

**BOG CREEK ROAD
ENVIRONMENTAL IMPACT STATEMENT
SCOPING REPORT ADDENDUM**

Prepared for

U.S. Customs and Border Protection

Spokane Sector
10710 North Newport Highway
Spokane, Washington 99218

Idaho Panhandle National Forests

3815 North Schreiber Way
Coeur d'Alene, Idaho 83815

Prepared by

SWCA Environmental Consultants

114 North San Francisco Street, Suite 100
Flagstaff, Arizona 86001

June 2016

CONTENTS

1.0 INTRODUCTION 1

 1.1 Background 1

 1.2 Scoping Process 1

 1.3 Document Organization..... 1

2.0 SCOPING CONTENT ANALYSIS..... 2

 2.1 Development of the Coding Structure 2

 2.2 Database Analysis..... 3

 2.3 Identification and Coding of Comments..... 3

 2.4 Preparation of Scoping Report..... 4

3.0 SUMMARY OF PUBLIC SCOPING COMMENTS..... 4

 3.1 Submittals Received..... 4

 3.2 Comments Identified..... 5

 3.3 Theme and Concern Summary..... 7

 Access 7

 Cultural 8

 Border Security 9

 Fisheries Resources..... 9

 Hunting 9

 Miscellaneous 9

 National Environmental Policy Act..... 10

 Roads 13

 Soils 14

 Threatened and Endangered Species..... 14

 Vegetation..... 17

 Water Resources 17

 Wildfire 18

 Wildlife Resources..... 18

4.0 FUTURE STEPS IN THE NEPA PROCESS 19

Appendices

- A. Notice of Intent
- B. Public Scoping Comments

Tables

Table 1. Resource Issue Identification 2
Table 2. Resource Code Identification 3
Table 3. Agencies and Organizations that Submitted Scoping Comments 5
Table 4. Distribution of Public Scoping Comments by Resource Category 5

1.0 INTRODUCTION

1.1 Background

The United States (U.S.) Customs and Border Protection, Spokane Sector (CBP), and the U.S. Forest Service (Forest Service) Idaho Panhandle National Forests (IPNF)—collectively, “the Agencies”—are proposing a project in the Continental Mountain area of the IPNF within the Bonners Ferry and Priest Lake Ranger Districts. The Agencies are preparing an Environmental Impact Statement (EIS) to identify and assess potential impacts upon the environment of 1) repairing and maintaining an approximately 5.6-mile section of the existing Bog Creek Road, which is located in the Selkirk Mountains in Boundary County, Idaho, within approximately 2 miles of the Canadian border, on land within the Blue-Grass Bear Management Unit (BMU) that is managed by the IPNF; and 2) closing for motorized use additional roads within the Blue-Grass BMU to comply with the IPNF *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones (Access Amendment)* and to reduce road density in the Blue-Grass BMU.

Public scoping for the Bog Creek Road repair and maintenance proposal was initially conducted by CBP in February and March 2013. Information gathered from the previous scoping effort was used to inform the Agencies about what level of National Environmental Policy Act (NEPA) analysis was necessary to evaluate the proposed project. The initial scoping information included the possibility that road closures may become part of the proposed action, but did not include specific motorized road closure information. Using initial scoping information, the Agencies determined that the NEPA analysis would be conducted through an EIS process. All scoping comments submitted during the initial scoping will be included in issue development for the current EIS process. A Scoping Report that summarizes the initial scoping effort is available for review.

This EIS Scoping Report summarizes the scoping comments received during the EIS scoping period that was conducted from April 27 to May 27, 2016. Section 3.3, Theme and Concern Summary, contains a general summary of themes and issues received in comments from both scoping efforts.

1.2 Scoping Process

The purpose of scoping is to provide an opportunity for members of the public to learn about the proposed action and to share any concerns or comments they may have. Input from the public scoping process is used to help the Agencies identify issues, concerns, and potential alternatives to be considered in the future NEPA process. In addition, the scoping process helps identify any issues that are not considered relevant and that can therefore be eliminated from detailed future analysis.

The scoping process for this proposed project was initiated by publication of the Notice of Intent (NOI) in the Federal Register on April 27, 2016 (Appendix A). The 30-day scoping period ended on May 27, 2016. See the attached NOI for project description and background information. Although the official scoping period ended on May 27, 2016, the Agencies will continue to accept comments throughout the NEPA process.

1.3 Document Organization

This document contains summary descriptions of the following:

- the scoping content analysis process, including how individual letters and comments were coded and recorded;

- comment tallies/categories received during the second scoping period (April 27 to May 27, 2016), organized by resource or issue; and
- a thematic summary of **all** comment received during the first and section scoping periods.

2.0 SCOPING CONTENT ANALYSIS

There are four phases to the process used to analyze comments received during public scoping: 1) developing an issue coding structure, 2) importing into and organizing all submittal content in a comment database, 3) carefully reading each submittal and assigning codes to relevant comments, and 4) preparing a narrative report of the results of the analysis. It is important to note that the comment analysis process is not and should not be considered a vote. Every effort was made to qualify the intensity of the public's expressions. In addition, all comments were treated evenly and were not weighted by number, organizational affiliation, "status" of the commenter, or other factors. Emphasis was on the content of a comment, rather than on who wrote it or the number of submitters who agreed with it.

2.1 Development of the Coding Structure

Initially, a coding structure was developed to help sort comments into logical categories and subcategories by issue, specifically resources and planning processes applicable to the project area. The issue coding structure was derived from an analysis of the range of issues uncovered during background research, and it evolved as submittals were read and relevant comments identified. The use of these codes allows for quick access to comments on specific topics. Table 1 shows the issue categories that were determined to be most inclusive of the substantive comments received during public scoping.

