 72 grizzly bears in the Upper Green violated federal law. The Court also ruled that forage consumption by livestock was not properly analyzed regarding impacts on migrant birds. The Record of Decision was remanded to the Bridger Teton National Forest to correct these deficiencies.

**Red Rocks Lake Grayling:** On **June 26<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Wilderness Watch, Alliance for the Wild Rockies, and Gallatin Wildlife Association filed a lawsuit against the U.S. Fish and Wildlife Service, challenging the agency's unlawful decision to construct and operate a permanent water-diversion pipeline within the Red Rock Lakes Wilderness in southwestern Montana.

On **September 13<sup>th</sup>, 2023**, due to our litigation, **the FWS withdrew its decision** to allow for the installation of the pipeline from Shambow Pond to Upper Red Rocks Lake. The Service will focus on alternative conservation measures for Arctic grayling and continued stewardship of the Red Rocks Lake Wilderness under the Wilderness Act in collaboration with interested parties. Any further action will be subject to additional analyses, with the appropriate public review and input. The Service will not be taking further action on the Shambow Pond Diversion Pipeline at this time.

**William Pendley/BLM Litigation:** On January 19th, 2021, Yellowstone to Uintas Connection, the Center For Biological Diversity, WildEarth Guardians, Western Watersheds Project, and Rocky Mountain Wild filed a lawsuit for declaratory and injunctive relief to challenge Federal Defendants' unlawful approval of nine Resource Management Plans ("RMP") and related projects including **Dairy Syncline** (Mining section of this report) which govern the management of more than 6.5 million acres of public lands and minerals, because Defendant William Perry Pendley's exercise of the duties of Acting Director of the U.S. Bureau of Land Management ("BLM") was unlawful under the Appointments Clause, U.S. Const. art. 2, § 2, cl. 2; the Federal Vacancies Reform Act of 1998, 5 U.S.C. §§ 3345 et seq. ("FVRA" or "Act"); and the Administrative Procedure Act, 5 U.S.C. §§ 701 et seq. ("APA"). This includes the Dairy Syncline phosphate mining project and the Gemini Solar project. To view the complaint, see our web page at the following link: <https://www.yellowstoneuintas.org/issues/science/item/123-simplot-company-s-proposed-dairy-syncline-mine>

On June 22<sup>nd</sup>, 2021, a meeting to discuss potential avenues for resolution of *Center for Biological Diversity et. Al. v. U.S. BLM, et. Al.* took place. Following that meeting we conferred with the plaintiffs to generate a set of preferred outcomes for the eight RMP-related decisions challenged in our complaint.

**Throughout 2023**, Yellowstone to Uintas Connection has been in settlement discussions with the defendants. We hope to reach a settlement before the end of the year.

Y2U will continue to be the voice for wildlife and habitat connectivity throughout the Corridor. We will continue to advocate for the use of sound science in land management decisions and when necessary, we will support litigation efforts to oppose projects that are projected to have a negative impact on wildlife and habitat.

# AGENCY OVERSIGHT

The screenshot shows the USDA Forest Service website for the Caribou-Targhee National Forest. The page is titled "Caribou-Targhee National Forest" and includes a navigation menu on the left with categories like "Home", "Special Places", "Recreation", "Alerts & Notices", "Passes & Permits", "Maps & Publications", "Land & Resources Management", "Learning Center", "Working Together", "About the Forest", and "News & Events". The main content area is titled "Projects" and features a "Schedule of Proposed Actions" section, which states: "The Forest publishes a Schedule of Proposed Actions (SOPA) four times a year: January, April, July and October. To view our Schedule of Proposed Actions, please visit the [Forest Service SOPA page for the Caribou-Targhee National Forest](#)." Below this is a "Caribou-Targhee National Forest Current and Recent Projects" section with a "Subscribe to this feed" button. A table with columns "Sort By", "Name", "Status", "Management Unit", "Purpose", and "Type" is partially visible. The "Developing Proposal" section includes "Fleming Canyon Trail (#4079) Reroute" and "Lake Canyon Trail (FS#206) Project".

## Advanced Notice of Proposed Rule Making (ANPR) for Mature and Old Growth Forests

### Status

The Advanced Notice of Proposed Rulemaking (ANPR), 88 Fed Reg 24997 et seq., was published **April 21, 2023**. On **June 28<sup>th</sup>, 2023**, a large group of conservation organizations including Yellowstone to Uintas Connection (Y2U) submitted comments.

The ANPR asks for comments on how the agency can adapt its policies to manage the national forest system in the face of climate change. The short answer, on which more detail is provided below, is that **the agency must change its policies and culture to emphasize protection of critical resources found on national forests and grasslands**. First and foremost, conserving old forests is the main emphasis in the President's Executive Order 14072, which is the reason the agency is undertaking this rulemaking. Managing to retain and enhance old forests also promotes other critical values of our national forest system: conserving native biodiversity, or the web of life, and protecting watersheds, which supply much of the nation with drinking water.

It is important to recognize that these critical values, especially old forest retention and conservation of biological diversity, must be provided on federal public lands, especially on national forests. Only the national forest system, and to a lesser extent, BLM lands, have the large blocks of forested habitat that, if managed appropriately, can meet the needs of a wide variety of wildlife, plant, and fish species, and provide major carbon storage that is critical in the effort to limit the damage from climate change.

Since the end of World War II, the Forest Service has been mainly concerned with providing commodity outputs, especially raw material for wood products and forage for domestic livestock.

The Forest Service has a golden opportunity to protect the inestimably valuable asset of older forest ecosystems and help ensure earth has a fighting chance to protect native biodiversity and reduce the impact of climate change. The Forest Service must write a strong rule that prohibits commercial exploitation of these forests and protects them to the maximum degree possible, consistent with valid existing rights, safety, and common sense.

### **Expected Outcome**

Unknown

## **Ashley National Forest – Forest Plan Revision**

### **Status**

On November 8, 2019, Yellowstone to Uintas Connection (Y2U), The Grand Canyon Trust, Defenders of Wildlife, The Wilderness Society, Sierra Club, Western Resource Advocates, and the Utah Native Plant Society submitted comments on the Ashley National Forest's Proposal to Revise the Land Management Plan and Evaluation of Potential Wilderness Inventory Areas. Our comments concentrated on the Forest Service's evaluation of potential wilderness areas, highlighting deficiencies in the FS's application of the wilderness evaluation criteria described in Chapter 70 of the Forest Service Land Management Planning Handbook (FSH 1909.12), including overly strict interpretations of naturalness, a reliance on irrelevant factors when assessing outstanding opportunities for solitude and/or primitive and unconfined recreation, and the FS's failure to make actual determinations as to each unit's suitability for inclusion into the National Wilderness Preservation System.

We also made several site-specific comments on many of the units included in the wilderness evaluation, providing further resource information about specific units, how their boundaries should be delineated according to current agency policy outlined in Chapter 70, and suggestions for boundary adjustments of existing units that would allow for more accurate and objective review of the truly qualifying areas for wilderness suitability evaluation. We also proposed additional units for evaluation that were not included in the initial review.

On January 21st, 2021, we submitted supplemental comments to the site-specific comments mentioned above. Over the last year we have conducted further review—both GIS-based and on-the-ground—that directed us to refine our original proposals and provide additional information, including new maps and narratives that supplement and update our previous recommendations. These comments also included several areas that we believe meet the criteria for consideration as recommended wilderness, but which were not included in the FS's original evaluations.

Our inventory and analysis identified 21 units totaling 435,018 acres that meet the criteria detailed in the FS's Chapter 70 wilderness evaluation process. This is significant new information and should be analyzed and considered as such in the upcoming Forest Plan Draft EIS.

Our comments were reviewed by the Ute Tribes (Uinta and Ouray) and submitted following their review.

The DEIS was published on the 22<sup>nd</sup> of November 2021. On February 11<sup>th</sup>, 2022, Yellowstone to Uinta Connection, Alliance for the Wild Rockies, Native Ecosystems Council, Wildlands Defense and Western Watersheds Project submitted comments for the Ashley National Forest Plan Revision Draft Environmental Impact Statement (DEIS).

On **April 14<sup>th</sup>, 2023**, the Final Environmental Impact Statement for the Ashley National Forest Land Management Plan was published. Our organization did not submit an Objection on this project approval as we do not intend to litigate the decision. The Record of Decision was signed on **November 17<sup>th</sup>, 2023**.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Bitter Root NF Forest Plan Amendment**

#### **Status**

On **February 28<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council, the Alliance for the Wild Rockies, Friends of the Bitterroot, and Center for Biological Diversity submitted comments on the Draft Environmental Assessment (DEA) for the Programmatic Amendment for Elk Habitat, Old Growth, Snags and Coarse Woody Debris Objectives in the Bitterroot NF Forest Plan.

The planning regulations, commonly called the 2012 Planning Rule, describe the amendment process when a Forest proposes to add, modify, or remove one or more plan components (for example, a goal, objective, standard, or guideline). Once approved, an amendment will apply to all future projects implemented under the 1987 Forest Plan. This type of plan amendment is commonly referred to as a “programmatic” plan amendment. As such, it will be subject to the objection process found at Subpart B of the 2012 planning regulations. Total plan revision has not yet begun for the Bitterroot National Forest, and it can be a years-long process. The Forest Supervisor has decided to resolve certain long-standing problematic language regarding snags and coarse woody debris and to improve the inventory of old growth forest stands by amending the current Bitterroot Forest Plan using the best current relevant science.

Our comments focused on Old Growth, Snags, Woody Debris, Grizzly Bear, Canada Lynx, Elk, and White Bark Pine.

On **June 5<sup>th</sup>, 2023**, an Objection was filed by Y2U, Native Ecosystems Council, the Alliance for the Wild Rockies, Friends of the Bitterroot, and Center for Biological Diversity. On **August 16<sup>th</sup>, 2023**, the Forest Service published the Draft Decision Notice and on **September 1<sup>st</sup>, 2023**, the Final Environmental Assessment for the Forest Plan Amendment.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **The Northern Rockies Ecosystem Protection Act (NREPA)**

### **Status**

The Northern Rockies Ecosystem Protection Act (NREPA) is a visionary piece of legislation that would designate over 22 million acres of roadless country in the Northern Rockies as Wilderness and enshrine them the protections of the 1964 Wilderness Act. In the Clearwater NF, over 1.5 million acres of roadless country, currently at risk of logging, road-building, and mineral leasing, would become secure for wildlife, water flows, recreation, and the other benefits Wilderness provides.

Scientists and advocates crafted NREPA in the 1990s to prevent the loss of roadless areas to development. Since then, over 30,000 acres of roadless country has been logged in Idaho and Montana, showing the weaknesses in current roadless regulations. American wilderness advocate (and songwriting legend) Carole King recently wrote that the bill, “NREPA would protect more public land in the lower 48 than any other currently proposed legislation.” Representative Carolyn Maloney introduced NREPA this year, and it’s time we get it passed.

Yellowstone to Uintas continued supporting the effort to get NREPA passed throughout **2023**.

## **Oppose Harmful Sage Grouse and Prairie Chicken Riders in the FY2024 Interior, Environment and Related Agencies Appropriations Legislation**

### **Status**

This year is the 50th anniversary of the Endangered Species Act, one of our nation’s most popular and successful conservation laws. On **July 21<sup>st</sup>, 2023**, a large group of concerned organizations including Yellowstone to Uintas Connection (Y2U) and the millions of members we represent urged the US House of Representatives to remove the rider to the must-pass Interior Department Appropriations Bill that guts Endangered Species Act protections for the lesser prairie chicken and sage grouse, including two particularly imperiled, isolated populations of sage grouse. These birds all teeter on the brink of extinction.

The rider language added to the House Interior Appropriations Bill would prohibit any funding to protect greater sage grouse, the Columbia Basin distinct population segment of greater sage grouse, or the bi-state sage grouse distinct population segment of greater sage grouse that straddles the California/Nevada state line. The rider also denies the U.S. Fish and Wildlife Service the ability to implement Endangered Species Act protections for the already-listed lesser prairie chicken, setting up roadblocks to its recovery.

Sage grouse are in trouble throughout their range. They are threatened by many factors including climate change, habitat loss, heavy livestock grazing, and industrial development. Cattle grazing reduces grass cover for hens and chicks to hide, and raven predation (a natural phenomenon) has increased unnaturally due to human subsidies of trash and loss of cover due to overgrazing.

The Bi-state sage grouse are a geographically isolated, genetically distinct population of greater sage grouse, which live only in an area along the California-Nevada border. There are about 3,300 birds left — far fewer than the 5,000 considered the minimum for population viability.

### **Expected Outcome**

Unknown



## NEPA Phase II Rule Change

### Status

On **July 31<sup>st</sup>, 2023**, the US Council on Environmental Quality (CEQ) proposed Phase II draft rule changes per 88 Fed Reg 49924 et seq.

The importance of application of NEPA can hardly be overstated. With more and more people in the U. S. with a high rate of consumption leading to more impacts, it is very important the federal government thoroughly consider the possible impacts before undertaking or funding any actions that would affect the human environment.

On **September 22, 2023**, a group of conservation organizations and concerned citizens submitted comments on the proposed rule change.

We commended the CEQ for proposing a rule that would modernize the application of NEPA and restore most of the 1978 rule. That rule, in force over 40 years before it was greatly weakened by the 2020 rule, served the agencies, applicants, the public, and the nation well. It provided the details of how to conduct a common sense, “look before you leap” analysis of possible impacts of proposed projects and activities and ways to reduce them prior to approval.

The currently proposed rulemaking starts off on the right foot with the following.

CEQ proposes the revisions to provide for an effective environmental review process that promotes better decision making; ensure full and fair public involvement; provide for an efficient process and regulatory certainty; and provide for sound decision making grounded in science, including consideration of relevant environmental, climate change, and environmental justice effects.

Preamble at 49924. This is exactly how NEPA should be used.

We also appreciate CEQ’s saying that NEPA is more than just a “check-the-box” exercise, in that agencies should use NEPA to fulfill all the goals of section 101(b) of NEPA and insure better informed federal agency decision making. Preamble at 49930. This is important because too often, agencies see NEPA as a burden, for example, an obstacle to be overcome in the push to implement projects and activities. Instead, it should be used to inform the public of possible impacts and to engage the public in helping the agencies determine the right balance of activities and reducing impacts. The proposed rule, if finalized with the improvements we recommend, will ensure a robust examination of impacts and full consideration of ways to reduce them before projects and activities are approved.

We are very happy to see that the proposed rule contains the following emphases:

--Climate change info: 1502.15(b) (affected environment); 1502.16(a)(6) (effects, conflicts with state, tribal, etc.); 1502.16(a)(7) (disclosing effects); 1506.2(d); 1508.1(g)(4) (in definition of cumulative effects); 1508.1(m) (part of possible “extraordinary circumstances” definition); 1502.23 (agencies should use models to predict climate change effects).

--Environmental justice: 1503.1(d)(2)(ix) (a factor to consider in determining significance of a proposed activity or project); 1502.16(a)(14); 1505.3(b); 1508.1(g)(4); 1508.1(k)(1) (definition of environmental justice); 1508.1(m) (part of possible “extraordinary circumstances” determination).

--Use best available science and data (1502.15(b), 1502.23(a)).

--Ensure professional and scientific integrity (1507.2(e)).

The above said, there are some provisions of the proposed new rule that are not appropriate and would not help meet the goals of NEPA. The following concerns were outlined in our comments.

Scoping for EAs must be required in all cases, and draft EAs must be published for public comment. Agencies should be required to respond to such comments.

The definition of significance, restored from the 1978 rule, must be retained, but provisions for considering scientific controversy and possibly precedent-setting action as possible factors in significance s must be included.

Agencies must not be allowed, let alone encouraged, to adopt CEs except with a full public participation process.

The use of CEs when extraordinary circumstances are present must only be allowed after a public process, with the results of the analysis showing no significant impact made available to the public.

Monitoring and compliance plans must evaluate the possible effectiveness of mitigation.

Section 1506.12 must be deleted from the rule. It is unnecessary and could lead to weakened review of many proposed projects and activities.

**Expected Outcome**

Unknown

# ADVOCACY AND EDUCATION



## Environmental Advocacy

### Status

In March of 2020, Yellowstone to Uintas Connection Staff Ecologist Dr. John Carter and his colleagues at Wild Utah Project published the Spatial Analysis of Livestock Grazing and Forest Service Management in the High Uintas Wilderness, Utah which can be found here:

[https://www.yellowstoneuintas.org/images/pdfs-doc/UintaSheep\\_SpatialAnalysis\\_JGIS\\_03\\_20\\_2020.pdf](https://www.yellowstoneuintas.org/images/pdfs-doc/UintaSheep_SpatialAnalysis_JGIS_03_20_2020.pdf)

In January of 2022, Dr. Carter submitted an OpEd in regard to the devastation of Pocatello Idaho's watershed by grazing livestock. The article can be found here:

[https://www.idahostatejournal.com/opinion/columns/mink-creek-beaver-restoration-the-tip-of-the-iceberg/article\\_a7ff9a29-f8f1-553a-ba6d-66503b8aeb18.html](https://www.idahostatejournal.com/opinion/columns/mink-creek-beaver-restoration-the-tip-of-the-iceberg/article_a7ff9a29-f8f1-553a-ba6d-66503b8aeb18.html)

On August 29<sup>th</sup>, 2022, Dr. Carter submitted an article to the LA Times, "The Colorado River's Endangered Watershed."

During 2023, Jason Christensen, Yellowstone to Uintas Connection's Director, tabled at several events promoting the work that we do at Yellowstone to Uintas Connection.

Jason also uses his position as Board Chair on the Paris Creek Water District and Watermaster to teach the local farmers the importance of having Beaver occupy the system and to promote water conservation methods that can be used locally to curb the dewatering of the Bear River and the Great Salt Lake.