Table 1. Resource Issue Identification

Resource Issue	Resource Category
Access	ACCESS
Border Security	SECUR
Cultural	CULTURAL
Fisheries Resources	FISH
Hunting	HUNT
Miscellaneous	MISC
National Environmental Policy Act	NEPA
Roads	ROADS
Soils	SOIL
Threatened and Endangered Species	T&E
Vegetation Resources	VEGE
Water Resources	WATER
Wildfire	FIRE
Wildlife Resources	WILD

2.2 Database Analysis

The second phase of the analysis process involved creating submittal records in a comment database for every submittal received. The commenter information and comment text were manually entered into the database. Each submittal was recorded in the database, where it was assigned a unique number and was then labeled with a commenter type code that indicated the entity from which it was received (i.e., 'I' for individual; 'G' for government agency; 'O' for organization; 'B' for business; or 'T' for tribe). Submittals that included only a person's name and any address information were coded as having been received from an individual. If an affiliation with a business, government (federal, state, or local), tribe, or organization was included in the commenter information of a submittal, the submittal record was assigned to the corresponding commenter type category. The submittal mode of delivery was also identified.

2.3 Identification and Coding of Comments

Once submittal records were coded for commenter and submittal types, each submittal was read carefully to identify preliminary issues that will be addressed during the NEPA process. Each individual statement identified as a relevant comment was assigned a resource category (Table 2). Each comment was then further described using a specific descriptive resource code (numeric), as illustrated in Table 2. Each submittal may include multiple coded comments. This form of analysis allows for specific comments to be captured and then grouped under the umbrella of a general resource issue. It also allows for cross-referencing and comparison.

Table 2. Resource Code Identification

Resource Category	Resource Code	Description
ACCESS	01	Illegal
	02	Public Access
	03	Non-motorized
	04	Administrative Use
	05	Trip Numbers
	06	Legal
	07	Full Closure
	08	Grazing
SECUR	01	Importance
	02	Safety
CULTURAL	01	General
FISH	01	General
HUNT	01	General
MISC	01	General Support for Proposal
	02	General Non-support for Proposal
	03	No Comment
NEPA	01	Purpose and Need
	02	EIS
	03	Alternatives

Table 2. Resource Code Identification, Continued

Resource Category	Resource Code	Description
NEPA (Cont'd)	04	Public Process
	05	Proposed Action
	06	Analysis
ROADS	01	Closures
	02	Cost / Maintenance
	03	Traffic
	04	Current Degraded Condition
	05	Condition
SOIL	01	General
T&E	01	Grizzly Bear
	02	Core Habitat / BMU
	03	General
	04	Caribou
	05	Lynx
	06	Wolverine
	07	Monitoring
	08	Bull Trout
VEGE	01	Noxious Weeds
	02	Botanical Survey
	03	Sensitive Plants
WATER	01	Sediment / Water Quality
FIRE	01	General
WILDLIFE	01	General

2.4 Preparation of Scoping Report

The final phase included identifying statements of public concern and preparing this narrative report. The statements of concern are a compilation of comments received from the public and various agencies during public scoping. The intent of this compilation is to provide representative statements that capture, with minimal repetition, all major concerns expressed during the public comment period. The statements are not necessarily verbatim iterations of comments received but in many cases include similar or exact phrasing.

3.0 SUMMARY OF PUBLIC SCOPING COMMENTS

3.1 Submittals Received

In total, 17 submittals were received during second public scoping in response to the NOI in the Federal Register. All comments were received in electronic email form.

Table 3 lists the number of submittals and comments by submitter type (individual, government, organization, or tribal). It also lists the agencies, organizations, and tribes that submitted comments. Appendix B provides a list of the scoping comments.

Table 3. Agencies and Organizations that Submitted Scoping Comments

Submitter Type	Name	Submittal Count	Comment Count
Individual	See Appendix B	6	24
Government	National Park Service; U.S. Environmental Protection Agency; Idaho Department of Fish and Game; Boundary County Commissioners	4	33
Organization	Speak Up for Wildlife Foundation; The Lands Council; Alliance for the Wild Rockies; Idaho Conservation League; Center for Biological Diversity, Cottonwood Environmental Law Center, Endangered Species Coalition, Justice for Wolves, Northeast Oregon Ecosystems, Predator Defense, Selkirk Conservation Alliance, Sierra Club, The Lands Council, Western Watersheds Project, and WildEarth Guardians	6	118
Tribal	Kootenai Tribe of Idaho	1	4
Total		17	179

3.2 Comments Identified

In total, 179 comments were identified in the submittals received during public scoping (see Appendix B). Table 4 shows the distribution of individual comments received by resource category and resource code.

Table 4. Distribution of Public Scoping Comments by Resource Category

Code	Description	Comment Count Scoping #1 (2013)	Comment Count Scoping #2 (2016)
ACCESS	Access		
01	Illegal	9	7
02	Public Access	6	2
03	Non-motorized	4	0
04	Administrative Use	4	5
05	Trip Numbers	1	1
06	Legal	1	0
07	Full Closure	0	2
08	Grazing	0	1
<i>Subtotal</i>		<i>25</i>	<i>18</i>
SECUR	Border Security		
01	Importance	2	3
02	Safety	2	0
<i>Subtotal</i>		<i>4</i>	<i>3</i>

Table 4. Distribution of Public Scoping Comments by Resource Category, Continued

Code	Description	Comment Count Scoping #1 (2013)	Comment Count Scoping #2 (2016)
CULTURAL	Cultural Resources		
01	General	0	3
<i>Subtotal</i>		<i>0</i>	<i>3</i>
FISH	Fisheries Resources		
01	General	1	2
<i>Subtotal</i>		<i>1</i>	<i>2</i>
HUNT	Hunting		
01	General	1	0
<i>Subtotal</i>		<i>1</i>	<i>0</i>
MISC	Miscellaneous		
01	General Support for Proposal	8	1
02	General Opposition of Proposal	5	3
03	No Comment	0	1
<i>Subtotal</i>		<i>13</i>	<i>5</i>
NEPA	National Environmental Policy Act		
01	Purpose and Need	7	12
02	EIS	3	2
03	Alternatives	5	18
04	Public Process	0	2
05	Proposed Action	0	9
06	Analysis	0	18
<i>Subtotal</i>		<i>15</i>	<i>61</i>
ROADS	Roads		
01	Closures	7	1
02	Cost / Maintenance	6	3
03	Traffic	1	0
04	Current Degraded Condition	3	1
05	Condition	1	0
<i>Subtotal</i>		<i>18</i>	<i>5</i>
SOIL	Soil Resources		
01	General	0	2
<i>Subtotal</i>		<i>0</i>	<i>2</i>
T&E	Threatened and Endangered Species		
01	Grizzly Bear	8	9
02	Core Habitat / BMU	10	11
03	General	4	14
04	Caribou	4	3