Jason and his wife Kandis hosted several youth groups and their leaders at Kiesha's Preserve's campground. Jason and Kandis built an educational trail at the Preserve that includes interpretive signage and handbooks that educate the guests about the history and geology of the Bear River Range in Southeast Idaho and the plant and wildlife communities that occur at the Preserve.

During 2022 and **2023**, Dr. Carter has been working to educate the local public and prevent several large developments in Bondurant Wyoming area. These projects are located in the midst of critical migration routes for several species of wildlife. An article about this development and Dr. Carter's involvement can be found here:

<https://www.sweetwaternow.com/billionaire-seeks-zoning-change-to-construct-resort-in-bondurant/>

On **April 27<sup>th</sup>, 2023**, Dr. Carter submitted comments on the Sublett County **Proposed Zoning Regulations** on behalf of wildlife and the importance of maintaining habitat in the wildlife corridors.

Sublette County, Wyoming lies within the Greater Yellowstone Ecosystem adjoining the Bridger Teton NF. This ecosystem is one of the most diverse in the United States, retaining the species that were historically here prior to settlement. The County is a core area that contains the Path of the Pronghorn and the longest Mule Deer Migration in the US. It also contains grizzly bear, Canada lynx, and wolverine habitats and is crucial summer and winter range for pronghorn, mule deer, moose, and elk. Unfortunately, interests in development are dominating land use planning decisions in the County. This year, the County Planner began rewriting the Zoning Regulations in such a way that there is no protection for these migration corridors and habitats. Y2U has been involved in meetings opposing developments and proposing alternatives. On **September 15<sup>th</sup>, 2023**, Y2U submitted [comments](#) on the proposed regulations and are working with local groups of citizens to get better protections for wildlife.

**Throughout 2023**, Dr. Carter worked to provide technical assistance to local communities and landowners affected by the **Hill Air Force Base Superfund sites**. For years this work was done as a consultant through an EPA Technical Assistance Grant to his consulting company, Environmental & Engineering Solutions. After Yellowstone to Uintas Connection was established, Dr. Carter terminated his consulting work and EPA TAG grant but has continued to provide technical assistance without charge through Yellowstone to Uintas Connection. Issues currently being addressed are **contaminated groundwater** and **arsenic contaminated soils** and **the ongoing inadequate monitoring**. Currently he is assisting with review of Air Force documents and answering questions regarding local development and liability.

#### **Work Plan**

- Y2U will continue to host the Successful Activism workshops.
- Dr. Carter writes articles about the Corridor and, in particular, the phosphate mining industry for publication in national and regional media outlets. See the latest example [here](#).
- Y2U continues to submit Op Eds and subject material to media outlets about the Yellowstone to Uintas Connection corridor. See Dr. Carters recent article about the sheep industry abandoning their Pyrenees herd dogs [here](#).

#### **Expected Outcome**

Continue our lobbying efforts, activism trainings, and awareness campaigns to raise public involvement in conservation and expand public awareness of environmental issues. Y2U will continue to archive monitoring reports, literature reviews, research papers, and presentations on our web page for other activists and conservation professionals to use: <https://www.yellowstoneuintas.org/resources>

# ATVs/OHVs/OSVs/MOUNTAIN BIKES



## **Motorized Travel**

### **Status**

Big Game security areas are defined as an area of cover over 0.5 miles from an open motorized route and over 250 acres. These areas are important for limiting disturbance and hunting vulnerability to big game animals (but provide benefits to other animals as well). Because of the number of roads and trails within our National Forests and BLM managed lands there are very few security areas.

Road density and the status of all roads and OHV/ATV/OSV trails (legal, illegal, open, temporary, closed, user-created and other classifications), not just OMRD, should be mapped and the density per square mile determined and compared to the best available science and be considered in the Cumulative Effects of any project NEPA analysis. This should be done at the project level and analyzed for impacts on watersheds affected by the proposed projects. These analyses should determine additional route closures necessary to provide security areas for wildlife such as deer, elk, and moose as well as the migration corridors for Canada lynx, wolverine, and Grizzly bears.

There have been numerous publications on the benefits of roadless areas and the negative effects of roads regarding noise pollution and wildlife. Roads increasingly provide vehicle access into more and more remote areas, forcing sensitive species to be eliminated or greatly reduced especially when the cumulative impacts from livestock, oil, gas and mineral exploration and development are included. Roads and groomed trails provide increased access that can be used in summer and winter to damage environmental resources and displace or disrupt wildlife.

Motorized vehicles, OHV/ATVs and snowmobiles, with their ability to travel large distances cross-country, often have negative environmental impacts whether the trail is open, closed, or user created. The ecological effects of roads and/or mechanized use include erosion, air and water pollution, spread of invasive weeds, avoidance of road or machine-affected areas by wildlife, and habitat fragmentation.

#### **Work Plan**

- Y2U will continue to monitor the impacts of motorized travel, OHV/ATV/OSV on every proposed project occurring on Public Lands.
- Y2U will address this issue through comments provided to the agencies during the NEPA process.

#### **Expected Outcome**

Unknown

### **Suitability Changes to Winter Travel Management and Recommended Wilderness**

#### **Status**

On February 22<sup>nd</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, and Native Ecosystem Council submitted scoping comments on the Suitability Changes to Winter Travel Management and Recommended Wilderness for the Flathead Forest in Montana.

Our forests need more wilderness and less disturbance of wildlife by mechanized vehicles and tools that greatly amplify the range and amplitude of human disturbance. Sensitive species like lynx, wolverine and grizzly bear require large gains in habitat security, not social compromise that gains them nothing. How will the proposed action impact grizzly bears, lynx, lynx critical habitat and White Bark Pine?

As of **December 3, 2023**, the Forest Service has not published any more documents regarding this project. The project does, however, remain on the active list of projects on the Forest Service website.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Upon release, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed plan and potential alternatives.

#### **Expected Outcome**

Unknown

# **FISHERIES**



## **Buffalo Creek Yellowstone Cutthroat Trout Conservation Project**

### **Status**

On July 26<sup>th</sup>, 2022, Yellowstone to Uintas Connection along with Wilderness Watch and several other conservation organizations submitted comments on the “Buffalo Creek Yellowstone Cutthroat Trout Conservation Project” Environmental Assessment (EA) pursuant to 36 C.F.R. § 218.

We are concerned the Forest Service may authorize an intensive helicopter-assisted wildlife project in Wilderness with very little time between final project authorization and implementation and thus not enough time for meaningful judicial review. The project is the latest in a growing number of proposals where the Forest Service is expressly shirking its statutory duties as a federal administrative steward of designated Wilderness and deferring to the broad fish and wildlife management goals of state agencies. The Forest Service is ignoring exceptionally well-settled caselaw explaining that while state agencies have general management authority over wildlife in the state, federal administering agencies have the ultimate authority—and the duty—to protect federal lands and the wildlife existing therein pursuant to the more restrictive and protective mandates of federal law. The Forest Service here is failing to administer the Absaroka-Beartooth Wilderness pursuant to the mandates of the Wilderness Act.

If the Forest Service chooses to proceed with consideration of our comments, they should prepare an Environmental Impact Statement (EIS) that fully analyzes the project’s direct, indirect, and cumulative impacts over the 10-year period and beyond and rigorously explores alternatives—including those that can be accomplished outside of Wilderness—to better preserve wilderness character.

On **August 3rd, 2023**, the Forest Service published the Final Environmental Assessment (EA) and Finding of No Significant Impact.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Paris Creek Restoration**

#### **Status**

The project goal is to restore habitat for Bonneville cutthroat trout in the 3-mile reach of Paris Creek affected by an irrigation diversion on the adjacent Caribou National Forest. Our goal is to increase stream flows in this mostly dewatered reach of Paris Creek. Dr. John Carter, Y2U staff ecologist, has been working on this project for nearly two decades, engaging the Forest Service and Idaho Fish and Game to conduct fish surveys. These were completed in 2001 and 2012, showing that Bonneville cutthroat trout are missing from the dewatered reach. The Forest Service brought equipment and expertise in 2016 to actively restore stream channels, create pools and riffles and plant willows along the streambank in the portion of Paris Creek on the Forest. Dr. Carter and the Forest Service fisheries biologist looked at the effectiveness of the restoration efforts along the portion of the creek in the Forest and reported great progress. Idaho Department of Environmental Quality surveyed fish, invertebrates, and wildlife along the Kiesha's Preserve reach this summer. We are now engaged with these agencies, private landowners, irrigation district and PacifiCorp to return enough flow to sustain cutthroat trout. During 2020, PacifiCorp announced that they intend to decommission the power plant, thereby not needing to divert the water out of the upper stretch of Paris Creek. PacifiCorp is currently suggesting that a minimum of 16 CFS be released into the creek during the irrigation season. Ultimately, increased flow will restore the ability of Bonneville cutthroat trout to inhabit this entire 3-mile stretch of Paris Creek that is currently dewatered. During the summer of 2020 we continued to monitor flows and water quality in relation to Bonneville cutthroat trout habitat specifications.

Kiesha's Preserve asserted its water rights on Paris Creek and during the summer of 2020 reconstructed the ditch and diversion point for their water rights which will return to the stream on Kiesha's Preserve and give us an additional wedge to force more water to remain in the creek at the diversion structure.

During **2023**, Jason, Yellowstone to Uintas Connection's Director, has continued to be actively involved with the Paris Creek generating station decommissioning working with all affected parties to be sure that the return of the water into Paris Creek meets the needs of the fish and wildlife dependent on the creek. This has included being involved with building new diversion points with Trout Unlimited and ensuring that any stream realignment is appropriate and ecologically sound. Jason is currently serving as the Paris Creek Water District Board Chair and Acting Water Master on the Paris Creek Water District.

#### **Work Plan**

- We continue to jointly monitor project success of the habitat reconstruction on the upper reach of Paris Creek that occurs on the National Forest. There are already deep pools and riffles on the site because of the restoration. All willow plantings have survived.



## **Expected Outcome**

Rocky Mountain Power has moved the decommission date for the power plant to fall of **2024**. The entire flow of Paris Creek will be returned to the upper 3-mile reach that previously has been dewatered for power generation. Native Bonneville Cutthroat Trout currently are occupying Paris Creek below the power generation station and we expect to see them re-establish a population in the upper reach of the creek following the power plant decommissioning.

## **Red Rocks Lakes Grayling**

### **Status**

The Fish and Wildlife Service's (FWS) proposed pipeline project would involve digging a six-foot deep, mile-long trench and installing a 14-inch pipeline to connect Upper Red Rock Lake to a man-made pond just outside the Wilderness boundary. Then, the agency would artificially add oxygenated water to the lake during the wintertime to supposedly manufacture better Arctic grayling habitat. Red Rock Lake National Wildlife Refuge is located near Lima, Montana. On **March 25<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for Wild Rockies, Center for Biological Diversity, Council on Wildlife and Fish, and Native Ecosystems Council submitted comments on the proposed project. Supplemental comments were submitted on **March 27<sup>th</sup>, 2023**.

The project is a blatant violation of the Wilderness Act, which prohibits the agency from intentionally modifying Wilderness habitat and prohibits structures and installations and the heavy equipment the agency plans to use in carrying out the project.

FWS has framed its project as needed to bolster the abundance of adfluvial Arctic grayling—a species of freshwater fish in the salmon family—in Upper Red Rock Lake, but the agency's misguided plans are directed at intensively manipulating natural habitat and disrupting natural processes, rather than directed at more aggressively mitigating human sources of harm to the fish, like livestock grazing, human development, and fishing activity.

Red Rock Lakes National Wildlife Refuge has been protected since the 1930s when it was recognized for its importance as waterfowl and wildlife habitat. Trumpeter swans, which nearly faced extinction in the early 20th century, rely on Red Rock Lakes as a nesting ground.

Arctic grayling is a northern fish in extensive abundance in Alaska, Canada, and Russia. The only native populations of grayling in the Lower 48 occurred in the Upper Missouri River Basin in southwestern Montana and Wyoming and in a few waterways feeding the Great Lakes. The Great Lakes population was extirpated in the early twentieth century, but remnants of the Upper Missouri River Basin population remain. "Fluvial" arctic grayling, which reside in streams, have seen the greatest decline across their former Upper Missouri River Basin habitat. FWS has denied petitions from environmental groups to provide Endangered Species Act protections to the fluvial population around the Big Hole River, and those groups are currently suing the agency over its denial.

FWS has pointed to the presence and persistence of the grayling in Upper Red Rock Lake to justify its refusal of more aggressive regulatory action to protect habitat elsewhere in the region. But the abundance of these grayling is also threatened by human impacts to habitat connectivity, by livestock grazing and fishing, and by one entirely natural barrier that the grayling in Red Rock Lakes face: winter. A harsh winter with extensive ice and snow cover on a shallow lake like Upper Red Rock Lake can lead to oxygen depletion that affects grayling survival and abundance. The species has seen past population swings that correlate with such harsh winter habitat conditions.

On **June 26<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Wilderness Watch, Alliance for the Wild Rockies, and Gallatin Wildlife Association filed a lawsuit against the U.S. Fish and Wildlife Service, challenging the agency's unlawful decision to construct and operate a permanent water-diversion pipeline within the Red Rock Lakes Wilderness in southwestern Montana.

**Outcome**

On **September 13<sup>th</sup>, 2023**, due to our litigation, **the FWS withdrew its decision** to allow for the installation of the pipeline from Shambow Pond to URRL. The Service will focus on alternative conservation measures for Arctic grayling and continued stewardship of the Red Rocks Lake Wilderness under the Wilderness Act in collaboration with interested parties. Any further action will be subject to additional analyses, with the appropriate public review and input. The Service will not be taking further action on the Shambow Pond Diversion Pipeline at this time.

# LIVESTOCK GRAZING



## **Duck Creek BLM Allotment**

### **Status**

Data collected on the BLM's Duck Creek Allotment for the past 18 years by Dr. John Carter, Yellowstone to Uintas Connection's Staff Ecologist, has demonstrated that the BLM methods do not provide an objective and accurate depiction of rangeland health conditions or livestock forage consumption. During 2017 and 2018 Y2U attempted to address this concern by becoming involved in a cooperative effort to monitor utilization and analyze stocking rates on the Duck Creek allotment. The participants included BLM, Utah Grazing Improvement Program, Utah State University Ag Extension, Rich County Commissioners, Rich County Resource Management Group, Duck Creek permittees, Wild Utah Project, Western Watersheds Project and Y2U. Due to Y2U and the other environmental groups strong commitment to science and objective decision making, BLM and the other parties withdrew from the effort citing a "lack of trust" stemming from past litigation between the involved parties, this group has dissolved. Y2U had asked the BLM to participate in an evaluation of their monitoring methods regardless of the outcome of the collaboration. BLM has thus far declined to work with Y2U in regard to cooperative monitoring of rangeland health on the Duck Creek Allotment, refusing repeated invitations to visit our monitoring locations and see for themselves the degradation of upland and riparian areas by livestock. The BLM's Office of Scientific Integrity requested that Dr. Carter peer review their national rangeland assessment. This was done and submitted with numerous recommendations for more specificity.

Dr. John Carter, our Staff Ecologist, along with Allison Jones, Jonathan Ratner, Dr. Jim Catlin submitted a research paper which was published in Rangelands Journal refuting standard BLM and livestock industry grazing practices. Dr. Carter is an expert witness in litigation initiated in January 2019 on this

allotment. Since Y2U was not a party to the original case filed in 2008, he is continuing this effort in support of the Western Watersheds Project lawsuit challenging the Department of Interior appeals process.

During the fall of 2020, Y2U staff members collected line-point intercept and cover data on 10 locations with 400 points each to compare to previous years data.

During the summer of 2021, Y2U staff members put up 6 trail cameras to observe any tampering of utilization cages as well as document cattle and sheep numbers and the times that they are present along with documenting what wildlife still exists in the area.

On November 29<sup>th</sup>, 2021, Advocates for the West began arguing our appeal of the BLMs decision and subsequent court upholding. We did not win the appeal.

During the summer of **2023**, Y2U staff members continued to monitor the impacts of livestock grazing on the Duck Creek Allotment. We have been trying for years to get the BLM and the permittees to conduct monitoring together without success.

### **Work Plan**

- Y2U continues to monitor utilization and forage production on the Duck Creek allotment and continues to put pressure on BLM to accurately measure utilization and use accurate data and range science to affect management decisions including stocking rates.
- Y2U Staff Ecologist Dr. John Carter is researching satellite and aerial imagery to complete our analysis of vegetation structure relative to needs of sage grouse during **2024**.
- This has been a 15-year data collection effort that we plan to summarize into a final report in the next year or so.

### **Expected Outcome**

Unknown

## **Elk Ridge Complex Rangeland Supplementation Project**

### **Status**

The Elk Ridge Complex is comprised of four allotments: Lime Creek, Rock Creek, Tosi Creek, and Elk Ridge. Located approximately 32 miles northwest of Pinedale, these allotments encompass 30,577 acres of National Forest System lands in Pinedale Ranger District of the Bridger-Teton National Forest. The Elk Ridge Complex is bordered on two sides by allotments that were analyzed in the Upper Green River Area Rangeland Analysis. **See Y2Us involvement with the Upper Green Rangeland project below.** The Elk Ridge Complex is situated within the Green River Basin between the Gros Ventre Range and the Wind River Range.

In 1978, the Forest Supervisor issued a decision implementing an allotment management plan for the Elk Ridge Complex that provided grazing for 3,631 sheep or 725 cow/calf pairs on the allotments. At that time, livestock operators chose to utilize the allotments for sheep grazing. In 2016, the permittee chose to vacate the allotments because of a buyout negotiated between the permittee and conservation groups. Conflict with grizzly bears motivated their decision. Subsequently, the associated term grazing permits were returned to the USFS as waived without preference. These allotments have remained vacant ever since. Baseline vegetation inventories were conducted in 2019 and 2020 by the USFS and Sublette County Conservation District to determine current conditions for an EA.

On May 24<sup>th</sup>, 2021, the Forest Service scoping letter proposed to open the bought out and closed Elk Ridge Complex allotments to cattle grazing and sent out a scoping letter stating their intention. The Proposed Action is that the Pinedale Ranger District would like to authorize cattle grazing on the Elk Ridge Complex in rotation with the adjacent Upper Green River Area allotments. This is a single purpose with no other alternative. It has not expressed the intent of evaluating the allotments for permanent retirement from livestock grazing to restore habitats from past damage, or provide wildlife and watershed benefits, meet the increasing demand for primitive recreation, hunting and fishing in the area. Instead, this proposal is being made to satisfy the "desires" of the livestock industry. It will expand the conflict area with grizzly bears in this area of highest bear mortality due to livestock conflicts.

The entire project is highly suspect because of the full collaboration with livestock permittees and the Ag Industry while the BTNF refuses to cooperate with the public on these very allotments. On May 17<sup>th</sup>, 2021, Yellowstone to Uintas Connection along with Western Watersheds Project requested that the Forest and our groups do joint monitoring of the Upper Green River and Elk Ridge Complex allotments.

The BTNF has denied our multiple requests for the necessary cooperative monitoring needed to validate the current key species as representative of upland utilization on the allotments and whether greenline stubble height monitoring is representative of actual riparian zone utilization and habitat condition.

On May 26<sup>th</sup>, 2021, Y2U submitted a Freedom of Information Act (FOIA) requesting the NEPA documents including the EA and Specialists Reports be made publicly available with an opportunity to review and comment on those prior to issuing a decision. The fact that the Forest Service received over 3,000 comments on this project shows the high level of public interest. We are requested the following data and information for the Elk Ridge Complex which includes the Lime Creek, Rock Creek, Tosi Creek, and Elk Ridge allotments:

1. Provide the data, documentation, and analysis (capability, suitability, available forage, livestock consumption rates) used for establishing the original cattle and subsequently, the domestic sheep stocking rates for these allotments.
2. Provide trend data, maps and reports for all sites and all years. Include their location coordinates.
3. Provide wildlife reports and analyses to the extent they exist. This is important so we can have knowledge of wildlife populations, their habitat needs and habitat conditions. Also provide reports of conflicts with grizzly bears and wolves.

On June 22<sup>nd</sup>, 2021, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, Native Ecosystems Council and Western Watersheds Project submitted scoping comments requesting that the project be withdrawn for the following reasons:

- If pursued, an EIS is needed for this project due to the presence of threatened species such as grizzly bear and Canada lynx; wolverine, which are proposed for listing; and numerous special status species. Wilderness values will also be degraded if the Project goes forward. **Wolverines have since been listed as threatened.**
- Alternatives should be analyzed including permanent retirement of livestock grazing from the subject allotments to protect native species and their habitats, water quality and to maximize carbon sequestration for climate benefits.
- A Project and Cumulative Effects Area (CEA) should be delineated for the analysis.
- Analyze all Forest attributes, wildlife core, security areas and connections across the Forest and then at the Project and CEA levels, disclosing their current structural and functional attributes compared to the needs of the special status species and to potential.
- The analysis must adhere to the guidelines provided in the 2010 Forest Service National Roadmap for Responding to Climate Change and the intent of the January 27, 2021, Executive Order on Tackling the

Climate Crisis at Home and Abroad to promote carbon sequestration, biodiversity, and connectivity of wildlife populations.

- Update livestock stocking rates to reflect current cattle weights and forage consumption rates, Forest Service Regional criteria for capability, the most recent soil survey, and current forage production based on actual measurements in each plant community intended to be used by livestock.
- Update current allowable use standards which allow up to 65% utilization by livestock to the science-based 20 - 30% level to sustain native species of plants.
- Implement required rest rather than deferment in order that plants may recover their full vigor following years in which they are grazed by livestock. Destock allotments during below normal precipitation years.
- Validate key species and compare current methods and data for monitoring upland species to quantitative assessments of overall grass and forb utilization by clipping caged and uncaged plots and comparing those results to the current "wheel" method.
- Validate the riparian greenline stubble height method to determine whether utilization on sedges is representative of livestock use in the riparian zone. The riparian zone is the area between the greenline and adjacent uplands. This comparison should be made to grazed and caged plots in the riparian zone.
- Cooperate with the public to establish key sites, key species, and methods for monitoring.
- Analyze and report on the results of the prescribed monitoring contained in the Forest Plan for the BTNF and for the Project and CEA.
- Demonstrate through monitoring of populations, the current status of special status species compared to their potential and overall trends. Determine their viability across the entire BTNF.
- Provide monitoring data validating the outcomes of BMPs applied to protect ecosystem attributes.
- Address the issues identified in these comments in relation to the requirements of NEPA, NFMA, and the ESA, including consultation.

On November 23, 2021, the BTNF published the Environmental Assessment (EA) for the project and opened the 30-day comment period. Comments were due on December 27<sup>th</sup>, 2021. This follows the usual Forest Service procedure of opening comment periods during the holidays to limit public input.

On December 24<sup>th</sup>, 2021, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, and the Native Ecosystems Council submitted scoping comments for the Elk Ridge Complex Rangeland Supplementation Project Supplemental EA.

The **Forest Service has now placed this project "On Hold"** likely due to our comments and fear of litigation.

On January 27<sup>th</sup>, 2022, a letter was sent to the BTNF Forest Supervisor requesting permission to install utilization cages, collect the data, and present the results in a report to the BTNF. The letter outlined the fact that there are clear problems with the BTNF "cooperative monitoring" which does not involve the public in the design and carrying out of monitoring. As a result, selection of allowable use standards, selection of key areas and key species are not representative of grazing use nor are they protective of sensitive species. This can be corrected by following the intent of the Forest Service Handbook and monitoring manual that we cited in the letter. A first step would be to carry out the monitoring validation test we have requested. This would include selecting riparian and upland key areas in which to place cages to collect quantitative data for grazed vs ungrazed grasses and forbs. These would be compared to utilization measured as greenline stubble height along the selected stream reaches and Idaho fescue in uplands.

On March 27<sup>th</sup>, 2022, a similar letter was sent to the District Rangers for the Big Piney Ranger District and the Pinedale Ranger District.

During the summers of 2021 and 2022 Y2U implemented a monitoring program in the Upper Green and neighboring Forest Service grazing allotments. We published two reports, see below, demonstrating that the monitoring program of the Forest Service is heavily biased and unable to accurately measure livestock use. Therefore, the Adaptive Management protocol the Forest Service is using cannot work.

On July 12<sup>th</sup>, 2022, a Fisherman Creek Allotment, Range Ready Inspection was conducted by Dr. Carter and a report provided to the District Ranger for the Big Piney Ranger District.

Our [April 13, 2023 report](#) showed that livestock use 75% of the available vegetation, while the Forest Service monitoring claims only 10% use. It also demonstrates that the Elk Ridge allotments have not recovered their productivity after being closed to livestock for five years, currently producing less than 25% of potential.

Our [May 15, 2023 report](#) analyzed Forest Service data that they collected using methods similar to ours. Those results validate that their current monitoring methods are biased and that our data represents the actual levels of use by livestock. We are currently negotiating with the Bridger Teton NF to do a joint data validation study to address these monitoring inadequacies. The effort is also intended to address the [10<sup>th</sup> Circuit Court May 25, 2023 decision](#) to address female grizzly bear mortality and inadequate forage and cover for migrant birds.

Prior to livestock entry into the pastures, we placed utilization cages for later measurement and comparison of the quantitative Paired Plot method to height-weight or stubble height estimates. Following livestock leaving the pastures, the plots were clipped to determine the amount of herbaceous vegetation in the ungrazed caged plot compared to the two grazed plots. Green line stubble heights as well as stubble heights along transects in the riparian AIZ between the caged and grazed plots were measured. Comparing the outcomes of these different approaches is intended as a way of validating the current monitoring as carried out by the BTNF, SCCD and Permittees. Our results demonstrate that the Upper Green and Fisherman Creek allotments are overstocked based on our measures of average upland and riparian utilization using Paired Plots at 73.1 percent and 75.5 percent respectively. These far exceed the 50 percent utilization or allowable use standard required by the BTNF. They do not meet herbaceous retention needs for wildlife and are nearly triple what range science studies recommend.

On **December 1<sup>st</sup>, 2023**, our **Monitoring Results Upper Green and Elk Ridge Allotments for 2023** were re-submitted to the new Pinedale District Ranger repeating our request for joint data validation.

#### **Work Plan**

- Y2U continues to monitor utilization and forage production on the Fisherman Creek and Upper Green allotments and continues to put pressure on the Forest Service to accurately measure utilization and use accurate data and range science to affect management decisions including stocking rates.

#### **Expected Outcome**

Unknown

## **Showalter Range Water Improvement Project**

### **Status**

On December 14<sup>th</sup>, 2022, the Forest Service proposed to develop one well and a water conveyance system located on National Forest System lands to feed water troughs on approximately 43,230 acres. These actions are proposed to be implemented on the Powell Ranger District of the Dixie National Forest. The project area is located approximately ten miles east of Panguitch in Southern Utah. The elevation in the project area ranges from 8,680 to 8,020 feet.

The Forest Service states that there is a need to provide for a more reliable and broader distribution of available livestock watering sources across the Pines and East Pines allotments located in the Powell Ranger District. The purpose is to increase the distribution of cattle and other ungulates to disperse utilization of available forage throughout both allotments consistent with the AMP and the Forest Plan, as amended in 1986.

On **January 17<sup>th</sup>, 2023**, Yellowstone to Uintas Connection, Native Ecosystems Council, Alliance for the Wild Rockies, and the Center for Biological Diversity submitted comments on the Environmental Assessment for the project. Our main concern is the adherence to the Forest Plan direction for management of the Greater Sage-Grouse and is the one of the most significant issues we have for this proposed project. We are also concerned about the management of all birds that occur in this project area, especially those identified as species of conservation concern, such as the Sage Grouse.

On **March 17<sup>th</sup>, 2023**, the Forest Service published the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), and Draft Decision Notice (DN) under the National Environmental Policy Act (NEPA) for the Showalter Range Water Improvement project. The decision in the draft DN would authorize the proposed action.

On **April 17<sup>th</sup>, 2023**, the above listed conservation organizations filed an Objection to the project authorization.

### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Uintas Wilderness Domestic Sheep**

### **Status**

The Uinta Wilderness covers 453,860 acres with 272,768 acres currently being grazed by domestic sheep and cattle (the rest is inaccessible for livestock grazing). There are a total of 30 active grazing allotments and 11 that have been closed to livestock grazing. Current authorized numbers include over 10,000 cattle and 45,000 domestic sheep. These allotments are grazed during the summer months annually. In 2014, Yellowstone to Uintas Connection organized a coalition of environmental groups and interested individuals to address 11 domestic sheep grazing allotments that are being analyzed by the FS for permit renewal in the High Uinta Wilderness. All the allotments conflict with native bighorn sheep. Y2U has met with the Regional Forester, the Forest Supervisors, and other FS staff members on more than one occasion to delineate our concerns and recommendations.



The currently grazed 272,768-acre area is habitat for Canada lynx, wolverine, bighorn sheep, black bears, cougars, and many other species. It also provides a significant water source for much of Utah and Southeast Idaho.

In September 2018, Dr. John Carter, Y2U staff ecologist, presented to the Intermountain Regional Forester, Uinta-Wasatch-Cache Forest Supervisor, several district rangers and staff the [Forage Capacity & Stocking Rate Determination For High Uintas Wilderness Domestic Sheep](#), an analysis completed by Y2U and Wild Utah Project, which shows a capacity for stocking at 10 percent of the current rate on these High Uinta Wilderness domestic sheep allotments.

The DEIS for these permit renewals was published on June 4<sup>th</sup>, 2019. On August 5<sup>th</sup>, 2019, the coalition submitted comments on the DEIS. The full set of comments can be found at <https://yellowstoneuintas.org/issues/projects/item/81-high-uinta-wilderness-domestic-sheep>

In March of 2020, Dr. Carter and our colleagues at Wild Utah Project published the Spatial Analysis of Livestock Grazing and Forest Service Management in the High Uintas Wilderness, Utah which can be found here: [https://www.yellowstoneuintas.org/images/pdfs-doc/UintaSheep\\_SpatialAnalysis\\_JGIS\\_03\\_20\\_2020.pdf](https://www.yellowstoneuintas.org/images/pdfs-doc/UintaSheep_SpatialAnalysis_JGIS_03_20_2020.pdf).

As a result of some the comments received by the Forest Service on the DEIS, they added new information to the analysis and prepared a Supplemental Draft Environmental Impact Statement (SDEIS) that was published in **June 2023**. The coalition submitted comments on the SEIS on **August 28<sup>th</sup>, 2023**.

#### **Work Plan**

- Upon release, Y2U will address whether the Final Environmental Impact Statement (FEIS) adequately analyzed the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the FEIS does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will be seeking legal representation to litigate the continuation of domestic sheep grazing in the High Uinta Wilderness.
- Prepare articles for media to expose the issues with domestic sheep grazing in the High Uinta Wilderness.

#### **Expected Outcome**

Optimistically, the Bighorn Sheep risk analysis will result in the Forest Service recommendation to close some allotments. Our work is intended to show the impact of current stocking rates, which are far too high, and designed to put pressure on the Forest Service and permittees to support voluntary permit retirements through buyouts.

**Note:** Y2U was asked by Wilderness Watch to participate in a campaign to permanently close all wilderness areas to livestock grazing. We will provide information and data from the many years of monitoring livestock grazing impacts in the High Uinta Wilderness in support of that effort.

## Upper Green River Area Rangeland Project

### Status

In November 2016, Yellowstone to Uintas Connection, along with Alliance for the Wild Rockies and Wildlands Defense submitted comments on the Draft Environmental Impact Statement (DEIS) for the Upper Green River Area Rangeland Project stating the reasons why we believe the Upper Green River Area Rangeland Project is not in compliance with laws such as the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA), regulations, and policy.

Grizzly bears are suffering mortality while cattle continue to graze, depriving the bears of a basic food source, herbaceous vegetation, upon which they rely. The DEIS notes that 52% of Grizzly bear deaths in Western Wyoming between 2010 – 2014 occurred in the project area, with 18 relocations and all were due to cattle depredation. Conservation measures put in place per the BA and BO are discretionary and ineffective as livestock and hunter conflicts remain a major cause of Grizzly deaths. In January of 2018, Y2U along with Alliance for the Wild Rockies filed an Objection.

In August of 2018 Y2U received a letter from the Forest Service stating that an objection resolution meeting would take place but that the Forest Service was not willing to discuss any of our objection points.

On January 21<sup>st</sup>, 2020, Y2U along with the Alliance for the Wild Rockies and Western Watersheds Project filed a Notice of Intent to litigate the Forest Service authorization of killing up to 72 Grizzly bears over the next ten years.

On March 31<sup>st</sup>, 2020, Y2U, along with the Alliance for the Wild Rockies and Western Watersheds Project filed a lawsuit against the Secretary of the Interior David Bernhardt, the U.S. Fish and Wildlife Service, and the U.S. Forest Service for the 2019 decision to allow 72 federally protected Grizzly bears to be killed for the sake of public lands livestock grazing operations in the Upper Green River area of the Bridger-Teton National Forest. To view the comments, the Notice of Intent or the Complaint please see our web page: <https://www.yellowstoneuintas.org/issues/science/item/86-upper-green-river-area-rangeland-3049>

On February 22<sup>nd</sup>, 2021, Y2U and the other plaintiffs filed a Motion to Complete and Supplement the Administrative Record. On June 2<sup>nd</sup>, 2021, the magistrate judge issued an order restricting citations to the record based on our claims. This means that when we brief our ESA claims, we can only cite to the "ESA records" lodged in August of 2020, and when we brief our NFMA claims, we can only cite to the "NFMA record" lodged on May 3, 2021. In the same order, the magistrate judge terminated our pending record motions and directed that we re-file any record motions about either the August 2020 records or May 2021 record by July 2, 2021. On July 2<sup>nd</sup>, 2021, Y2U and the other plaintiffs filed a motion to amend and supplement our petition for review of agency action to bring in the 2021 Annual Operating Instructions (AOIs) and term grazing permits in effect for all six allotments, as well as challenge USFS management of two allotments as inconsistent with relevant Allotment Management Plans (AMPs). On August 6<sup>th</sup>, 2021, the judge granted our motion regarding the AOIs and AMPs, but denied it regarding the term grazing permits, including permits for four allotments just issued earlier this year that we did not know about until May. She seems to have bought into the ranchers' opposition arguments that there would be on-going questions about the adequacy of the petition and sufficiency of the record if we challenged the new term grazing permits, presumably because at some point USFS will issue new permits for the other two allotments. She also warned that any further motions to amend/supplement the petition will be "strongly disfavored if not summarily denied."

On August 20<sup>th</sup>, 2021, we filed a motion to complete and supplement the record in the Upper Green case. On September 15<sup>th</sup>, 2021, Dr. Carter documented with the Forest Service the trespass of 110 trespass cattle in the Lime Creek drainage in the Elk Ridge Complex, part of the Upper Green that is currently closed to grazing. **See above on page 20 regarding the Elk Ridge Complex.** On September 27<sup>th</sup>, 2021, we received a reply brief regarding our record motion. On October 4<sup>th</sup>, 2021, we filed a motion requesting a status conference in the Upper Green case. On October 6<sup>th</sup>, 2021, the magistrate judge denied our motion for a status conference to discuss new permits and AMPs. On October 14<sup>th</sup>, 2021, the magistrate judge issued an order completely denying our record motion. On November 18<sup>th</sup>, 2021, Jason updated his declaration.

On November 29<sup>th</sup>, 2021, we filed our opening merits brief and declarations.

On January 1<sup>st</sup>, 2022, Yellowstone to Uintas Connection and Western Watersheds Project requested the Upper Green Cooperative Range Monitoring report. On June 8<sup>th</sup>, 2022, Y2U and WWP obtained a Special Use Permit to put out utilization monitoring cages throughout the Upper Green Allotment. In September 2022, Y2U staff members collected utilization data using these monitoring cages.