Table 4. Distribution of Public Scoping Comments by Resource Category, Continued

Code	Description	Comment Count Scoping #1 (2013)	Comment Count Scoping #2 (2016)
T&E (Cont'd)	Threatened and Endangered Species		
05	Lynx	1	1
06	Wolverine	2	1
07	Monitoring	4	5
08	Bull Trout	2	2
<i>Subtotal</i>		35	46
VEGE	Vegetation Resources		
01	Noxious Weeds	2	3
02	Botanical Survey	2	1
03	Sensitive Plants	2	3
<i>Subtotal</i>		6	7
WATER	Water Resources		
01	Sediment / Water Quality	4	11
<i>Subtotal</i>		4	11
FIRE	Wildfire		
01	General	1	0
<i>Subtotal</i>		1	0
WILD	Wildlife Resources		
01	General	2	16
<i>Subtotal</i>		2	16
Total		125	179

3.3 Theme and Concern Summary

Individual comments were assigned to one of 14 resource categories (see Table 2) on the basis of the overall theme and public concern of the comment. Below is a summary of these themes and public concerns. Not all comments coded were considered substantive. The primary issues and concerns within each theme are discussed below.

Note that the theme summaries below contain comment summary information on both the first round of scoping on the projects that took place in 2013 and the most recent 2016 NOI scoping period described above.

Access

Comments coded **ACCESS-01 (ILLEGAL)** contained concerns about the potential for illegal use of the road by the public. Comments pointed out potential illegal use and activity of smugglers and terrorists and also illegal recreational activity by snowmobilers, and all-terrain vehicle and off-road vehicle users. The concerns included questions about how the CBP will monitor the road for illegal activity and how, if the road is open to non-motorized use, the CBP will differentiate between legal and illegal use of the road. Comments requested that the NEPA document consider that opening the road might facilitate more access

for those illegally crossing the border in either direction and consider that reconstructing the road might lead to general increased use by the public. Several comments expressed concern that recreational use of the area would likely increase with the proposed Bog Creek Road improvements.

Comments coded **ACCESS-02 (PUBLIC ACCESS)** included concerns that the reconstructed road would not be open to the public for motorized access and make the request for removal of all gates and opening the road to the public. The use of taxpayer dollars to improve the road with no public access is a concern, and it was requested that the road be open for at least a 2-month period during the summer, and possibly during the winter. The owners of the Continental Mine requested unimpeded access to their property year-round with no trip limitations. The Kootenai Tribe of Idaho requested that the right of the Ktunaxa people to travel freely within Kootenai Territory be protected. A comment requested that the EIS clarify whether or not over-snow access would be allowed for administrative or public use to the Bog Creek Road or any other routes within the Blue-Grass BMU.

Comments coded **ACCESS-03 (NON-MOTORIZED)** presented concerns about the Scoping Notice statement that the road will be signed “Administrative Use Only – No Public Access.” Comments were strongly opposed to this and request that the road remain open to non-motorized use for biking, hiking, etc.

Comments coded **ACCESS-04 (ADMINISTRATIVE USE)** stated that the road is currently classified as administrative use and that the classification should not change. Comments also requested that the road remain designated for administrative use and that this designation can be successfully monitored by law enforcement officials for activity and use. Comments requested that the frequency and location of administrative use of these roads be made publicly available, as well as the use and trips made by the owners of the Continental Mine. Comments asked that the EIS make a distinction between roads that are classified as “administrative” but are impassible, and those where administrative use actually occurs within the BMU. Comments suggested that use of the roads by federal agencies should not be counted as public use.

Comments coded **ACCESS-05 (TRIP NUMBERS)** requested that there be no limitations on trip numbers for CBP or the owners of the Continental Mine. Comments requested that the current and projected future (after project implementation) number of trips on these roads be disclosed.

Comments coded **ACCESS-06 (LEGAL)** pointed out a court settlement between the United States and Boundary County, Idaho, dated October 2, 2002, that states the “prism of Bog Creek Road shall be substantially retained for future use” (see comment in Appendix D of the May 2013 Scoping Report for more details).

Comments coded **ACCESS-07 (FULL CLOSURE)** requested that all roads in the area be closed and that the entire area be designated as wilderness.

Comments coded **ACCESS-07 (GRAZING)** recognized that changes in the road management status (administrative use, seasonal use, motorized road closure) could affect access to currently permitted grazing allotments. A comment stated that this could subsequently affect local support for the grizzly bear recovery program.

Cultural

Comments coded **CULTURAL-01 (GENERAL)** stated that under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), regular and meaningful consultation and collaboration with tribal officials in the development of federal projects should occur. The EIS should describe the process and outcome of government-to-government consultation between

the agencies and each of the tribal governments within the analysis area and vicinity, issues that were raised (if any), and how those issues were addressed in the selection of alternatives.

The project lies entirely within Ktunaxa (Kootenai) Territory and has been the homeland of the Kootenai Tribe of Idaho since time immemorial. The area is of significant importance to the Kootenai Tribe and its citizens for the exercise of religion, protection of sacred sites and cultural resources, and the exercise of Treaty-reserved hunting, fishing, and gathering activities. Ongoing government-to-government consultation regarding the analysis area and tribal concerns and input will continue.

Border Security

Comments coded **SECUR-01 (IMPORTANCE)** included concerns about the importance of border security and that it is more important than it has been in the past, based on recent illegal drug trafficking and terrorism concerns. Comments stated that security of the United States should have the highest priority regarding management actions and access of our public lands.

Comments coded **SECUR-02 (SAFETY)** stated the importance of providing safe conditions for CBP to conduct its patrols.

Fisheries Resources

Comments coded **FISH-01 (GENERAL)** expressed concerns about impact to fisheries resources from road reconstruction activities that will deliver sediment to tributaries and decrease water quality. Comments requested that the agencies demonstrate that the project is in compliance with the Inland Native Fish Strategy (INFISH) and that the EIS disclose results of up-to-date monitoring of fish habitat and watershed conditions and how this project will affect the fish in the project area. Comments expressed concern that Bog Creek Road improvements would require major hydrologic engineering, stormwater control, and maintenance to protect bull trout and other native fish species from habitat degradation and loss of fish passage. Specific concerns include construction activities on the Bog Creek Road and the impact to the tributaries of Continental Creek and Malcom Creek (tributaries to Upper Priest River) and Spread Creek (tributary to Malcom Creek). Additional concern about construction work on Forest Road (FR) 1013 and impacts to tributaries to the Upper Priest River was also expressed.

Hunting

Comments coded **HUNT-01 (GENERAL)** expressed concerns about the impact that reconstructing Bog Creek Road would have on unique hunting opportunities in the area. The Blue-Grass BMU Grass Creek area is currently used for hunting and accessed by bicycle/trailer. Concern that increased traffic would impact hunting opportunities was reflected in the comments.

Miscellaneous

Comments coded **MISC-01 (GENERAL SUPPORT OF PROPOSAL)** directly stated general support of the proposal.

Comments coded **MISC-02 (GENERAL OPPOSITION OF PROPOSAL)** directly stated general opposition of the proposal.

Comments coded **MISC-03 (NO COMMENT)** did not indicate general support or opposition, but rather confirmed that the National Park Service had no comments.

National Environmental Policy Act

Comments coded **NEPA-01 (PURPOSE AND NEED)** included concerns about the purpose and need for the project as presented in the Scoping Notice, especially for the Bog Creek Road improvements. Comments asked for compliance records of the Forest Service meeting monitoring requirements set forth by the *Idaho Panhandle National Forests Land Management Plan* (Forest Plan) and prior NEPA decisions, and whether the project would support the desired condition for the Priest Lake Geographic Area (as stated in the Forest Plan GA-DC-VEG-PR-02). Comments requested additional information regarding the need for increased border patrols that includes what has changed (since the road was gated in 1988), in addition to the unmaintained road, that makes this project necessary (i.e., national security threats in this particular area). Comments inquired about how the CBP is currently conducting patrols and whether the need can be met by other means. Comments questioned the additional travel time required for CBP patrols without reconstructing the Bog Creek Road, as presented in the Scoping Notice, and how often such a trip would be necessary. Comments mentioned that there are many areas along the U.S./Canadian border that do not have motorized access. A request was made to clarify that the access is needed for both the Bonners Ferry and Metaline Falls stations. Comments asked that the EIS discuss the roles and responsibilities of each agency with respect to the project.

Comments coded **NEPA-02 (EIS)** included concerns that this proposed action includes a level of impact that needs to be covered by an EIS, not an Environmental Assessment. Rationale included the potential for beneficial and adverse effects to threatened species (including grizzly bear, woodland caribou, and Canada lynx), the virtually impassable condition of the road changing to allow significant administrative use for the first time since the 1980s, and the 10-week summer construction season impacts to grizzly bear summer range.

Comments coded **NEPA-03 (ALTERNATIVES)** included suggested alternatives to the proposed action. Suggestions included:

- Implement an area closure to trapping to protect wolverine, lynx, and fisher from incidental trapping and allow populations of martin and beaver to rebound.
- Reduce existing motorized access in the Upper Priest River area to provide a continuous core habitat condition between the Salmo-Priest Wilderness on the west side of the Selkirks to Long Canyon and the Selkirk Crest to the south and east.
- Eliminate grazing from the Blue-Grass BMU.
- Recontour FR 1662 (to Hughes Meadows) and remove the two bridges crossing Hughes Fork. Rebuild the horse access trailhead at the junction of roads and FR 1013. Hughes Meadows is high-quality year-round grizzly bear habitat.
- Build a tunnel instead.
- Use of remote, real-time monitoring/surveillance, including drones (unmanned aerial vehicles [UAVs]). Include in the EIS a cost-comparison between drone expense vs. improvement and use of the Bog Creek Road.
- Instead of driving back and forth multiple times between Bonners Ferry and Priest Lake, agents could spend several nights camping out (a suggestion was also made for agents to stay in a local hotel near Priest Lake or Bonners Ferry) when they are on missions. While at their camps they could “clock out” but still be on call for immediate action should the border be breached.
- The Agencies should analyze full obliteration and road decommissioning as part of the action alternatives.

- The Agencies should analyze an action alternative that does not include improvements to the Bog Creek Road, but would decommission roads throughout the BMU.
- One possible way the CBP could compensate for the inevitable adverse impacts of the proposed action on threatened wildlife species is to purchase the Continental Mine property and transfer it back to the IPNF. If this were to occur, opportunities for managing (closing) roads that access the private property would open up, giving the Forest Service several options for increasing secure wildlife habitat for both grizzlies and caribou in the Blue-Grass BMU. If not pursuing acquisition of this private property, then the Forest Service could place limitations on the number of trips that the property owners could take in a given year. The special use regulations provide that the agency may place limitations on a permitted activity in order to mitigate its environmental effects.
- If the CBP is determined to move forward with some iteration of the proposed action, then comments suggested developing, analyzing, and adopting a modified version of the proposed action, based on the following:
 - The Bog Creek Road should remain classified as “restricted” to administrative use. Gates should be installed and monitored at both ends to ensure that unauthorized use does not occur. This is essential to keeping the number of vehicle trips within the confines of the Access Amendment.
 - Administrative use by CBP and Forest Service officials should be limited to 57 vehicle trips per active bear year as required by the Access Amendment. Trips must be apportioned as follows: 19 or fewer trips during the spring (April 1 through June 15); 23 or fewer trips during the summer (June 16 through September 15); and 15 or fewer trips during the fall (September 16 through November 15). If the number of trips exceeds any of these seasonal limitations, then the Bog Creek Road must be considered an “open” road for analysis and reporting purposes.
 - The amount of core habitat (50%) in the Blue-Grass BMU is below the minimum standard of 55%. Similarly, the total motorized route density (28%) exceeds the maximum allowable density of 26%. A modified version of the proposed action should be developed that results in more than 55% core habitat and a total motorized route density of less than 26%. In other words, the approved action should result in compliance with the Access Amendment’s standards for the Blue-Grass BMU and result in a net gain of the total amount of effective core grizzly bear habitat.
 - The Forest Service should perform a habitat analysis of the Blue-Grass BMU to determine which roads, if decommissioned or stored, would result in the maximum benefit to grizzly bears. If possible, core habitats should represent the full range of seasonal habitats that are available in the Blue-Grass BMU. Moreover, the comment recommended minimum core habitat blocks of 2 to 8 square miles.
 - Roads above 5,000 feet in elevation should also be given special attention. According to the caribou telemetry data collected by Kinley and Apps (2007), caribou tend to use habitats above 5,000 feet more than 90% of the time. Reducing motorized access in areas above 5,000 feet would benefit caribou. Wakkinen and Slone’s (2010) caribou movement corridor analysis is also informative.
 - Snowmobile and other “over-snow” vehicles should be prohibited due to concerns about caribou and other wildlife that are sensitive to motorized access during the winter months.