On February 22<sup>nd</sup>, 2022, the plaintiffs filed our Petitioners' Reply Merits Brief. On May 17<sup>th</sup>, 2022, Judge Freudenthal, Wyoming District Court, ruled against all our (and CBD/Sierra Club's) claims regarding the Upper Green Project ROD and BiOp. On June 10<sup>th</sup>, 2022, the plaintiffs filed our Motion to Appeal in the 10<sup>th</sup> Circuit Court. On June 26<sup>th</sup>, 2022, the plaintiffs filed our Docket Statement. On September 15<sup>th</sup>, 2022, the plaintiffs filed the Opening Appellate Brief. On December 22<sup>nd</sup>, 2022, the plaintiffs filed our Reply Brief for the Appeal.

**On May 5<sup>th</sup>, 2023, The U.S. 10th Circuit Court of Appeals ruled that the U.S. Fish and Wildlife Service's authorization of the killing of up to 72 grizzly bears in the Upper Green violated federal law.**

Meant to accommodate private grazing operations in grizzly habitat, the 2019 grazing authorization would have allowed an unlimited percentage of females to be killed in response to livestock conflict, despite the significance of breeding bears to the species' recovery. But now the court has remanded the decision to the agencies to fix the legal deficiencies. The court found that among other issues, the U.S. Fish and Wildlife Service's failure to consider limiting the number of female grizzly bears that could be killed was arbitrary and capricious because killing too many females could jeopardize the grizzly bear population in the project area. In so holding the court acknowledged the importance of protecting female grizzly bears for grizzly bear recovery.

The challenged decision authorized the killing of up to 72 grizzly bears over the 10-year life of the reauthorized grazing program. The decision placed no limits on killing female bears or cubs, even though females with cubs live where the proposed killing would be permitted.

The judges also ruled that the Forest Service failed to follow its own Forest Plan requirements regarding wildlife habitat protections for migratory birds. Some 96% of the lands approved for livestock is zoned in the Forest Plan for a wildlife protection emphasis instead.

During the summers of 2021 and 2022 Y2U implemented a monitoring program in the Upper Green and neighboring Forest Service grazing allotments. We published two reports, see below, demonstrating that the monitoring program of the Forest Service is heavily biased and unable to accurately measure livestock use. Therefore, the Adaptive Management protocol the Forest Service is using cannot work.

On July 12<sup>th</sup>, 2022, a Fisherman Creek Allotment, Range Ready Inspection was conducted by Dr. Carter and a report provided to the District Ranger for the Big Piney Ranger District.

Our [April 13, 2023 report](#) showed that livestock use 75% of the available vegetation, while the Forest Service monitoring claims only 10% use. It also demonstrates that the Elk Ridge allotments have not recovered their productivity after being closed to livestock for five years, currently producing less than 25% of potential.

Our [May 15, 2023 report](#) analyzed Forest Service data that they collected using methods similar to ours. Those results validate that their current monitoring methods are biased and that our data represents the actual levels of use by livestock. We are currently negotiating with the Bridger Teton NF to do a joint data validation study to address these monitoring inadequacies. The effort is also intended to address the [10<sup>th</sup> Circuit Court May 25, 2023 decision](#) to address female grizzly bear mortality and inadequate forage and cover for migrant birds.

On **May 15<sup>th</sup>, 2023**, the Report on Upper Green was submitted by Yellowstone to Uintas Connection and Western Watersheds Project to the BTNF Forest Supervisor and Big Piney and Pinedale District Rangers.

Prior to livestock entry into the pastures, we placed utilization cages for later measurement and comparison of the quantitative Paired Plot method to height-weight or stubble height estimates. Following livestock leaving the pastures, the plots were clipped to determine the amount of herbaceous vegetation in the ungrazed caged plot compared to the two grazed plots. Green line stubble heights as well as stubble heights along transects in the riparian AIZ between the caged and grazed plots were measured. Comparing the outcomes of these different approaches is intended as a way of validating the current monitoring as carried out by the BTNF, SCCD and Permittees. Our results demonstrate that the Upper Green and Fisherman Creek allotments are overstocked based on our measures of average upland and riparian utilization using Paired Plots at 73.1 percent and 75.5 percent respectively. These far exceed the 50 percent utilization or allowable use standard required by the BTNF. They do not meet herbaceous retention needs for wildlife and are nearly triple what range science studies recommend.

On **December 1<sup>st</sup>, 2023**, our **Monitoring Results Upper Green and Elk Ridge Allotments for 2023** were re-submitted to the new Pinedale District Ranger repeating our request for joint data validation.

#### **Work Plan**

- Y2U continues to monitor utilization and forage production on the Fisherman Creek and Upper Green allotments and continues to put pressure on the Forest Service to accurately measure utilization and use accurate data and range science to affect management decisions including stocking rates.

#### **Expected Outcome**

Unknown

# MINING



## **Caldwell Mine Revised EIS**

### **Status**

On **November 11<sup>th</sup>, 2023**, the Bureau of Land Management published a letter notifying Yellowstone to Uintas Connection that the public scoping period under the National Environmental Policy Act (NEPA) for the Caldwell Canyon Revised Mine Environmental Impact Statement (EIS) is underway. The BLM will prepare the EIS to inform their decisions on the proposed Caldwell Canyon Revised Mine Project (the Project) submitted by the P4 Production, LLC (P4), a subsidiary of Bayer. The Project would occur on BLM, State, U.S. Forest Service (USFS), and private lands both on and off existing federal and state phosphate leases. The Project is located in Caribou County, Idaho, approximately 13 air miles northeast of Soda Springs Idaho. The EIS will evaluate the potential effects of the Project on natural resources and the human environment. The effects of the proposed action will be assessed along with that of the no action alternative. Other action alternatives to the proposed action may be considered. The original project was approved in a 2019 Record of Decision (ROD). Since that approval in 2019 and continuing through **May 2023**, P4 developed and constructed various components of the original project including a service road, haul roads, various utility lines, loadout facilities, and earthwork to prepare for ore recovery. In **June 2023**, as a result of legal action challenging the BLM's decision and analysis, the 2019 Final EIS and ROD were vacated by the United States District Court for the District of Idaho (Case No. 4:21-cv-00182-BLM). As a result of this vacatur, P4 submitted a Revised Mine and Reclamation Plan (RMRP), which the BLM will analyze under NEPA.

The proposed RMRP includes modifying existing lease boundaries, developing two new open mine pits, constructing haul and access roads, installing various utility lines, and constructing water management features, monitoring wells, and a shop and office facilities. As the agency designated to manage federally leased minerals such as phosphate, the BLM is the lead agency for the preparation of the EIS. The Idaho Department of Lands (IDL), the Idaho Department of Environmental Quality, the Idaho Governor's Office of Energy and Mineral Resources, and the U.S. Army Corps of Engineers will be cooperating agencies on the Project.

The Caldwell Canyon Mine Draft Environmental Impact Statement (DEIS) was released in early December 2018. This mine is proposed in an area already deemed to be a Superfund Site subject to Natural Resource Damages from past mining pollution. The proposed project will further fragment the Corridor, destroy wetlands, wildlife populations, and plant communities while polluting streams in the region with heavy metals. The mine will also cause noise and safety concerns that not only affect wildlife, but also humans. Y2U submitted comments on the DEIS on January 14<sup>th</sup>, 2019. The BLM released the Record of Decision on August 15<sup>th</sup> approving the Caldwell Canyon Mine. Upon release, Y2U concluded that the Final Environmental Impact Statement (FEIS) did not adequately analyze the potential environmental impacts of the project and address potential alternatives.

### **Work Plan**

- Y2U will submit scoping comments.
- Y2U will submit comments on the Draft Revised EIS.
- Upon release, Y2U will address whether the Revised EIS adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the Revised EIS and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will seek legal representation to litigate violations of the intent of NEPA, NFMA/FLPMA and the CWA.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Dairy Syncline Mine**

### **Status**

The Dairy Syncline Mine Draft Environmental Impact Statement (DEIS) was released in mid-December 2018. This is another open pit phosphate mine on Forest Service and BLM public land near Soda Springs, Idaho. This mine is also proposed in an area already deemed to be a Superfund Site subject to Natural Resource Damages from past mining pollution. The proposed project will further fragment the Corridor, destroy wetlands, wildlife populations, and plant communities while polluting streams in the region with heavy metals. The mine will also cause noise and safety concerns that not only affect wildlife, but also humans. Y2U and Kiesha's Preserve submitted comments on the DEIS on February 21<sup>st</sup>, 2019. It is important to point out that reviewing, analyzing, and commenting on these DEIS that are over 1000 pages in length takes hundreds of hours of staff time for each one. We urge you to take a look at the Dairy Syncline [comments](#) as an example of the depth of analysis.

On December 8<sup>th</sup>, 2019, Yellowstone to Uintas Connection and Kiesha's Preserve submitted a protest of BLM's decision to amend the Pocatello Resource Management Plan to conduct a land sale accommodating the Dairy Syncline Mine project in the Pocatello Field Office area. The BLM has proposed a direct land sale and acceptance of a donation parcel to accommodate the tailings pond which

is part of the Dairy Syncline project. According to the Draft Record of Decision (DROD), BLM has reduced the proposed land sale from 1,142.1 acres of BLM land to 500 acres and JR Simplot Co will donate a parcel containing 440 acres.

In addition, to accommodate the proposed tailings pond, the Forest Service has reduced the sale of Forest Service managed land from 631.6 acres to 160 acres with a donation of 640 acres of private land by Simplot as part of the bargain. Y2U filed a protest of BLM's decision to amend the Pocatello Resource Management Plan to conduct a land sale accommodating the Dairy Syncline Mine project in the Pocatello Field Office area on December 9<sup>th</sup>, 2019. The November 9, 2019, Notice of Availability for the FEIS provided a 45-day comment period for responding to the proposed modifications to the Huckleberry Basin and Sage Creek Idaho Roadless Areas (IRA). On December 19<sup>th</sup>, 2019, Y2U submitted additional comments on this proposed modification of the Huckleberry Basin and Sage Creek IRAs. On January 2<sup>nd</sup>, 2020, Y2U filed an Objection to the Forest Service ROD.

On January 19<sup>th</sup>, 2021, Yellowstone to Uintas Connection, the Center For Biological Diversity, WildEarth Guardians, Western Watersheds Project, and Rocky Mountain Wild filed a lawsuit for declaratory and injunctive relief to challenge Federal Defendants' unlawful approval of nine Resource Management Plans ("RMP") and related projects (this included the Dairy Syncline project), which govern the management of more than 6.5 million acres of public lands and minerals, because Defendant William Perry Pendley's exercise of the duties of Acting Director of the U.S. Bureau of Land Management ("BLM") was unlawful under the Appointments Clause, U.S. Const. art. 2, § 2, cl. 2; the Federal Vacancies Reform Act of 1998, 5 U.S.C. §§ 3345 et seq. ("FVRA" or "Act"); and the Administrative Procedure Act, 5 U.S.C. §§ 701 et seq. ("APA"). This includes the Dairy Syncline phosphate mining project.

On June 22<sup>nd</sup>, 2021, a meeting to discuss potential avenues for resolution of *Center for Biological Diversity et. Al. v. U.S. BLM, et. Al.* took place. Following that meeting we conferred with the plaintiffs to generate a set of preferred outcomes for the eight RMP-related decisions challenged in our complaint.

On November 10<sup>th</sup>, 2021, The BLM sent a settlement proposal stating that while the BLM is not willing to withdraw any of the challenged decisions, the agency believes it can offer substantial measures to address concerns plaintiffs have identified, with the goal of improving the projects covered by the subject RMPs going forward. The BLM stated that they have limited ability to provide Plaintiffs our requested relief because we have challenged an RMP decision that supports a now-completed land exchange. Thus, the BLM does not agree to undertake additional RMP level environmental analysis. However, the BLM, did state that they are amenable to discussing additional voluntary mitigation measures with the project proponent. The BLM also stated that it would welcome our input on specific voluntary mitigation measures they would like to see implemented in the project area.

**Throughout 2023**, Yellowstone to Uintas Connection has continued settlement discussions with the defendants. We hope to reach a settlement before the end of the year.

#### **Work Plan**

- Y2U has secured legal representation who is looking at pursuing additional litigation of the violations of the intent of NEPA, NFMA/FLPMA and the CWA.
- The plaintiffs are reviewing the BLMs proposals and will identify a strategy going forward.

#### **Expected Outcome**

Unknown

## Dry Creek Trona Mine Project

### Status

We are concerned about the continued loss of habitat for many species due to constantly expanding development, high road densities, livestock grazing, out of control motorized recreation and the lack of site-specific monitoring and analysis of historical and current habitats and wildlife populations.

Y2U staff members reviewed the documents referenced in the scoping notice at the BLM website. While the map legend lists four alternatives, and the presence of sage grouse PHMA and antelope crucial winter range, it has not provided in the context of describing any of these features and their relevance. There is scant information in either the scoping notice or map to inform the public about this mine and its various components, processes, emissions, wastes, ponds, wells, roads, pipelines, transport corridors and so on. Dr. Carter made two calls to the BLM office to obtain mapping information along with other information that would better describe features of the project so that the public could make informed comments. We did not get any return call, so we turned our comments into a Freedom of Information Act Request for some of the information we need to effectively analyze and comment on the proposal. Recent experience with BLM FOIA requests indicates the time for a response is much longer than the time allowed for these comments. Therefore, all we could do is outline some of our issues and concerns and request information. On May 25<sup>th</sup>, 2022, Yellowstone to Uintas Connection submitted these comments and FOIA Request.

After further inquiry as to the status of this project we received an email on **December 4, 2023**, that the Draft Environmental Impact Statement (DEIS) is expected to be published in March **2024**.

### Work Plan

- Y2U is considering filing a Protest in **2024** on the BLM ROD due to a lack of information provided to the public in the scoping document.
- Y2U is seeking legal representation who is looking at pursuing additional litigation of the violations of the intent of NEPA, NFMA/FLPMA and the CWA.

### Expected Outcome

Unknown

## East Boulder Mine Amendment 004 EIS

### Status

The Stillwater Mining Company - East Boulder Mine, proposed an expansion of their surface facilities to include a new Tailings Storage Facility and new Waste Rock Storage Facility with associated infrastructure located in the Custer-Gallatin National Forest in Montana. The East Boulder Mine is located in Sweet Grass County, approximately 16 miles south of McCloud, MT on NFS Road #205 in the East Boulder drainage.

The Forest Service is required to complete an Environmental Impact Statement (EIS) and analyze this amendment to the East Boulder mining plans and all future mining plans. On June 14<sup>th</sup>, 2022, Yellowstone to Uintas Connection, the Alliance for the Wild Rockies, the Montana Ecosystem Defense Center, and the Native Ecosystems Council submitted comments asking the Forest Service to analyze the cumulative impact of all mining activities in the Gardiner and Red Lodge Ranger Districts. Not doing so would mean the Forest Service is violating the procedural requirements of NEPA by failing to prepare an EIS on the effects of mining activity on the Custer-Gallatin National Forest.



The Forest Service published the Draft Environmental Impact Statement (DEIS) on **June 22<sup>nd</sup>, 2023**.

On **November 28<sup>th</sup>, 2023**, the Forest Service published the Final Environmental Impact Statement (FEIS) and Finding of No Significant Impact.

On **November 30<sup>th</sup>, 2023**, the owner of the Stillwater Mining Company halted the expansion project and laid off about 100 workers because the price of palladium fell sharply in the past year.

#### **Work Plan**

- Y2U will continue to monitor this mining project.

#### **Expected Outcome**

Unknown

## **East Smokey Panel Mine Project**

#### **Status**

The East Smokey Panel Mine Project at Smoky Canyon Mine Draft Environmental Impact Statement (DEIS) was released in late September 2018. This is another open pit phosphate mine on Forest Service managed land near Afton, Wyoming. The expansion of this mine will further fragment the Corridor, destroy wetlands, wildlife populations, and plant communities while polluting streams in the region with heavy metals. It is already listed as a Superfund site due to selenium pollution of Pole Canyon Creek which resulted from burying Pole Canyon Creek with contaminated overburden. The mine will also cause noise and safety concerns that not only affect wildlife, but also humans.

Our review of the East Smokey Panel Mine and Restoration Project reveals violations of the intent of NEPA, NFMA and the CWA. NEPA considerations include failures to take a Hard Look, evaluate Cumulative Effects or provide Reasonable Alternatives. NFMA failures include inadequate evaluation of population trends for threatened and endangered species, special status species, migratory birds and preserving the productivity of the land with sustainability. CWA violations of surface and groundwater standards are brushed off with the excuse that the Smoky Canyon Mine is a Superfund Site, and these exceedances will be addressed under CERCLA. Yet, not all CWA issues are CERCLA related, such as sedimentation of streams, destruction of streams, springs, riparian and wetland habitats, and stream dewatering by livestock grazing and diversions.

Yellowstone to Uintas Connection and Kiesha's Preserve submitted comments on the DEIS on December 26<sup>th</sup>, 2018. The Draft Record of Decision (DROD) was released in February of 2020. On April 15<sup>th</sup>, 2020, Y2U filed an Objection to the Forest Service's decision to authorize the project because they did not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.

Executive Order 13990, issued on January 20<sup>th</sup>, 2021, the first day of the Biden administration, directed all federal agencies to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with [the Biden administration's] important national objectives. . . .86 Fed. Reg. 7037, Sec. 1. Those "important national objectives" include the use of the best scientific information, processes that ensure the integrity of federal decision-making, environmental justice, reducing carbon emissions and bolstering resilience to climate change, and restoring protections for our national treasures on public lands.