The U.S. Environmental Protection Agency (EPA) clarified that the EIS should include a range of reasonable alternatives that meet the stated purpose and need for the proposed action and are responsive to the issues identified during the scoping process. Environmental impacts associated with each alternative should also be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. These impacts should be quantified to the greatest extent possible. The EPA encourages selection of feasible alternatives that minimize environmental degradation.

Comments coded **NEPA-04 (PUBLIC PROCESS)** requested that all public comments be posted online and made available to the public.

Comments coded **NEPA-05 (PROPOSED ACTION)** requested that these details be included in the description of the proposed action: a map of the roads proposed for motorized road closure and administrative use, the frequency of the administrative use, anticipated implementation timing, funding sources (for non-commercial activities), and further definition of the “other aspects of the proposed action” mentioned in the April 27, 2016, NOI, in addition to the Bog Creek Road rebuild. Additional comments included:

- Requesting that the EIS discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the analysis area and vicinity.
- Questioning the validity of the Access Amendment road density standards and whether reduced road densities contribute positively to grizzly bear recovery.
- Questioning whether the roads selected for motorized road closure would offset and mitigate the effects of rebuilding the Bog Creek Road in currently de facto grizzly bear core habitat.
- Stating that the proposed action must comply with the National Forest Management Act, the Forest Plan, including its forest-wide standards and guidelines, the Access Amendment, and the Northern Rockies Lynx Management Direction.

Comments coded **NEPA-06 (ANALYSIS)** requested EIS analysis components: 1) the resources and issues that would be analyzed in the EIS, 2) the analysis process, and 3) a travel analysis report.

Comments expressed agreement with the preliminary list of issues identified in the NOI:

- Border security;
- threatened and endangered species, including grizzly bear, caribou, lynx, and bull trout;
- Blue-Grass BMU grizzly bear core habitat requirement;
- National Forest access; and
- biological resources, including fisheries, wildlife, sensitive plants, and noxious weeds.

They also requested evaluation of these resources and issues: roadless areas, climate change (estimating greenhouse gas emissions and reduction measures that would be implemented), carbon storage, old-growth forest, big game (including elk and moose), recreational access (motorized and non-motorized), soils, minerals, riparian resources, water quality, and air quality.

The analysis process steps requested were:

- disclosure of compliance with the Forest Plan and adherence to Geographic Area directives;

- environmental effects from the alternatives, including a description of the affected environment, current trends, and the nature of the impacts to affected resources (from the project and reasonably foreseeable future projects);
- cumulative analyses, evaluating past, present, and reasonably foreseeable future actions in the analysis area, including but not limited to, human residences, grazing, timber harvest, and the Continental Mine;
- mitigation measures that would further reduce impacts.

Comments requested disclosure of which roads are currently impassable (and the total impassable road mileage) and a travel analysis report evaluating resource risks and to identify roads for decommissioning. A comment called this identification finding the “Minimum Road System.”

Roads

Comments coded **ROADS-01 (CLOSURES)** expressed concerns that reconstructing the Bog Creek Road will require closing other roads in the Blue-Grass BMU to meet the BMU required standards. Concerns included decreased funding for maintenance for other roads, decreased access to the National Forest in an area that already has limited road access, and decreased opportunities for wood collection, food gathering, and recreation. Comments stated that no roads should be closed and that this decision should not apply to the Road Density Standards. Concern was expressed that upon full decommissioning of roads, those roads would no longer be available for emergency use. Boundary County officials request to be notified of any action to change road classifications in order to participate in those discussions.

Comments coded **ROADS-02 (COST/MAINTENANCE)** included concerns about the costs of building and maintaining the road and the potential impact to the Forest Service’s already limited road maintenance budget. A detailed cost-benefit analysis was requested that includes the costs to build and maintain the road and other alternatives to road reconstruction. Comments questioned who will maintain the road and suggested only minimal, if any, upgrades to FR 1013. Comments requested that the EIS include a cost-comparison between drone (UAV) surveillance expense vs. improvement and use of the Bog Creek Road. Comments asked that all of the costs and benefits of this project be evaluated and that a detailed list of all the costs to the agencies and the public be disclosed.

Comments coded **ROADS-03 (TRAFFIC)** included concerns about increased traffic on Westside Road by CBP agents and associated impacts that include the following: fast driving speeds that endanger pets, livestock, and wildlife; increased noise; and increased interactions with CBP agents.

Comments coded **ROADS-04 (CURRENT DEGRADED CONDITION)** included concerns that the current condition of the Bog Creek Road is degraded and causing impact to forest lands. It was suggested that repairing the road will help restore best management practices (BMPs) to meet the state Forest Practices Act requirements that will help the habitat for species protected by the Endangered Species Act (ESA), and other wildlife that use the area. Comments noted that FR 1011 (from the top of the Grass Creek – Blue Joe Creek ridge divide) will also need some minor reconstruction and repair to allow the construction equipment access to work on road FR 1013.

Comments coded **ROADS-05 (CONDITION)** included concerns that the administrative status of the road does not represent the current, on-the-ground condition of the road as impassible and unused for many years.

Soils

Comments coded **SOIL-01 (GENERAL)** requested that the EIS disclose the expected amount of detrimental soil disturbance during both temporary construction and long-term operation, and proposed mitigation/remediation (the analytical data that support the proposed mitigation/remediation measures). Comments requested that the EIS evaluate the extent of vegetation removal, whether the removal would occur on steep slopes, in or near riparian areas, and where soil damage was particularly severe due to previous activities.

Threatened and Endangered Species

Comments coded **T&E-01 (GRIZZLY BEAR)** included concerns about potential impact to grizzly bear in the project area. Comments included concerns that the grizzly bear population in the area has improved and therefore ESA protections need to be removed. Comments stated that historic use of the road for logging, forest management, and fire protection had no impact to the grizzly bear population.

Other concerns regarding grizzly bears included:

- The area is very important summer habitat for grizzly bears and that the elevation and aspect supply an important summer food source.
- Road construction during the summer months could lead to conflicts with seasonal grizzly bear use.
- The area provides other important habitat features that include secluded areas, meadows, wetlands, a water body, and limited motorized traffic that are important for grizzly bear.
- Increasing the road use increases the potential for hunters to access areas frequented by bears. This could lead to illegal kills or mistaken-identity kills of grizzly bears.
- The IPNF is not currently consistent with the Forest Plan, laws, and policies with regard to grizzly bears (including the Access Amendment).
- Conflicts may also occur in late winter/early spring when grizzly bears emerge from hibernation, but snow cover remains deep enough for over-snow vehicle access.
- Impacts to grazing allotment access could subsequently affect local support for the grizzly bear recovery program.
- The fact that the improved Bog Creek Road would be limited to administrative use would not negate the impacts to grizzly bears, both during construction and use of this road. Noise and human presence during construction will likely cause bears to avoid the area, as will use of the road thereafter, including reasonably foreseeable illegal use. The road will fragment important grizzly bear habitat currently occupied by a threatened grizzly bear population.
- Guidelines are in place to protect grizzly bears from certain seasonal disturbances that could impact wildlife during critical periods of the year. For example, forest-wide guidelines direct the Forest Service to minimize disturbance between April 1 and May 1 in areas where grizzly bears may be emerging from their dens.

Comments coded **T&E-02 (CORE HABITAT / BMU)** include concerns about the core habitat and other requirements for the Blue-Grass BMU as defined in the Access Amendment. Comments and concerns include:

- The proposal will limit management options and make it difficult for the Forest Service to meet their core habitat standards, as the BMU already consists of mostly closed roads. Closing this

road would move the BMU toward achieving these standards. The EIS will need to clearly state whether overall motorized use within the Blue-Grass BMU will increase or decrease.

- The road has gone unused by motorized traffic for more than 10 years and is currently functioning as core habitat, regardless of the administrative use designation. Core habitat, as defined in the Access Amendment, includes those areas beyond 500 meters of an open motorized route. It is estimated that there are approximately 1,820 acres of National Forest System lands in the Bog Creek Road corridor that are essentially functioning as core habitat, even if this area has not been counted as official core habitat in the Blue-Grass BMU. It would be difficult to close enough roads to all traffic, including administrative use, to compensate for the loss of grizzly bear security along the Bog Creek Road. Comments expressed concern that the core habitat created by the motorized closure of up to 26 proposed miles of road, while improving the Bog Creek Road corridor, would still result in a net loss in grizzly bear habitat security.
- The amount of core habitat (50%) in the Blue-Grass BMU is below the minimum standard of 55%. The total motorized route density (28%) exceeds the maximum allowable density of 26%. CBP should present a modified proposed action that results in more than 55% core habitat and a total motorized route density of less than 26%. The approved action should result in compliance with the standards for the Blue-Grass BMU and result in a net gain in the total amount of effective core grizzly bear habitat.
- The Forest Service should perform a habitat analysis for the Blue-Grass BMU with recommendations that core habitat consists of 2- to 8-square-mile blocks representing the full range of available habitats.
- The road should be classified as “open” during reconstruction activities because of truck traffic and the use of heavy equipment. The road should also be classified as open after the road is reconstructed and being used by the CBP. This will increase the Open Motorized Road Density (OMRD) in the Blue-Grass BMU.
- The Forest Service should disclose the road densities in the Blue-Grass BMU: existing, during construction, and during long-term operation and maintenance.
- The Forest Service should consider closing roads in the Blue-Grass BMU regardless of whether construction of the Bog Creek Road improvements are approved.

Comments coded **T&E-03 (GENERAL)** included general concerns about impacts to threatened and endangered species and how they are evaluated in the analysis process (including the cumulative effects analysis). Comments described the proposed project area as being in the middle of one of the most critical wildlife corridors that connects wildlife habitats in the United States and Canadian Selkirk Mountains, and that the proposed road would bisect the area and impose a migration barrier. A comment stated that the Priest Lake Geographic Area is ecologically important and could be a climate change refugium to sensitive species in the U.S. Selkirk Mountains.

Comments requested that the proposal go through the ESA Section 7 consultation process with U.S. Fish and Wildlife Service (USFWS) because of the potential for adverse effects on threatened and endangered species, including their population viability, recovery, and habitat security. Comments requested that mitigation be developed to avoid adverse impacts to ESA-listed species. Specific species mentioned in the comments include grizzly bear, mountain caribou, Canada lynx, wolverine, bull trout, and their designated critical habitat.

Other comments stated that the limited activity that agents would have on this road would have no impact on endangered or other species.

Comments coded **T&E-04 (CARIBOU)** contained concerns about the proposal's impact on mountain caribou. Caribou generally avoid roads with traffic and other human disturbances. Thus, this road may have a direct impact on caribou and their use of habitat in the project area. Specifically, the comments requested that the environmental analysis include potential impacts to caribou in the decision to reconstruct the road by giving special consideration to roads at about 5,000 feet in elevation, because caribou use these habitats 90% of the time. Reducing motorized access at this elevation would reduce impacts to caribou. Other requested protections include prohibiting the use of snowmobiles along the road. Guidelines are in place to protect caribou from certain seasonal disturbances that could impact wildlife during critical periods of the year. Management activities should be avoided from June 1 to July 15 in known occupied caribou calving habitat, disturbance from over-snow vehicle use should be avoided or minimized in areas known to be occupied by caribou from December 1 to April 30, and disturbance should be avoided in occupied caribou summer habitat from July 8 to October 16.

Comments coded **T&E-05 (LYNX)** requested that impacts to lynx, a listed species, and their designated critical habitat be analyzed in the NEPA document.