On February 5th, 2021, Y2U sent a formal request to the Acting Secretary of Agriculture identifying the East Smoky Panel Mine as a decision of the United States Forest Service (USFS) that should be immediately reviewed and either modified or withdrawn pursuant to EO 13990. Several organizations including Y2U, the Center for Biological Diversity and WildEarth Guardians had recently requested that the US Dept. of Agriculture (USDA) elevate review of imminent decisions, an urgently needed process which, as we noted, is complementary to the separate duty under EO 13990 to review final decisions made during the last four years. This letter identifies a final decision that is inconsistent with the Biden administration's important objectives.

**Throughout 2022 and 2023**, Yellowstone to Uintas Connection has been in settlement discussions with the defendants. We hope to reach a settlement before the end of the year. This discussion came about due to the Dairy Syncline litigation. JR Simplot Company is concerned about our potential litigation on the East Smokey Panel Mine Project.

#### **Work Plan**

- Y2U is seeking legal representation to litigate violations of the intent of NEPA, NFMA/FLPMA and the CWA.

#### **Expected Outcome**

Y2U will be consulting with other environmental organizations that submitted comments on the DEIS regarding litigation options. The outcome is unknown.

## **Husky 1 North Dry Ridge Mine**

#### **Status**

The Husky 1 North Dry Ridge Mine Project Canyon Mine Scoping process for the Draft Environmental Impact Statement (DEIS) was initiated in late December 2020. This is another open pit phosphate mine on Forest Service managed land between Soda Springs, Idaho and Afton, Wyoming. This mine, if approved, will further fragment the Corridor, destroy wetlands, wildlife populations, and plant communities while polluting streams in the region with heavy metals. The mine will also cause noise and safety concerns that not only affect wildlife, but also humans.

Yellowstone to Uintas Connection, the Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments for the development of the DEIS on January 19th, 2021. We urge you to look at the Husky 1 North Dry Ridge comments as an example of the depth of analysis. The full set of comments can be found here: <https://www.yellowstoneuintas.org/issues/science/item/152-husky-1-north-dry-ridge-mine>

On October 14<sup>th</sup>, 2021, the Forest Service published the DEIS for this project. Y2U determined that the DEIS did not adequately analyze the potential environmental impacts of the project and addressed potential alternatives.

The BLM and USFS must comply with the National Environmental Policy Act (NEPA) by analyzing the environmental impacts of mining and reclamation operations along with reasonable alternatives as well as the project's compliance with other environmental laws such as the Endangered Species Act (ESA), the Clean Water Act (CWA), the Federal Land Policy and Management Act (FLPMA), the National Forest Management Act (NFMA), the Approved Resource Management Plan (ARMP), and the Caribou National Forest Revised Forest Plan (CNF RFP).

On December 1<sup>st</sup>, 2021, Y2U, the Alliance for the Wild Rockies, Native Ecosystems Council, Wildlands Defense, and the Snake River Waterkeepers submitted comments on the DEIS. It is especially troubling that these mines are being approved in an area deemed a Superfund Site subject to Natural Resource Damages from past and/or ongoing mining pollution. In past comments we have questioned whether the economic benefit outweighs the environmental costs of mining phosphate in this region. According to the recent Smoky Canyon East EIS, this region produces 15% of the phosphate rock in the US while Florida and North Carolina produce 85%. There is no evaluation of the value of the Public Lands to present and future generations for its inherent benefits of water supply, fish, wildlife, and recreation. The American People are left with a permanent burden of water pollution, degraded water supplies, lost fish and wildlife habitat, reduced productivity and reduced or eliminated species. These costs are externalized and only a model (HEA) of supposed values (DSAYS) lost from the directly disturbed areas is mentioned. These costs are partially offset by claimed benefits of the reclamation which will not restore what is lost.

On November 18<sup>th</sup>, 2022, The BLM and USFS published the FEIS and ROD for the Husky 1 North Dry Ridge Mining Project. Yellowstone to Uintas Connection staff members is currently working on an Objection as the FEIS does not adequately analyze the potential environmental impacts of the proposed project.

Pursuant to 36 CFR Part 218, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, Native Ecosystems Council, Snake River Waterkeeper and Wildlands Defense filed an Objection to the Final Environmental Impact Statement (FEIS) for the Husky 1 North Dry Ridge Phosphate Mine and Draft Record of Decision (Draft ROD) Authorization of Off-lease Activities Husky 1 North Dry Ridge Phosphate Mine on **January 2<sup>nd</sup>, 2023**.

#### **Work Plan**

- Y2U is seeking legal representation to litigate violations of the intent of NEPA, NFMA/FLPMA and the CWA.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **North Maybe Mine East Mill Dump**

#### **Status**

In June of 2021, the Forest Service, proposed a plan for the cleanup of the North Maybe Mine East Mill Dump in Caribou County, Idaho. The Site is a former phosphate mine located in the Caribou-Targhee National Forest. Operation of the mine resulted in the contamination of soils, surface water, vegetation, sediments/soils, and groundwater with metalloids (for example, arsenic and selenium), metals, and uranium daughter products (for example, radium and radon). The Proposed Plan provides background information on the site and the cleanup process, describes the cleanup alternatives that were evaluated, identifies the Forest Service's preferred cleanup alternative, and explains the reasons for their preference. The proposed plan is a document that the Forest Service is required to issue under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, and the regulations that implement CERCLA, known as the National Contingency Plan (NCP).

Y2U reviewed the Proposed Plan and found it inadequate at the most basic level. It provides no information or mapping of nature and extent of the pollution to groundwater, surface water, soils, vegetation, and wildlife. Instead, it refers the reader to the Remedial Investigation and Focused Feasibility Study (RI/FFS) which are available for viewing at the Soda Springs Ranger District. There is no link on the Forest Service website to project documents such as this where one can access and view the information without a trip to Soda Springs. A FOIA request for the documents could not be addressed within the time frame allowed for commenting. It is unclear how the Caribou Targhee Forest Plan, BLM Resource Management Plan, NEPA, NFMA, APA and other laws and regulations apply here. This is a decision to be issued by the Forest Service based on analysis by the mining company consultants. While CERCLA is cited, there must be other mandates to be met. The public needs to fully understand the legal environment applicable here and it is the duty of the agency to provide that context and additional opportunities for input. Since this is a Forest Service current action, all the rules of NEPA, NFMA, FLPMA, CWA, ESA apply. The public must be given a comprehensive analysis under these laws in addition to that provided under CERCLA. To this date there is no mention of the project, or any documents related to the project on the Forest Service website.

On July 30<sup>th</sup>, 2021, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, Native Ecosystems Council, Wildlands Defense and Snake River Waterkeepers submitted comments on the Proposed Plan North Maybe Mine East Mill Dump. **Comments for the North Maybe Mine East Mill Dump project are intertwined with and are relevant to the Husky 1 North Dry Ridge project** and were submitted as comments on December 1<sup>st</sup>, 2021, for that project as well.

On November 18<sup>th</sup>, 2022, The BLM and USFS published the FEIS and ROD for the Husky 1 North Dry Ridge Mining Project. The North Maybe Mine East Mill Dump Project is intertwined with the Husky 1 North Dry Ridge Project.

On **January 2<sup>nd</sup>, 2023**, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, Native Ecosystems Council, Snake River Waterkeeper and Wildlands Defense filed an Objection to the Final Environmental Impact Statement (FEIS) for the Husky 1 North Dry Ridge Phosphate Mine and Draft Record of Decision (Draft ROD) Authorization of Off-lease Activities Husky 1 North Dry Ridge Phosphate Mine.

#### **Work Plan**

- Y2U is currently trying to find out what the Forest Service is doing with this project as there is no information available to the public on the Forest Service website.
- Y2U will be seeking legal representation to litigate violations of the intent of NEPA, NFMA/FLPMA and the CWA.

#### **Expected Outcome**

Unknown

# OIL AND GAS



## **Crow Creek Pipeline Project**

### **Status**

The Crow Creek Pipeline project is proposed by the Forest Service to provide natural gas to the Afton/Star Valley, Wyoming area by pipeline instead of the current use of highway transportation. Y2U's primary concern is that a large portion of the 50-mile-long pipeline route runs through Idaho Roadless Areas (IRA) and further fragments the Corridor. We are specifically concerned about the unintended road that will be created along the pipeline route and the potential for OHV/ATV use in this area. We also want the Forest Service to address concerns such as potential effects of soil disturbance, methane leaks, and the indirect and cumulative ecological impacts which must be analyzed and disclosed in the Environmental Impact Statement. These are particularly of concern where the pipeline route leaves authorized roads and trails that are already in place and enters IRAs.

In February 2018 Yellowstone to Uintas Connection (Y2U) submitted scoping comments on the project. In November of 2018, Y2U and Western Watersheds Project (WWP) submitted comments on the project Draft Environmental Impact Statement (DEIS). The Final Environmental Impact Statement (FEIS) was released in April of 2019 with a Finding of No Significant Impact and the Record of Decision approving the Crow Creek Pipeline was released in November 2019. Upon release, Y2U concluded that the FEIS did not adequately analyze the potential environmental impacts of the project and address potential alternatives. On June 25<sup>th</sup>, 2019, Y2U filed an Objection on the Crow Creek Pipeline Project.

On January 2<sup>nd</sup>, 2020, Yellowstone to Uintas Connection along with the Alliance for Wild Rockies filed a Notice of Intent to file a citizen suit pursuant to the citizen suit provision of the Endangered Species Act (ESA). On April 20<sup>th</sup> Y2U and Alliance for Wild Rockies filed our complaint and filed an amended complaint on September 11<sup>th</sup>, 2020. You can see the full objection and complaints at <https://www.yellowstoneuintas.org/issues/science/item/124-crow-creek-pipeline-project>

On March 8<sup>th</sup>, 2021, a federal court in Idaho ruled that a legal challenge to a natural gas pipeline can proceed. The federal agencies had moved to dismiss the case, but the court rejected that challenge. The court held that the motion to dismiss was “meritless” and that challenges to “local distribution” pipelines like the Crow Creek pipeline must proceed in federal district court. The court pointedly held: "Defendants seem to think because the Crow Creek Pipeline will cross the state line of Idaho and Wyoming, the [Natural Gas Act] ipso facto continues to apply despite a local distribution service area determination. But the Natural Gas Act itself, the caselaw cited, and the record in this case conclusively and swiftly put an end to such a meritless legal position."

On May 26<sup>th</sup>, 2021, a grizzly bear was spotted in Lincoln County, Wyoming, close to the Utah and Idaho borders. An email was sent to the Forest Service asking them to reinstate ESA consultation for the Crow Creek Pipeline based on this information.

On June 15<sup>th</sup>, 2021, Y2U and Alliance for the Wild Rockies filed a motion to supplement the administrative record. On July 27<sup>th</sup>, 2021, the plaintiffs filed a brief for the Crow Creek Pipeline case.

On March 29, 2022, the Caribou-Targhee National Forest (CTNF) withdrew a signed 2019 Final Record of Decision (ROD) which would have approved the Crow Creek Pipeline Project authorizing Lower Valley Energy (LVE), to construct and maintain a new pipeline to provide natural gas to western Wyoming. The Office of General Council notified the agency on March 18, 2022, that under the Minerals Leasing Act, the United States Forest Service (USFS) did not have the authority to issue a special use authorization when a pipeline crosses more than one jurisdiction of federally managed lands. This authority resided with the Bureau of Land Management (BLM). Given the lack of authority, the USFS withdrew the 2019 ROD to comply with the Minerals Leasing Act and worked with the BLM on how to use the existing environmental analysis to issue a new decision.

On August 5<sup>th</sup>, 2022, the government filed a stipulation of dismissal and settlement agreement in the Crow Creek Pipeline and **the project was cancelled** by the Forest Service as a result of our litigation. Yellowstone to Uintas Connection and the Alliance for the Wild Rockies have been fighting a legal challenge against this pipeline for over two years, and our unrelenting efforts just paid off. Not only did the government cancel the pipeline, but it also made a legally binding commitment to conduct a complete environmental analysis before the pipeline could ever be brought back from the dead. What we did in this case was unprecedented: after litigating this case for two years and filing our opening brief, the government tucked its tail and ran, without even waiting for a final court order. We have never seen this in a legal challenge to a pipeline before. What this means is no possibility for any appeals to an ideological Supreme Court that would reverse this win if given the chance. Instead, this win is here to stay. At least until.....

Now, the CTNF has worked with the proponent, Lower Valley Energy (LVE), to alter the route to avoid lands managed by the BLM. On July 14<sup>th</sup>, 2023, the Montpelier Ranger District of the CTNF published the Crow Creek Pipeline Project Draft Supplemental Environmental Impact Statement (DSEIS). The Forest Service is proposing to issue a Special Use Authorization (SUA) and amendment to the Forest Plan allowing a utility corridor.

On **October 8<sup>th</sup>, 2023**, comments were submitted on behalf of Yellowstone to Uintas Connection, Alliance for the Wild Rockies, and Native Ecosystems Council for the Crow Creek Pipeline Project DSEIS.

The comments provided by the above conservation groups included the Canada lynx Species Status Assessment that Y2U Staff Ecologist Dr. John Carter produced and provided to the US Fish and Wildlife Service (US FWS) on **January 25<sup>th</sup>, 2023**. Dr. Carter's analysis provided input for the US FWS's current Species Status Assessment and Recovery Plan for Canada Lynx. Those comments are available for review here: [January 25, 2023 comments](#).

#### **Work Plan**

- Upon release, Y2U will address whether the Final SEIS adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the SEIS and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

# LOGGING/VEGETATION TREATMENTS



## **Ashley NF Forest-wide Prescribed Fire Restoration Project**

### **Status**

On February 28<sup>th</sup>, 2022, the Ashley National Forest proposed the Forest-wide Prescribed Fire Restoration Project. The Forest Service proposed to conduct prescribed fire treatments across the national forest, with burns occurring on up to **24,000 acres per year** for a maximum of 20 years. **480,000 acres!** The proposed action does not apply to research natural areas, alpine areas, any non-National Forest System lands within the Ashley National Forest boundary, or congressionally designated wilderness areas.

On April 3<sup>rd</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments for the Ashley Forest-wide Prescribed Fire Restoration Project. This project should be analyzed with an Environmental Impact Statement (EIS) not a Categorical Exclusion, to assess the cumulative impacts of the proposal along with all other existing and reasonably foreseeable future project impacts in the region and specifically in the Regionally Significant Wildlife Corridor.

On June 7<sup>th</sup>, 2022, the Forest Service published their Draft Decision Notice. On July 22<sup>nd</sup>, 2022, Y2U, the Alliance for the Wild Rockies and Native Ecosystems Council filed an Objection to the project authorization.

On October 12<sup>th</sup>, 2022, the Forest Service published the Draft Environmental Assessment, changing the NEPA from CE to EA, and requested comments. On November 17<sup>th</sup>, 2022, Y2U, Alliance for the Wild Rockies and Native Ecosystems Council submitted comments for the Ashley Forest-wide Prescribed Fire Restoration Project Draft EA.



On **October 2<sup>nd</sup>, 2023**, the Forest Service published the Final EA and a Finding of No Significant Impact.

On **November 13<sup>th</sup>, 2023**, Y2U, Alliance for the Wild Rockies and Native Ecosystems Council filed an Objection to the project authorization.

#### **Work Plan**

- Y2U is seeking legal representation to investigate potential NEPA, NFMA and FLPMA violations.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Basin Creek-Butte Watershed Project**

#### **Status**

The Basin Creek-Butte Watershed Project is located approximately 12 miles south of Butte, Montana in Silver Bow County. The project area encompasses the Upper Clark Fork Landscape as identified in the 2009 Beaverhead-Deerlodge National Forest Land and Resource Management Plan (Forest Plan) and includes the Basin Creek and Backyard Butte Management Areas. The Basin Creek Watershed provides up to nearly 60% of the City of Butte's municipal water supply, supporting over 34,200 residents. Two reservoirs- Upper and Lower Basin Reservoirs- were constructed in the late 1800s to provide reliable storage and delivery of drinking water to the booming mining community of Butte. Up until 2017, the Basin Creek source was operated as an unfiltered municipal water supply without water treatment facilities. As a result, activities and access to the project area were restricted on National Forest System (NFS) lands by the Forest Plan in an effort to protect water quality.

According to the Forest Service, the very restrictions set in place to safeguard the municipal watershed have inadvertently created a situation that could result in significant harm to the watershed in the event of a wildland fire. The Forest Service claims the watershed suffered significant impacts from Mountain Pine beetle following consecutive years of severe drought and that the lack of vegetation treatments in the watershed mean lodgepole pine mortality has created substantial hazardous fuels build-up that pose a real risk to the City's water source should a wildland fire occur in the watershed.

On December 14<sup>th</sup>, 2022, the Forest Service published the scoping document for the project and requested public comment. On **January 6<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council and Alliance for the Wild Rockies submitted scoping comments.

On **May 1<sup>st</sup>, 2023**, the Forest Service published the Draft Environmental Assessment. On **July 20<sup>th</sup>, 2023**, the Forest Service published the Final Environmental Assessment, Decision Notice and Finding of No Significant Impact.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Bitterroot Front Project**

### **Status**

The Forest Service, in partnership with the Confederated Salish and Kootenai Tribes, Ravalli County, State of Montana, and other federal agencies is proposing to conduct forest vegetation management activities in the Bitterroot Front Project area. The project area is approximately **144,000 acres** in size and is located within Ravalli County, Montana encompassing various watersheds of the Bitterroot Valley.

On August 16<sup>th</sup>, 2023, the Forest Service published the Draft Environmental Assessment (DEA) for the project. On **September 18<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council, Alliance for the Wild Rockies, and the Center for Biological Diversity submitted comments on the DEA.