Comments coded **T&E-06 (WOLVERINE)** requested that impacts to wolverine, a former candidate species that benefits from the isolated location of the Bog Creek Road area, be analyzed in the NEPA document. Wolverine is a State Species of Greatest Conservation Need. Recently (August 2014), Idaho and other states within wolverine range were able to avoid federal ESA listing by the USFWS by developing and adopting conservation strategies designed to reduce threats to the species viability. The Northern Idaho Panhandle is considered a Tier I priority conservation area for wolverine by Idaho Department of Fish and Game. The Bog Creek Road area specifically has been identified as suitable denning habitat and is part of a predicted wolverine dispersal corridor. Wolverine distribution is believed to be linked with persistent spring snow cover. Bog Creek Road is situated at the toe of a north-facing slope, in the northernmost part of Idaho, and receives significant and persistent snowfall. The site provides ideal habitat conditions for a species increasingly habitat-limited due to climate change, fragmentation, snow sport recreation, and human infrastructure.

Comments coded **T&E-07 (MONITORING)** requested that CBP and the Forest Service develop a cooperative monitoring plan for the Bog Creek Road and the Blue-Grass BMU as part of the proposal that monitors how the requirements of the Access Amendment are carried out and assesses the effectiveness of the proposed mitigation. The plan should include the following items:

- Monitoring at least 30% of the closure devices in the BMU on an annual basis, including gates, berms, or other closure methods or devices. It was recommended that closures be monitored on rotating basis so all closures are monitored within 3-year intervals.
- Monitoring the Bog Creek Road for closure violations on an annual basis using road counters and cameras.
- CBP and Forest Service maintaining regular coordination to ensure that collective trips made on the Bog Creek Road do not exceed the maximum allowable trips during the active bear year.
- Incorporating the monitoring results into the annual reports submitted to the USFWS by April 15 of each year.

Comments requested that changes to the current travel management plan include resources toward monitoring and enforcement of closures to protect wildlife security.

Comments coded **T&E-08 (BULL TROUT)** asked that the proposal's impacts relative to bull trout, a listed species, and designated critical habitat be considered in the resource analysis. Comments noted that sediment delivery to streams in the area has occurred in the past because of lack of road maintenance and

existing culvert failures and that this could be improved by reconstructing the road. Other comments suggested that the culvert failure sediment delivery is not ongoing and has healed itself; road reconstruction could result in additional sediment delivery and decreased water quality in the Upper Priest River that contains bull trout habitat. Please also refer to **WATER-01 (SEDIMENT / WATER QUALITY)**.

Vegetation

Comments coded **VEGE-01 (NOXIOUS WEEDS)** requested that the environmental analysis for the project disclose the level of current noxious weed infestations (including a map of their locations) and their cause, as well as considering impacts from the control and management of noxious weeds, and the potential for the project to spread noxious weeds. It was suggested that project timing be considered as a means to prevent the spread of noxious weeds. The request was made for inclusion of an alternative that will not introduce new noxious weeds into the project area.

The comments requested that the analysis address the cumulative, direct, and indirect effects of the proposed project on weed introduction, spread, and persistence, to include how weed infestations have been and will be influenced by the following management actions: road construction, including new permanent and temporary roads; opening and decommissioning of roads represented on Forest Service maps; and ground disturbance and traffic on Forest Service roads.

Comments requested more information on plans for long-term BMPs, including reseeding of disturbed areas with native plant species, consistent herbicide application, and weed population monitoring.

Comments coded **VEGE-02 (BOTANICAL SURVEY)** asked that a complete botanical survey be conducted in the project area prior to any reconstruction work to identify the location of sensitive plant populations. The Idaho Natural Heritage Program's database lists 31 species within about 10 miles of the project site. See comment in Appendix D of the May 2013 Scoping Report for this species list.

Comments coded **VEGE-03 (SENSITIVE PLANTS)** pointed out that this region has Idaho's highest density of sensitive and rare plant species and requested that sensitive plant habitats remain undisturbed. Comments requested analysis of the potential direct and indirect effects of the project on ESA-listed, Forest Plan focal, rare, and sensitive plant species and their habitat.

Comments asked whether surveys have been conducted to determine the presence and abundance of whitebark pine regeneration and whether blister rust occurs in the proposed action areas. The comments requested measures to protect whitebark pine seedlings and clarification regarding planting (e.g., would rust-resistant stock be used?) and restoration efforts.

Water Resources

Comments coded **WATER-01 (SEDIMENT / WATER QUALITY)** include concerns about impacts to water quality from sediment caused by road reconstruction on waterways in the project area; a request was made for baseline condition and expected sedimentation during and after construction, for all streams in the area. Comments noted the possibility that water quality is being degraded because of past culvert failures and could be improved through road reconstruction. Other comments state that water quality could be further degraded through road reconstruction activities that deliver sediment to waterways in the project area. Specific tributaries in the area include Malcom Creek, Bog Creek, Continental Creek, Spread Creek, and the Upper Priest River.

In addition to sedimentation, there were concerns regarding increases in peak flow, impacts to channel stability, risk of rain-on-snow events, and increases in stream water temperature. Comments requested

the disclosure of the locations of riparian areas, floodplains, seeps, springs, bogs, wetlands, and other sensitive wet areas, and the potential effects on these areas from the project activities. FR 636 was specifically called out as a location where sediment contribution to streams could be reduced by full road decommissioning.

Comments requested that the Forest Service assess the present condition and continue to monitor the impacts of grazing activities upon vegetation diversity, soil compaction, stream bank stability, and subsequent sedimentation.

Comments requested that the Idaho Department of Environmental Quality be contacted regarding the potential for water quality impacts; that information regarding 303d listed waterbodies and potential pollutants be disclosed, as well as project compliance with the Clean Water Act. A National Pollutant Discharge Elimination System permit for discharges to waters of the United States would be required for surface disturbance greater than 1 acre. A request was made for the IPNF's record of compliance with state BMPs regarding stream sedimentation from ground-disturbing management activities.

Wildfire

Comments coded **FIRE-01 (GENERAL)** stated that the road could provide a beneficial use to firefighters needing to gain access to the area to control wildfires. See also **ROADS-01 (CLOSURES)**.