### **Work Plan**

- Upon release, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Caribou Prescribed Fire Restoration Project**

### **Status**

On November 24<sup>th</sup>, 2020, Yellowstone to Uintas Connection, Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments for the Caribou Prescribed Fire Restoration Project. The Forest Service proposed to use prescribed fire on approximately **719,000 acres** in the Caribou zone of the Caribou-Targhee National Forest. The Scoping Proposed Action proposes that this project and its unknown number of site-specific projects will be “categorically excluded from documentation in an environmental assessment or environmental impact statement”. This precludes the public from seeing and commenting on a site-specific analysis and gives no opportunity to comment, object or appeal. It also implies that there will be no Cumulative Effects Analysis (CEA) or “Hard Look” at the direct or indirect effects, or for that matter, no informing the public about existing conditions and the cause and effect related to those conditions in their National Forest. Implementation of a CE does not free the Forest Service from the requirements of the National Environmental Policy Act (NEPA).

The basis for a determination that this project will improve the health and resiliency of vegetation communities and habitats in the project area to reduce the risk of uncharacteristic wildfire to key ecosystem components by modifying and reducing natural fuel accumulation, increase resiliency of existing vegetation groups to future stressors like wildfire and drought by improving plant vigor, stand structure, and species composition, improve the proper ecological function of vegetative communities was never provided. The only mention of the impact of the proposed project on wildlife occurring within the project area is found within the project design element section and minimally outlines procedure following implementation of the project. We believe that NEPA requires the agency to adequately demonstrate the impact that this project will have on all wildlife species and needs to be included in the public involvement process, which in this case is scoping.

There is no documentation of the current status of special status species potentially occurring or occurring in the project area. Species such as Bald eagle, Grizzly bear, Northern goshawk, Canada lynx, and wolverine are potentially affected by this project.

In January of 2021, **this project was halted** by the Forest Service after Yellowstone to Uintas Connection, the Alliance for the Wild Rockies, and Native Ecosystems Council submitted detailed comments opposing the project and due to our successful litigation of the Middle Henry's Aspen Enhancement Project.

On September 1<sup>st</sup>, 2021, the forest service published a Draft EA for this project after the failed Categorical Exemption attempt. On September 29<sup>th</sup>, 2021, Yellowstone to Uintas Connection, Alliance for the Wild Rockies and Native Ecosystems Council submitted comments for the Caribou Prescribed Fire Restoration Project – Environmental Assessment and Finding of No Significant Impact and Draft Decision Notice.

On February 11<sup>th</sup>, 2022, Yellowstone to Uintas Connection, Alliance for the Wild Rockies and Native Ecosystems Council filed an Objection to the project authorization.

As of **December 3, 2023**, the Forest Service has not published a Final Decision Notice.

#### **Work Plan**

- When the Forest Service publishes the Final ROD Y2U will request the project file and seek legal representation to challenge the NEPA process for this project.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Chloride Gold Project**

#### **Status**

On December 22<sup>nd</sup>, 2022, the Sandpoint Ranger District of the Idaho Panhandle National Forests proposed to conduct forest management activities in the Chloride Gold Project located southeast of Lake Pend Oreille. The project area is about **43,000 acres** in size. The proposed action includes vegetation management/fuel reduction and activities to manage invasive plants, roads, trails, recreation, wildlife habitat, and improve fish passage under streets. The proposed activities focus on treating approximately 17,150 acres of vegetation using 327 vegetation treatment units, including about 5,358 acres for prescribed burning only.

The National Forest Management Act (NFMA) and subsequent Forest Service regulation, policy, and direction require 60 days' public notice and Regional Forester authorization to exceed the established 40-acre regeneration harvest size limits. This project proposes 43 openings larger than 40 acres; approval to exceed 40 acres was requested from the Regional Forester in accordance with the law. This project scoping served as notification of the 60-day public notice requirement to exceed regeneration harvest openings greater than 40 acres as required by NFMA.

On **January 17<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council and Alliance for the Wild Rockies submitted scoping comments for the proposed Chloride Gold Project on the Sandpoint Ranger District of the Idaho Panhandle National Forest.

On **January 30<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council, Alliance for the Wild Rockies and the Center for Biological Diversity submitted 60-day comments for the proposed openings over 40 acres in the proposed Chloride Gold Project.

#### **Work Plan**

- Upon release, Y2U will address whether the Draft EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Coleville Slate**

#### **Status**

On **August 24<sup>th</sup>, 2023**, the Newport-Sullivan Lake Ranger District of the Colville National Forest (CNF) proposed a series of forest restoration projects in the Slate Creek and Peewee Creek watersheds as part of the **32,896-acre** Slate Project.

The Slate Project area lies within Pend Oreille County, extending east from the Pend Oreille River and south from the US/Canada border through the Peewee Creek-Pend Oreille River, Outlook South Salmo, Slate Creek, and Flume Creek-Pend Oreille River watersheds. The Pend Oreille River and the Selkirk Divide/Idaho Panhandle National Forest bound the project on the west and east, respectively.

On **September 1<sup>st</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council, Alliance for the Wild Rockies, Council on Wildlife and Fish, and the Center for Biological Diversity submitted scoping comments on the Slate Project on the Newport-Sullivan Lake Ranger District of the CNF.

#### **Work Plan**

- Upon release, Y2U will address whether the Draft EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## Coyote Divide Vegetation Project

### Status

On September 26<sup>th</sup>, 2022, the Belt Creek-White Sulphur Springs Ranger District, of the Helena–Lewis and Clark National Forest, proposed the Coyote-Divide Vegetation Project. Roughly 70% of the project area lies in Cascade County and 30% in Meagher County. This project is located on the west side of Highway 89 between the communities of Monarch and Neihart, Montana in the Little Belt Mountains.

The Coyote-Divide Vegetation Project proposes to treat approximately 8,450 acres (24%) of the approximate **36,500-acre** project area using a range of fuels reduction, prescribed fire, tree harvest, and other silvicultural techniques. Prescribed burns are also planned to complement the vegetative treatments and improve conditions for future fire suppression efforts. In addition to these treatments, aspen stand restoration, White Bark Pine release, and maintenance of naturally occurring meadows/parks is planned as part of this project.

On **August 23, 2023**, Yellowstone to Uintas Project (Y2U), Native Ecosystems Council, and the Center for Biological Diversity submitted scoping comments on the Coyote Divide Vegetation Project on the Belt Creek-White Sulphur Springs Ranger District of the Helena-Lewis and Clark NF.

### Work Plan

- Upon release, Y2U will address whether the Draft EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### Expected Outcome

Unknown

## Cyclone Bill Project

### Status

On **March 6<sup>th</sup>, 2023**, the Tally Lake Ranger District of the Flathead National Forest proposed the Cyclone Bill Project to reduce tree densities and fuel loadings within the wildland-urban interface, improve diversity and resilience of vegetative communities, and contribute to continued timber production and economic sustainability. The Cyclone Bill Project is located on the Tally Lake Ranger District of the Flathead National Forest. The project area is approximately **40,880 acres**, and is located northwest of the Flathead Valley, 13 miles west of Whitefish Montana. The project area is located on the south side of the Star Meadow area and includes Tally Lake and Logan Creek. Approximately 55 percent of the Cyclone Bill project area is in the wildland-urban interface (WUI).

Land ownership within the project area is approximately 81 percent National Forest System (NFS) land, 13 percent private, and three percent State-owned lands. All proposed activities would occur on National Forest System lands. Approximately 55 percent of the project area, Cyclone Bill Project, Tally Lake Ranger District, Flathead National Forest 2 22,636 acres, is located within the wildland-urban interface.

On **March 29<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Native Ecosystems Council, Council on Wildlife and Fish and the Center for Biological Diversity submitted scoping comments on the Cyclone Bill Project on the Tally Lake Ranger District of the Flathead NF.

#### **Work Plan**

- Upon release, Y2U will address whether the Draft EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Darling Creek Vegetation Project**

#### **Status**

On December 2<sup>nd</sup>, 2021, the Salmon-Challis National Forest proposed implementing prescribed fire by both hand and aerial ignition over areas of the **6,210-acre** project area. The Salmon-Challis has made a preliminary assessment and concluded that these proposals may fall into categories of actions that may be excluded from documentation in an environmental assessment (EA) or environmental impact statement (EIS).

This project should be analyzed with an EIS not a CE to assess the cumulative impacts of the proposal along with all other existing and reasonably foreseeable future project impacts in the region.

On January 7<sup>th</sup>, 2022, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, Native Ecosystems Council and Wildlands Defense submitted comments on the Darling Creek Vegetation Project.

On **November 13<sup>th</sup>, 2023**, the Forest Service authorized the Categorical Exclusion for this project.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

#### **Expected Outcome**

Unknown

## Diamond Creek Forest Management Project

### Status

On September 16<sup>th</sup>, 2022, the Caribou-Targhee National Forest (CTNF) on the Diamond Creek Forest Management Project on the Montpelier and Soda Springs Ranger Districts. The project area encompasses approximately **34,750 acres** of National Forest System lands, and shares borders with Idaho Department of Lands (IDL), Bureau of Land Management (BLM), and private property. The project area is located in southeastern Idaho within the Webster Range, approximately 20 air miles east of Soda Springs, Idaho.

On November 6<sup>th</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments on the Diamond Creek Forest Management Project.

On **August 4<sup>th</sup>, 2023**, the CTNF published the Final Environmental Assessment (FEA), Finding of No Significant Impact, and Draft Decision Notice.

On **September 4<sup>th</sup>, 2023**, Y2U, Alliance for the Wild Rockies, Native Ecosystems Council and Wildlands Defense filed an Objection to the project authorization.

### Work Plan

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

### Expected Outcome

Unknown

## Dixie National Forest Prescribed Fire Landscape Resiliency Project

### Status

On October 21<sup>st</sup>, 2021, the Dixie National Forest proposed a forest-wide prescribed fire project to reduce the risk of uncharacteristic wildfires and improve the health, diversity, and resilience of native vegetation communities and wildlife habitats. The proposed action would authorize the use of prescribed fire and associated treatments across approximately **1.8 million acres** of national forest lands within the approximately 2 million-acre DNF. This proposal does not include the use of prescribed fire within any congressionally designated wilderness areas and research natural areas. The specific locations for individual prescribed fires have not been identified at this time. The Forest would identify specific areas for treatment based on prioritized need, suitable conditions for prescribed burning, and available resources to safely implement prescribed burns. The annual prescribed burning program would apply fire on approximately 52,000 acres, though some years may see more or less acres treated depending on conditions and resources.

On November 15<sup>th</sup>, 2021, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments on the project.

On November 22, 2022, the Forest Service published the Draft Environmental Assessment (DEA) for this project. Yellowstone to Uintas Connection, Alliance for the Wild Rockies and Native Ecosystems Council submitted comments on the EA for the Dixie NF Prescribed Fire Landscape Resiliency Project on December 22, 2022.

On **August 25<sup>th</sup>, 2023**, the DNF published the Final Environmental Assessment (FEA), Finding of No Significant Impact, and Draft Decision Notice.

On **October 10<sup>th</sup>, 2023**, Y2U, Native Ecosystems Council and Alliance for the Wild Rockies filed an Objection to the project authorization.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

#### **Expected Outcome**

Unknown

## **Dry Riverside Project**

#### **Status**

On November 18<sup>th</sup>, 2022, the Hungry Horse and Spotted Bear Ranger Districts of the Flathead National Forest proposed the Dry Riverside. The project area is approximately **54,975 acres** and is located southeast of the town of Hungry Horse, within Flathead County, MT. In general, the project area is located south of Mount Grant, north of Crossover Mountain, east of the Hungry Horse Reservoir, and west of the divide between the South Fork and Middle Fork drainages. Ownership within the project area is 100 percent National Forest System (NFS) lands. All proposed activities would occur on NFS lands. None of the project area is located within the wildland-urban interface (WUI), established by the Flathead County Community Wildfire Protection Plan.

On December 19<sup>th</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council and Alliance for the Wild Rockies submitted scoping comments on the Dry Riverside Project.

On **September 1<sup>st</sup>, 2023**, the Forest Service published the Environmental Assessment (EA) for the Dry Riverside Project. On **September 28<sup>th</sup>, 2023**, Y2U, Alliance for the Wild Rockies and Native Ecosystems Council submitted comments on the EA.

On **November 1<sup>st</sup>, 2023**, the Forest Service published their Draft Decision Notice authorizing the Dry Riverside Project.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

#### **Expected Outcome**

Unknown



## **East Fork Salvage Project**

### **Status**

On **October 10<sup>th</sup>, 2023**, the Tally Lake Ranger District of the Flathead National Forest proposed the East Fork Salvage Project. The project area is located on National Forest System Lands approximately 6 miles west of Olney, MT. The East Fork Fire originated on the Kootenai National Forest, burning approximately 5,269 acres of National Forest System lands during August and September 2023. Approximately 1,080 acres were on the Tally Lake Ranger District of the Flathead National Forest.

The Project proposal stated that the East Fork Fire burned in heavy timber in the Martin Creek and Blessed Pass areas, including economically valuable species such as Douglas-fir and that over time, the fire-killed trees will lose their economic value due to deterioration of the wood from fungi, insect damage and decay. The Tally Lake interdisciplinary team assessed the burned area and identified opportunities for natural resource management objectives through salvage harvest on up to 250 acres and the Forest Service proposed that the Project qualified for a Categorical Exclusion of the NEPA process.

This project cannot be implemented as a Categorical Exclusion because of the existence of extraordinary circumstances (threatened grizzly bear, lynx critical habitat), significant adverse impacts to threatened species, and failure to implement Forest Plan direction for grizzly bears.

On **October 30<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Native Ecosystems Council, Council on Wildlife and Fish and the Center for Biological Diversity filed an Objection to the project authorization.

### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

### **Expected Outcome**

Unknown

## **Eastside Forest and Habitat Improvement Project**

### **Status**

On May 11<sup>th</sup>, 2021, the Bitterroot National Forest in conjunction with the Confederated Salish & Kootenai Tribes (CSKT) proposed a mix of vegetation treatments including prescribed fire and non-commercial thinning which will cover the majority of the “east side” of the Bitterroot National Forest, involving most of the Forest that is east of highway 93 as well as the entire Sula Ranger District, extending from the northern boundary of the Forest on the Stevensville Ranger District near 8 mile creek in Florence down to Conner, following the Darby/Sula Ranger District boundary to the south. The Scoping Proposed Action proposes that this project and its unknown number of site-specific projects will be “categorically excluded from documentation in an environmental assessment or environmental impact statement”. This precludes the public from seeing and commenting on a site-specific analysis and gives no opportunity to comment, object or appeal. It also implies that there will be no Cumulative Effects Analysis (CEA) or “Hard Look” at the direct or indirect effects, or for that matter, no informing the public about existing conditions and the cause and effect related to those conditions in their National Forest.

There is also **no indication of the number of acres** that this project will have an impact on.

On May 21<sup>st</sup>, 2021, Yellowstone to Uintas Connection (Y2U), the Alliance for the Wild Rockies, Friends of the Bitterroot, and Native Ecosystems Council submitted scoping comments on the project. The Forest Service must complete a full environmental assessment (EA) for this Project because the scope of the Project will likely have a significant individual and cumulative impact on the environment.

On December 5<sup>th</sup>, 2022, almost a year and a half later, the Forest Service issued a Decision Memo. On December 7<sup>th</sup>, 2022, Alliance for the Wild Rockies submitted a FOIA request on behalf of the above signed organizations.

In **March of 2023**, Y2U, the Alliance for the Wild Rockies, Friends of the Bitterroot, and Native Ecosystems Council secured legal representation to challenge the Categorical Exclusion of the NEPA process and subsequent project authorization.

On **March 21<sup>st</sup>, 2023**, we filed a **60 Day Notice of Intent to Sue** under the Endangered Species Act: Bitterroot National Forest Eastside Forest & Habitat Improvement Project & Mud Creek Vegetation Management Project.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U has secured legal representation who is looking at pursuing additional litigation of the violations of the intent of NEPA, NFMA/FLPMA and the CWA.

#### **Expected Outcome**

Unknown

## **Gold Butterfly Project - Supplemental Environmental Impact Statement**

### **Status**

The Gold Butterfly Project area encompasses **55,147 acres** on the eastside of the Bitterroot National Forest. The project area is primarily on lands administered by the Bitterroot National Forest on the Stevensville Ranger District. The southern end of the project, in the St. Clair Creek drainage, is on the Darby Ranger District but is accessed through the Willow Creek Road system on the Stevensville Ranger District, and thus the project is being administered by the latter. In June 2019, the Final Environmental Impact Statement, its summary, and the draft Record of Decision for the Gold Butterfly Project were released to the public. An administrative review (objections) process was conducted at that time. An updated final environmental impact statement was published in the Federal Register on October 11, 2019. The Gold Butterfly Project Final Record of Decision was signed by Bitterroot National Forest Supervisor Matt Anderson on November 15, 2019, and with it an updated Final Environmental Impact Statement was released to the public.

After the Final Record of Decision was signed, it was determined a project-specific amendment to the Bitterroot Forest Plan was needed to align management of old growth stands in the project area to the best available scientific information. On August 28, 2020, the Forest Supervisor withdrew the Final Record of Decision for the project with a letter directing forest personnel to conduct additional review and analysis regarding the needed amendment.

On June 25<sup>th</sup>, 2021, the Bitterroot National Forest proposed a project-specific amendment to the 1987 Bitterroot Forest Plan for direction regarding old growth vegetation for the Gold Butterfly Project. The area affected by the proposal is the Gold Butterfly Project area.

On August 9<sup>th</sup>, 2021, comments were submitted on the Gold Butterfly Draft Supplemental Environmental Impact Statement (SEIS) on the Gold Butterfly Project in the Bitterroot National Forest by Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Friends of the Bitterroot, WildEarth Guardians, and Native Ecosystems Council.

It is unclear exactly when the Forest Service signed the Final SEIS and record of decision as it is not listed on the Forest Service web page.

An Objection was filed against the Gold Butterfly Project by Y2U, Native Ecosystems Council, Alliance for the Wild Rockies, and Friends of the Bitterroot on January 18, 2022.

On **February 12<sup>th</sup>, 2023**, the Forest Service published the Gold Butterfly Final Supplemental Environmental Impact Statement (FSEIS).

On **March 6<sup>th</sup>, 2023**, Y2U, Alliance for the Wild Rockies, Friends of the Bitterroot, Stephen S. Goheen, Gail H. Goheen, Council on Wildlife and Fish and Native Ecosystems Council submitted comments on the FSEIS and filed an Objection to the project authorization.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

#### **Expected Outcome**

Unknown

## **Humboldt-Toiyabe National Forest - Forest-wide Prescribed Fire Project**

#### **Status**

The proposed project would authorize multiple prescribed burns across the Forest per year, each ranging from 500-10,000 acres in size. This project would provide a range of prescribed fire opportunities that can be prioritized and scheduled as necessary in any given year within approximately 4 million acres of the Humboldt-Toiyabe National Forest that need prescribed burning. The Forest Service plans to increase the amount of annual prescribed burning each year over the next 15 to 20 years as funding and resources allow. When fully implemented treatments would not exceed **100,000-acres** of prescribed burning annually. This proposed project would not authorize burning in designated wilderness or research natural areas. The project was initially proposed as a Categorical Exclusion of the NEPA process.

On January 12<sup>th</sup>, 2022, the Forest Service changed the proposed NEPA from CE to EA. The Forest Service published a Preliminary Environmental Assessment. On February 7<sup>th</sup>, 2022, comments were submitted from Yellowstone to Uintas Connection (Y2U), Wildlands Defense, Native Ecosystem Council, and Alliance for the Wild Rockies on the HTNF Forest-Wide Prescribed Fire EA. On February 9<sup>th</sup>, 2022, additional comments were filed on this project EA.

As of **December 5<sup>th</sup>, 2023**, the Forest Service has not published a Final EA, or Draft Decision Notice.

#### **Work Plan**

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Hungry Creek Vegetation Improvement Project**

#### **Status**

On October 19<sup>th</sup>, 2021, the Dixie National Forest proposed the Hungry Creek Vegetation Improvement Project. The proposed project is located within Garfield County, Utah on the Escalante Ranger District of the Dixie National Forest. The project consists of approximately **103,351 acres**, an analysis area which covers both the Pine Creek and North Creek 6 HUC watersheds. Within this boundary, approximately 50,134 acres would receive mechanical vegetation treatment such as thinning, timber stand improvement or mastication. Prescribed fire could be applied following vegetation treatments as well to other units in the project boundary for a total of 71,052 acres of burnable acres.

On November 17<sup>th</sup>, 2021, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments on this project to help guide the development of the NEPA for the Hungry Creek Vegetation Improvement Project.

On January 12<sup>th</sup>, 2022, the Forest Service published the EA for the project. On March 22<sup>nd</sup>, 2022, **the project authorization was redacted** by the Forest Service, likely due to our detailed comments and fear of litigation.

On **July 28<sup>th</sup>, 2023**, the Forest Service published a new EA for the Project. On **August 28<sup>th</sup>, 2023**, Y2U, Native Ecosystems Council, Alliance for the Wild Rockies, Council on Wildlife and Fish and the Center for Biological Diversity submitted comments on the Draft EA for the Hungry Creek Vegetation Improvement Project.

#### **Work Plan**

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Manti-LaSal NF Restoration and Fuels Reduction Prescribed Fire Project**

### **Status**

On July 7<sup>th</sup>, 2021, the Manti-LaSal National Forest proposed to authorize multiple prescribed burns on National Forest System (NFS) lands, Forest-wide on **1.1 million acres**, up to 48,000 acres per year. On November 17<sup>th</sup>, 2021, Yellowstone to Uintas Connection, Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments on this project.

On January 11<sup>th</sup>, 2022, the Forest Service published a Draft Environmental Assessment and Finding of No Significant Impact. The EA aims to radically alter and fragment sagebrush, Pinyon-Juniper and other forested communities, and will expand flammable invasive annual grasses that result in highly unnatural frequent fires dooming recovery of complex native woody vegetation communities. The Silvicultural Report shows **1,002,608 “Total Treatment Acres”**, with treatments apparently planned to extend over the next 32 years.

The Manti-LaSal NF contains approx. 600,000 total Roadless acres. There are 84 Roadless Areas within the project area, with 475,450 roadless acres. Close to 100,000 acres of sagebrush communities are to be destroyed., plus an unknown amount of collateral damage from all the deforestation activity impacts to sagebrush such as pile burning, being driven over, and crushed, bladed into a fire line, etc.

On February 22, 2022, Yellowstone to Uintas Connection (Y2U), Wildlands Defense, Alliance for the Wild Rockies, and Native Ecosystems Council submitted comments on the Manti-La Sal Forest-Wide Prescribed Fire Restoration Project Draft EA and FONSI.

On **November 7<sup>th</sup>, 2023**, the Forest Service published the Environmental Assessment, Finding of No Significant Impact and Draft Decision Notice.

### **Work Plan**

- Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Mud Creek Vegetation Management Project**

### **Status**

On September 6<sup>th</sup>, 2019, The West Fork Ranger District of the Bitterroot National Forest is proposed the Mud Creek Vegetation Management Project to address forest health, hazardous fuels, and road network concerns in the entire Mud Creek watershed and portions of the Nelson Lake, Little West Fork, Lloyd Creek, Lower Blue Joint and Painted Rocks watersheds areas of the Bitterroot Mountains. The project area is approximately **48,523 acres**; however, most vegetation treatments will focus on the Wildland Urban Interface (WUI).

On April 19<sup>th</sup>, 2021, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Friends of the Bitterroot, and Native Ecosystems Council submitted comments on the draft EA for the project. The Forest Service must complete a full environmental impact statement (EIS) for this Project because the scope of the Project will likely have a significant individual and cumulative impact on the environment.

On July 6<sup>th</sup>, 2021, the Forest Service published the Final EA for the project and ROD – Finding of No Significant Impact.

On August 23<sup>rd</sup>, 2021, Yellowstone to Uintas Connection, the Alliance for the Wild Rockies, Friends of the Bitterroot, Native Ecosystems Council and WildEarth Guardians filed an Objection to the authorization of the project.

On **January 13, 2023**, the Forest Service published the Environmental Assessment and a Decision Notice and Finding of No Significant Impact.

In **March of 2023**, Y2U, the Alliance for the Wild Rockies, Friends of the Bitterroot, and Native Ecosystems Council secured legal representation to challenge the Categorical Exclusion of the NEPA process and subsequent project authorization.

On **March 21<sup>st</sup>, 2023**, we filed a **60 Day Notice of Intent to Sue** under the Endangered Species Act: Bitterroot National Forest Eastside Habitat and Forest Improvement Project & Mud Creek Vegetation Management Project.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Norman McCedar Project**

#### **Status**

On June 29<sup>th</sup>, 2023, the Libby Ranger District of the Kootenai National Forest proposed the Norman McCedar Project. The Project area is located about 1 mile west of the community of Libby, MT. The project area extends south from Highway 2 to Parmenter Creek and includes the Cedar Creek drainage. The entire project is located in the Wildland Urban Interface (WUI).

On **February 27<sup>th</sup>, 2023**, Native Ecosystems Council, the Alliance for the Wild Rockies, Yellowstone to Uintas Connection, and Center for Biological Diversity submitted scoping comments on the Project.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

#### **Expected Outcome**

Unknown

## North Seeley WUI Project

### Status

On **August 21<sup>st</sup>, 2023**, the Seeley Lake Ranger District of the Lolo National Forest proposed the North Seeley Wildland Urban Interface - Highway 83 Project. The project area is about **22,997 acres** in size and consists of vegetation and road management activities on the Seeley Lake Ranger District of the Lolo National Forest. The project area is located North of Seeley Lake, Montana within the Clearwater River drainage of Missoula and Powell County, Montana. Landscape elevation ranges from approximately 4000 feet to 7160 feet. The project area contains portions of Seeley-Swan wildland-urban interface designated by the Seeley-Swan Fire Plan, a component of the Missoula County Wildfire Protection Plan.

On **September 8<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council, Alliance for the Wild Rockies and the Center for Biological Diversity submitted scoping comments on the Seeley Lake WUI Project.

### Work Plan

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

### Expected Outcome

Unknown

## Pine Valley Wildlife Habitat and Ecological Resiliency Improvement Project

### Status

The proposed project is located within Washington and Iron Counties, Utah on the Pine Valley District of the Dixie National Forest. The Pine Valley Ranger District covers approximately 481,000 acres of which 250,000 acres are located within an Inventoried Roadless Area. An additional 55,000 acres are in designated wilderness. For this project, approximately **320,000 acres** are under consideration for treatment.

On October 13<sup>th</sup>, 2022, the Forest Service published an Environmental Assessment for the Project. On November 15<sup>th</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Wildlands Defense, and Native Ecosystems Council submitted comments on the proposed Pine Valley Wildlife Habitat and Ecological Resiliency Improvement Project.

As of **December 5<sup>th</sup>, 2023**, the Forest Service has not published a Final EA, or Draft Decision Notice.

### Work Plan

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### Expected Outcome

Unknown

## **Pintler Face Project**

### **Status**

On July 6<sup>th</sup>, 2016, the Wise River Ranger District of the Beaverhead-Deerlodge National Forest proposed the Pintler Face Project. The project is located 10 miles northwest of Wise River, Montana, on the south face of the Anaconda-Pintler Mountains in the Wise River and Wisdom Ranger Districts.

On September 9<sup>th</sup>, 2021, the Forest Service published the Decision Notice and Finding of No Significant Impact for the Pintler Face Project

On September 9<sup>th</sup>, 2021, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, and Native Ecosystems Council filed an Objection to the Pintler Face Final EA and ROD – Finding of No Significant Impact. The project was proposed and approved by the Beaverhead-Deerlodge National Forest.

On June 15<sup>th</sup>, 2022, the Custer Gallatin National Forest proposed the Red Lodge Mountain Fuels Project. The Beartooth Ranger District proposed this project to reduce wildfire behavior in the vicinity of Red Lodge Mountain Ski Area by reducing tree densities and forest surface fuels. The project area is located on National Forest lands beginning approximately two miles west of the community of Red Lodge, in Carbon County, MT.

On July 14<sup>th</sup>, 2022, Y2U, Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Native Ecosystems Council submitted comments on the Project.

In 2022, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, and Native Ecosystems Council secured legal representation to challenge the NEPA process for Threatened and Endangered Species on this project.

**During 2023**, our legal team has been working on strategy and writing the complaint. We expect to have the complaint filed in early **2024**.

### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Red Lodge Mountain Fuels Reduction Project**

### **Status**

The proposed Red Lodge Mountain Fuels Project is located in the Custer-Gallatin National Forest approximately two miles west of the town of Red Lodge, Montana. Fuel treatments are proposed along the Forest Service boundary extending north from West Fork Rock Creek Road, within and adjacent to Red Lodge Mountain Ski Area, and surrounding the Timbercrest recreation area. The Beartooth Ranger District and DNRC Southern Land Office has identified **2,100 acres** of treatments targeted at reducing tree densities and forest surface fuels. The proposal also includes 5 miles of temporary road construction. The project proposal was published on June 15<sup>th</sup>, 2022. There was no indication in the scoping letter whether the Forest Service plans on using a Categorical Exclusion of the NEPA process.



On July 14<sup>th</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Native Ecosystems Council submitted comments on the Scoping Notice for the proposed Red Lodge Mountain Fuels Project.

As of **December 5<sup>th</sup>, 2023**, the Forest Service has not published a Final EA, or Draft Decision Notice.

#### **Work Plan**

- Y2U will address whether the Final EA, or Decision Memo if they choose to use a CE, adequately analyzes the potential environmental impacts of the project, and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Round Star Project**

#### **Status**

On December 8<sup>th</sup>, 2021, the Flathead National Forest published the proposed action for the Round Star Project. The project area is located on the northwest side of the Flathead Valley on the Tally Lake Ranger District in Montana. The Round Star Project proposes commercial timber harvest on up to **6,660 acres** and noncommercial vegetation treatments on up to 2,859 acres. To implement the proposed vegetation management activities, approximately 20.8 miles of system roads would be placed on the Forest's road system. Additional actions would include 3.4 miles of temporary road construction.

On June 17<sup>th</sup>, 2022, the Forest Service published the Environmental Assessment. On July 18<sup>th</sup>, 2022, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Montana Ecosystem Defense Council and Native Ecosystems Council submitted comments on the Round Star Project EA.

On August 18<sup>th</sup>, 2022, the Forest Service published an Updated EA, Finding of No Significant Impact, and Draft Decision Notice for the Round Star Project. In October 2022, Yellowstone to Uintas Connection, Alliance for the Wild Rockies, and Native Ecosystems Council filed an Objection to the project authorization.

As of December 16, 2022, the Forest Service has not signed the ROD. At that time Y2U will submit a FOIA Request for the Project File and seek legal representation.

As of **December 5<sup>th</sup>, 2023**, the Forest Service has not published a Final EA, or Draft Decision Notice.

#### **Work Plan**

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## Rye Creek Fuels Break Categorical Exception

### Status

On **August 21<sup>st</sup>, 2023**, the Bitterroot National Forest proposed the Rye Creek Fuels Break Project as a Categorical Exception of the NEPA process. The Rye Creek Project is being proposed under Section 40806 of the Bipartisan Infrastructure Law of 2021. This law authorizes the construction of linear fuel breaks adjacent to existing constructed linear features, such as a road, trail, powerline, or similar feature. **Fuel breaks may be up to 3,000 contiguous acres and a maximum width of 1,000 feet.**

On **September 12<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Native Ecosystems Council, Council on Wildlife and Fish, Friends of the Bitterroot and the Center for Biological Diversity submitted scoping comments on the Project.

### Work Plan

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

### Expected Outcome

Unknown

## Saw Creek Project

### Status

On December 16<sup>th</sup>, 2022, the Cabinet Ranger District of the Kootenai National Forest proposed the Saw Creek Project to address forest health on National Forest System (NFS) lands in the Saw Creek and Little Beaver Creek drainages in Sanders County, Montana. The project is located approximately 11 miles southeast of Trout Creek, Montana. The project was proposed as a Categorical Exclusion of the NEPA process.

On **January 11<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council and Alliance for the Wild Rockies submitted scoping comments on the Saw Creek Project.

On **July 26<sup>th</sup>, 2023**, the Forest Service signed a Decision Memo authorizing the project under the Categorical Exclusion.

### Work Plan

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

### Expected Outcome

Unknown

## Skyline Healthy Forest Restoration Act Project

### Status

On **September 21<sup>st</sup>, 2023**, the Manti-LaSal National Forest proposed Skyline Healthy Forest Restoration Act (HRFA) Project. The project is located on the Sanpete and Price/Ferron Ranger Districts of the Manti-La Sal National Forest in Sanpete, Carbon, Emery, and Sevier Counties, Utah.

On **October 14<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Native Ecosystems Council and Council for Fish and Wildlife submitted scoping comments on the Skyline HFRA Project.

### Work Plan

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### Expected Outcome

Unknown

## Soda Baker Fuels Break Project

### Status

On **August 21<sup>st</sup>, 2023**, the Bitterroot National Forest proposed the Soda Baker Fuels Break Project. The Soda Baker Project will create a **2,378-acre fuels break** to address hazardous fuel conditions adjacent to roads in the West Fork Bitterroot River and Nez Perce Fork Bitterroot River areas and the nearby communities of Darby and Conner.

A fuel break is defined as a natural or man-made change in fuel characteristics that can affect fire behavior such that a fire can possibly be more readily controlled. The intent is to reduce wildfire spread and intensity and to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for nearby communities. The Soda Baker Project is being proposed under Section 40806 of the Bipartisan Infrastructure Law of 2021. This law authorizes the construction of linear fuel breaks adjacent to existing constructed linear features, such as a road, trail, powerline, or similar feature. **Fuel breaks may be up to 3,000 contiguous acres and a maximum width of 1,000 feet.** Projects which fall under Section 40806 are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

On **September 19<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Native Ecosystems Council, Council on Wildlife and Fish, Friends of the Bitterroot, and the Center for Biological Diversity submitted scoping comments on the proposed Categorical Exclusion for the Soda Baker Fuel Break projects.

### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

### **Expected Outcome**

Unknown

## **South Slope Fuels Reduction Project**

### **Status**

On **January 20<sup>th</sup>, 2023**, the Ashley National Forest proposed the South Slope Fuels Reduction Project. In 2007 the Neola North Fire burned approximately 43,852 acres to the east of the project location and in 2020 the East Fork Fire burned approximately 89,765 acres on the west side of the project location.

The proposed action would include implementation of vegetation treatments across **approximately 26,160 acres**. Since this is a cross boundary project with the Ute Tribe, 21,077 acres of treatment would occur on Forest Service administered lands and 5,083 acres of treatment on Tribal Lands. Approximately 9,183 project acres would occur in inventoried roadless.

On **February 8<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Wildlands Defense, Center for Biological Diversity, and Native Ecosystems Council submitted comments on the proposed South Slope Fuels Reduction Project.

On **September 26<sup>th</sup>, 2023**, the Forest Service published the Environmental Assessment (EA) and Finding of No Significant Impact for the project.

### **Work Plan**

- Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Southwest Idaho Resilient Landscape Project**

### **Status**

On **August 28<sup>th</sup>, 2023**, the Boise National Forest published the Environmental Assessment (EA) and Finding of No Significant Impact for the Southwest Idaho Resilient Landscape Project. The Forest Service proposed to authorize an increasing number of multiple prescribed burns and associated treatments on up to **77,000 acres** of National Forest System lands within the Boise National Forest each year over the next 20 years.

On **September 27<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Wildlands Defense, and Native Ecosystems Council submitted comments on the proposed Southwest Idaho Resilient Landscape Project.

#### **Work Plan**

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

#### **Expected Outcome**

Unknown

## **Sula Fuels Break**

#### **Status**

On **August 21<sup>st</sup>, 2023**, the Bitterroot National Forest proposed the Sula Fuels Break Project. The project will create a **3,000-acre fuels break** in the Medicine Springs, Laird Creek, Andrews Creek, Camp Creek, Lost Trail, and Gibbons Pass areas and the nearby communities of Conner and Sula.

A fuel break is defined as a natural or man-made change in fuel characteristics that can affect fire behavior such that a fire can possibly be more readily controlled. The intent is to reduce wildfire spread and intensity and to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for nearby communities. Treating these areas now would increase the effectiveness of suppression efforts and help maintain the safety of these communities and area resources should we experience a wildfire event.

The Sula Fuels Break Project is being proposed under Section 40806 of the Bipartisan Infrastructure Law of 2021. This law authorizes the construction of linear fuel breaks adjacent to existing constructed linear features, such as a road, trail, powerline, or similar feature. Fuel breaks may be up to **3,000 contiguous acres and a maximum width of 1,000 feet**. Projects which fall under Section 40806 are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

On **September 12<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies, Native Ecosystems Council, Council on Wildlife and Fish, Friends of the Bitterroot, and Center for Biological Diversity submitted comments on the proposed Categorical Exclusion for the Sula fuel break fuel break projects.

#### **Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is seeking legal representation to challenge the NEPA process for this and several other “vegetation treatment” or “fuels treatment” projects.

#### **Expected Outcome**

Unknown

## Sunday Vegetation Management Project

### Status

On **February 27<sup>th</sup>, 2023**, the Rexford and Fortine Ranger Districts of the Kootenai National Forest proposed the Sunday Vegetation Management Project. The project area is adjacent to Stryker, Montana.

The proposal includes several types of management actions including commercial timber harvest, non-commercial vegetation treatments, and follow up fuel treatments such as prescribed burning or pile burning. The project also includes proposals for temporary road construction as well as maintenance of existing National Forest System roads.

On **March 30<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Native Ecosystems Council, and Alliance for the Wild Rockies submitted scoping comments on the Sunday Vegetation Management Project.

### Work Plan

- Upon publication, Y2U will address whether the Final EA adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EA and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### Expected Outcome

Unknown

## Upper Mores Project

### Status

On **October 20<sup>th</sup>, 2023**, the Boise National Forest proposed the Upper Mores Project to implement a variety of vegetation management activities, including timber harvest, non-commercial thinning, prescribed fire, mastication, and reforestation to address hazardous fuels within the wildland-urban interface, promote forest resiliency, and respond to insect and disease outbreaks. Associated transportation management activities meant to facilitate this work were also proposed. Watershed and wildlife habitat restoration activities that allegedly promote resiliency to disturbance are proposed in conjunction with vegetation management. These activities are proposed to be implemented under an Emergency Authorization Determination as authorized under Section 40807 of the 2022 Bipartisan Infrastructure Law and consistent with direction under the Wildfire Crisis Strategy to increase the pace and scale of hazardous fuels work in the western United States. **Projects authorized under a Section 40807 determination are not subject to Forest Service Objection Review processes.**

The Upper Mores Project is located on the Idaho City Ranger District near Idaho City in Boise County. The project area is approximately **40,933 acres** and contains 37,171 acres of National Forest System lands. The project area contains 4,658 acres of NFS lands within the Wilson Peak Primitive Roadless Area. Management activities are not proposed in this Roadless Area. About 56% (22,803 acres) of the project area is within the wildland urban interface (WUI), and about 79% of treatment acres are in the WUI.

On **November 20<sup>th</sup>, 2023**, Yellowstone to Uintas Connection (Y2U), Wildlands Defense, Native Ecosystems Council and Alliance for the Wild Rockies submitted comments on the Upper Mores Creek Project.

**Work Plan**

- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U is considering seeking legal representation to challenge the NEPA process on this project.

**Expected Outcome**

Unknown

# WILDLIFE



## Canada Lynx Species Status Assessment

### Status

The current state of Lynx historical and critical habitat as well as linkage areas occurring in the CTNF must be analyzed and reflect all human disturbances to habitat integrity and quality. This would include mines, roads, ATVs/OHVs and snowmobile activity, rail lines, pipelines, timber harvests, forest and vegetation treatments, livestock grazing and their effects on habitat continuity or fragmentation, understory plant communities and their condition as compared to potential. These all affect the ability of lynx and other species to inhabit the area or migrate through. It is insufficient to claim they will just move around a project area by using other habitat without specificity of the habitat features needed by each species as compared to that available. The quality of the habitat in that periphery is never analyzed in any project NEPA relative to the habitat needs for lynx or the habitat fragmentation that may be precluding lynx from otherwise suitable habitat. There have been no reports of lynx presence in SE Idaho for over a decade. We do not see any analysis as to why this is so since the CTNF borders lynx Critical Habitat and lynx historically occurred here. To address this issue a letter dated **August 13<sup>th</sup>, 2021**, was sent to Mel Bolling, Forest Supervisor of the CTNF. The following discussion includes points from that letter.



In our letter, we requested that the Caribou Targhee NF conduct an objective analysis of the habitat and historical occurrence of Canada lynx in Idaho and respond with a plan as to how it will proceed with the analysis. The analysis should document the Forest types and elevations where lynx have historically been observed or tracked in Colorado, Idaho, Montana, Wyoming, and Utah as these states have many similar forest and habitat types where lynx have historically occurred or now live and migrate after reintroduction, such as the Colorado reintroductions. The analysis should also document migration corridors and habitat connections. A broad look such as this would likely capture the full range of habitats and connections historically used by lynx and allow an evaluation of their current capability and suitability for Canada lynx in the CTNF. Once determined, these habitat types within the CTNF should be mapped and delineated as lynx habitat.

That habitat should then be further analyzed to document the nature and extent of human alteration or fragmentation by roads, mines, pipelines, transmission lines, ATVs/OHVs and snowmobile activity, timber projects, fires (both natural and prescribed burns), livestock grazing, and other alterations. This analysis should be supplemented using recent published information on lynx habitat use. The closest thing to an analysis we have seen is the 2018 Targhee National Forest Lynx Analysis Units FEIS (LAU FEIS). We find that the LAU FEIS is flawed in its analysis. For example, the model painted black and white lines such as 70% subalpine fir as the demarcation between primary and secondary habitat. Also, the modeling seemed to be saying lynx habitat here in the Caribou Targhee NF had to be the same as in Alaska and Canada where much of the research used in the LCAS occurred. It's as if a lynx, which is moving through the forest, encounters a change in subalpine fir cover from 70% to 69% and then turns around. Or, a lynx, walking over the snow, encounters lodgepole pine or rhyolitic soils in Island Park, and turns around.

The Northern Rockies Lynx Management Direction Record of Decision (NRLMD ROD) and its standards and guidelines provided no standard for levels of mature forest habitat within LAUs and provided nothing for habitat not designated in LAUs. While it states that habitat connectivity will be maintained, there is no definition of what constitutes connected habitat, even though this can be defined by current science. The NRLMD does not ensure persistence of lynx, since there are no restrictions on the amount of an LAU that can be converted to habitats that are avoided by lynx, and to habitats that reduce habitat connectivity via mature forests.

Mr. Bolling provided a response to our letter (September 13, 2021) that described the studies determining the current status of lynx in the CTNF, essentially relying on the LCAS revision from 2013, the Northern Rockies Lynx Management Direction (2007), and the National Lynx Survey that basically restated the status of lynx in the Caribou NF as unoccupied and not subject to the NRLMD. Therefore, no LAU's or lynx habitat were mapped on the Caribou NF. The letter noted that, "Since no non-transient Canada lynx have been detected on the Caribou, mapping of habitat is not required. If Canada lynx are detected in the future, lynx habitat would be mapped consistent with the procedures in the 2013 LCAS and the best available science concerning lynx would be considered in proposed projects." Now, lynx using the linkage are considered "transient" thus not qualifying for habitat analysis or establishment of LAUs.

A summary of Canada lynx status attached to Mr. Bolling's letter pointed out that new information on lynx habitat has been generated since listing of Canada lynx 20 years ago. The Caribou RFP is almost 20 years old as well. It is time to revisit mapping and characterization of lynx habitat in the Caribou NF using the research we have summarized above. While the summary provided by Mr. Bolling attempts to further define downward the amount of lynx habitat by using too narrow criteria, even in this context, the primary source recommended is a 2021 paper which is a new species distribution model for lynx. We have added the summary of that report and the map in that report that projects high and moderate probability of lynx habitat occurring in the areas we have delineated in our scoping comments for one project after the other in the CTNF.

Throughout September and November 2022, Dr. Carter continued to assemble and summarize data to assist with a legal challenge of the Northern Rockies Lynx Management Direction and subsequent amendments as well as future legal challenges on several mining and timber projects in the Caribou-Targhee National Forest.

On approximately five-year intervals, the US Fish and Wildlife Service prepares reports on listed species. These are called Species Status Assessments. Y2U met with the Fish and Wildlife Service leaders of the lynx management team to argue that their determinations of occupied habitat were erroneous as they omitted many reliable observations of Canada lynx in the Regional Wildlife Corridor that connects the Greater Yellowstone Ecosystem to the Uinta Mountains and Colorado. In addition, our review of the science and regulations, and current Forest Plans show that Canada lynx linkage habitat has no protection from habitat fragmentation. Our [January 25, 2023 comments](#) lay out the problems with current lynx management in detail.

Y2U has secured legal representation to challenge the Northern Rockies Lynx Management Direction Record of Decision and subsequent amendments.

### **Expected Outcome**

Unknown

## **Dell Creek Elk Feed Ground Special Use Permit**

### **Status**

On October 13<sup>th</sup>, 2021, the Bridger-Teton National Forest published a scoping notice stating that Wyoming Game and Fish Commission (WGFC) has requested to use the facilities at Dell Creek feedground on the Big Piney Ranger District to conduct their winter elk management activities. The purpose of the proposal was for a one-year special use permit authorization for WGFC to operate and manage the Dell Creek feedground.

The Dell Creek feedground has been maintained and operated by the WGFC for supplemental winter feeding of elk since 1975. This feedground is one of 22 State operated feedgrounds located in Wyoming. On September 21, 2021, the authorization for WGFC's use of the Dell Creek feedground was determined by a United States District Judge to have expired. Under 36 CFR 251.50, an authorization is required for this use of National Forest System lands. On October 5, 2021, the Big Piney District received an application from WGFC to continue to use the facilities at Dell Creek feedground to conduct their winter elk management activities. Therefore, there is a need for the Forest Service to respond to the WGFC's application request. The one-year special use permit authorization allows for the continued management of the elk feedground on a temporary basis while the Forest Service conducts an environmental analysis for longer term use. The Forest Service intends to prepare an environmental impact statement to analyze the environmental effects of long term use pursuant to the National Environmental Policy Act. The Forest Service also stated that there are no extraordinary circumstances related to the proposed action that may result in a significant individual or cumulative environmental effects and that they expected that this project would be authorized using a Categorical Exclusion.

On October 22<sup>nd</sup>, 2021, Yellowstone to Uintas Connection (Y2U), Alliance for the Wild Rockies and Native Ecosystems Council submitted scoping comments stating that in our experience with the Forest Service, we expect years of back and forth in a NEPA process involving an EIS, so this special use permit will likely be back for multiple renewals. It would seem a good time to allow the Dell Creek FG operation to be terminated while the fate of the remaining FGs is determined. This would be beneficial to reducing the incidence of brucellosis in elk, reducing the time spent on private lands and the FG area, and more time spent in the BTNF following natural migration patterns. Seasonal, parturition and crucial ranges would be used longer for the beneficial nutrition these habitats may provide.

Closing Dell Creek would also reduce the risk of Chronic Wasting Disease that can increase when animals are in close quarters such as FGs. The Dell Creek FG serves only a small fraction of the elk in the BTNF area. It is timely to close this FG in combination with other actions. Since not all elk feed at these FGs and elk using FGs have higher rates of disease than those that do not use FGs, it is highly questionable that FGs are reducing, not enhancing disease transmission to each other and to livestock. Contact between elk and livestock is guaranteed by the locations of these FGs in and adjacent to active grazing allotments.

Livestock consume huge quantities of the forage needed by elk and other wildlife. For example, one cow and calf pair consume 50 lbs air dry forage per day<sup>10</sup> while an elk consumes 14 lb/day<sup>11</sup>. Cattle displace elk from preferred habitats until forage is depleted and then they may coningle. Predators and scavengers can have a positive influence by removing diseased animals as well as the disease contaminated offal from birth or abortion by diseased animals. To reduce the dependence of elk on FGs, providing more forage on public (and private) lands in their important crucial, parturition and winter ranges and limiting conflicts with cattle on the BTNF is needed.

On November 8<sup>th</sup>, 2021, the Forest Service published an authorization, under Categorical Exclusion of the NEPA process, for WGFC to maintain and operate the Dell Feedground. The Special Use Permit authorizes WGFC to operate the feed ground for one year during the winter of 2021-2022.

On November 23<sup>rd</sup>, 2021, Y2U, along with the Western Watersheds Project, Wyoming Wildlife Advocates, and the Gallatin Wildlife Association secured legal representation to challenge the NEPA process and authorization of this project.

In early 2022, following the filing of our Notice of Intent to litigate the use of Categorical Exclusion to authorize the project, the Forest Service announced that the Special Use Permit will be reauthorized each year while the long-term environmental analysis is completed. The Forest Service will complete an Environmental Impact Statement taking up to three years to decide on an alternative for feeding elk long term as directed by the court.

On January 14<sup>th</sup>, 2022, the Bridger-Teton National Forest announced that it is conducting an environmental analysis on the effects of reauthorizing two winter elk management special use permits in Sublette and Lincoln Counties. The proposed project consists of reauthorizing Wyoming Game and Fish Commission (WGFC) to operate the Dell Creek (Sublette County) and Forest Park (Lincoln County) elk feedgrounds and utilize existing facilities such as corrals and hay barns.

Winter elk management activities would include feeding, capturing, collaring, vaccinating, and testing elk, and removing seropositive elk from the population. The analysis is to be documented in an environmental impact statement (EIS) titled Dell Creek & Forest Park Elk Feedgrounds: Long-term Special Use Permits Project.

On June 1<sup>st</sup>, 2022, designated stakeholders in the development of the Wyoming Game and Fish Department (WGFD)'s elk feedground management plan submitted recommendations to the WGFC. The designated stakeholders included Yellowstone to Uintas Connection (Y2U), Sierra Club, Wyoming Wildlife Advocates, Jackson Hole Conservation Alliance, and Western Watersheds Project.

First, we urged the steering committee to adopt a management plan that includes a well-defined, clear plan to begin a controlled phase out of artificial feeding in the winter of **2023-2024**, with artificial feeding ceasing on all feedgrounds operated by the State of Wyoming by **2028**.

Second, we requested that the WGFD meet its mission and vision to conserve, enhance, and protect Wyoming's exceptional fish and wildlife resources by prioritizing the needs of wildlife and working to ensure that wild, free ranging elk and other migratory species can move across the landscape between seasonal ranges without impediment from human development.

Third, we requested that the steering committee explicitly acknowledge in this plan the critical role that carnivores play in maintaining ecological balance between herbivores, carnivores, and vegetation, and ensuring wild and healthy populations of prey species.

Fourth, we urged the steering committee to use this management plan as a vehicle of public education that openly supports a cultural shift toward valuing and prioritizing healthy and free-ranging ungulate herds and carnivores on the land because of their inherent value as native species and their contributions to stable ecosystems.

On June 21<sup>st</sup>, 2022, the Forest Service published the Scoping Report for the project. On **September 27<sup>th</sup>, 2023**, Y2U submitted scoping comments on the project.

On **November 20<sup>th</sup>, 2023**, the Forest Service published the Draft Environmental Impact Statement (DEIS) for the Dell Creek & Forest Park Elk Feedgrounds: Long-term Special Use Permits Project.

### **Work Plan**

- Y2U will address whether the Final EIS adequately analyzes the potential environmental impacts of the project and addressed potential alternatives.
- Y2U will file an Objection if the EIS and ROD does not adequately analyze the potential environmental impacts of the proposed project and potential alternatives.
- Y2U has secured legal representation to challenge the NEPA process for this project if needed.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.

### **Expected Outcome**

Unknown

## **Elk Feed Grounds: A Challenge We Can Take On**

### **Status**

Wyoming has 23 feedgrounds for Rocky Mountain Elk. Wyoming began feeding elk over a century ago in Western Wyoming. This was ostensibly to provide forage and eliminate conflicts with livestock on private lands. Today, chronic wasting disease, brucellosis, foot rot and other diseases are growing in Wyoming elk and deer populations. Feedgrounds concentrate the animals leading to greater exposure to these diseases. Wyoming Game and Fish Department has enlisted the public, non-profit and other entities into a long-term management process.

Y2U is a stakeholder and attends meetings, provides input and comments to attempt to get acceptance of closing these disease factories. Basically, the livestock industry is consuming the forage in elk summer and winter range, leaving very little for wildlife. We have submitted [group comments](#) with other organizations outlining the need for closure. Recently, we submitted [comments](#) on the Draft Wyoming Elk Feedground Management Plan. Our problem with the process is it has no conclusion but draws out feeding for decades while diseases increase when the problem would be ameliorated if livestock producers left forage on our public lands and their own property to support the elk.

On September 29<sup>th</sup>, 2021, Yellowstone to Uintas Connection, along with the Western Watersheds Project, Wyoming Wildlife Advocates, and the Gallitin Wildlife Association, agreed to participate in Phase II of the Wyoming Game and Fish Department's *Elk Feedgrounds: A Challenge We Can Take On* public collaborative process.

Throughout **2023**, Y2U staff members continue to be involved with this process.

#### **Work Plan**

- Y2U takes part in stakeholder meetings in regard to elk feedgrounds in Wyoming.
- Y2U will continue to monitor the impact of this project on wildlife and habitat.
- Y2U has secured legal representation to challenge the NEPA process and authorization of these feedgrounds. (See **Dell Creek Elk Feed Ground Special Use Permit** above.)

#### **Expected Outcome**

Unknown