Wildlife Resources

Comments coded **WILDLIFE-01 (GENERAL)** requested that wildlife species analyzed for impacts include the IPNF's sensitive species list and the management indicator species listed in its Forest Plan¹ (this analysis in the NEPA document would suffice as the biological evaluation for these species).

Comments also requested that:

- the Idaho Department of Fish and Game be contacted regarding the potential for wildlife and habitat impacts.
- snag densities and old growth acreages in the project area, as well as their estimation methodology and associated error, be included in the NEPA analysis.
- potential impacts to mature forest dependent species, big game (moose and elk), and their habitat be analyzed.
- the analysis disclose sensitive species monitoring and inventory.
- the EIS:
 - discuss effects on habitat fragmentation and how the creation of edge effects favors some species, including mitigation measures.
 - explain how vegetation removal would support retention of vegetation structures that are important for wildlife migration, recruitment and dispersal, rearing, and feeding.
 - clearly identify and describe the mitigation measures to minimize effects to wildlife.

Comments stated that:

- The Bog Creek Road is currently heavily vegetated and inaccessible to full-sized vehicles. With improvements, recreational use is likely to increase despite gates. This use will add ongoing

¹ U.S. Forest Service. 1987. *Idaho Panhandle National Forest Plan*. Vols. 1 and 2. Coeur d'Alene, Idaho.

disturbance and decrease big-game and grizzly bear security, in an area that is currently difficult to travel even on foot.

- The proposed project would likely cause temporary displacement of sensitive wildlife species, with possible permanent losses to habitat and movement corridors.
- Improvements to the Bog Creek Road would fragment an important wildlife corridor between the U.S. and Canadian Selkirk Mountains and could lead to poaching or inadvertent wildlife mortalities.
- Over-snow access in the area would negatively affect wildlife and wildlife connectivity.
- The wetland complex and low-elevation headwater saddle between Bog Creek and Malcom Creek provides connectivity for amphibian species between the Kootenai and Pend Oreille River systems.

4.0 FUTURE STEPS IN THE NEPA PROCESS

CBP will use the comments collected during scoping to define issues and to develop a range of alternatives to address those issues, which will then be analyzed in the future NEPA process. The impacts that could result from implementing the alternatives will be analyzed and documented in a future NEPA document. Upon completion of the NEPA document, it will be made available for public review and public comment.

APPENDIX A

Notice of Intent



the value data element and eliminating the HTS number requirement, will facilitate the in-transit manifest process for both the trade and CBP. Canadian carriers will be able to route certain domestic shipments through the United States with greater efficiency and CBP will benefit from an entirely electronic in-transit manifest.

B. Test Participants and Conditions of Participation

Participation in the In-Transit Manifest Pilot Program is currently limited to nine Canadian truck carriers that have been selected by CBP in consultation with the Canadian Border Services Agency (CBSA). Each participating carrier is a bonded carrier and a certified member of the Customs-Trade Partnership Against Terrorism (C-TPAT), a voluntary supply chain security program led by CBP that is focused on improving the security of private companies' supply chains with respect to terrorism. As a condition of participation, each carrier must use commercial drivers cleared under the FAST program. FAST driver identification provides CBP with a full set of identifying information regarding the driver, including the driver's name, date of birth, gender, citizenship, and address. Another condition of participation in this NCAP test is that no passengers are permitted on the Canadian trucks transiting the United States, with the exception of additional drivers also cleared under the FAST program. As provided in Section VI, participants are also required to take part in an evaluation of the test.

C. Test Duration and Locations

The NCAP test will be conducted for approximately six months from its start at the following ports of entry: Port Huron, Michigan; Pembina, North Dakota; and Blaine, Washington. Any future expansion of this NCAP test to additional ports and/or extension of the time period will be announced on CBP's Web site at www.cbp.gov. Participants will also be notified of any expansion.

IV. Regulatory Provisions Affected

Regulations in 19 CFR parts 18 and 123 that conflict with the terms and conditions of the NCAP test are suspended and overridden to the extent of the conflict for the duration of the test for test participants and only to the extent of their participation in this test.

V. Misconduct

If a test participant fails to abide by the rules, procedures, or term and conditions of this and all other applicable **Federal Register** notices,

fails to exercise reasonable care in the execution of participant obligations, or otherwise fails to comply with all applicable laws and regulations, then the participant may be suspended from participation in this test and/or subjected to penalties, liquidated damages, and/or other administrative or judicial sanction. Additionally, CBP has the right to suspend a test participant based on a determination that an unacceptable compliance risk exists. Any decision proposing suspension may be appealed in writing to the Assistant Commissioner (Office of Field Operations) within 15 days of the decision date. Such proposed suspension will apprise the participant of the facts or conduct warranting suspension. Should the participant appeal the notice of proposed suspension, the participant should address the facts or conduct charges contained in the notice and state how he has or will achieve compliance. However, in the case of willfulness or where public health interests are concerned, the suspension may be effective immediately.

VI. Test Evaluation Criteria

All interested parties are invited to comment on any aspect of this test at any time. To ensure adequate feedback, participants are required to take part in an evaluation of this test. CBP needs comments and feedback on all aspects of this test, including the design, conduct and implementation of the test in order to determine whether to modify, alter, expand, limit, continue, end or implement this program by regulation. The final results of the evaluation will be published in the **Federal Register** and the Customs Bulletin as required by 19 CFR 101.9.

VII. Paperwork Reduction Act

As noted above, CBP is accepting only nine participants in the NCAP test. This means that fewer than ten persons will be subject to any information collections under the NCAP test. Accordingly, collections of information encompassed within this notice are exempted from the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3502 and 3507).

Dated: April 22, 2016.

Todd Owen,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 2016-09858 Filed 4-26-16; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of intent to prepare a Joint Environmental Impact Statement and To Conduct Public Scoping

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security and Forest Service, USDA.

ACTION: Notice of intent to prepare a Joint Environmental Impact Statement concerning the repair and maintenance of Bog Creek Road and closure of certain roads within the Blue-Grass Bear Management Unit in the Selkirk Mountains in Boundary County, Idaho; request for comments; and notice of public scoping.

SUMMARY: This notice announces that U.S. Customs and Border Protection (CBP) and the U.S. Forest Service (Forest Service) Idaho Panhandle National Forests (IPNF) (collectively the "Agencies") intend to prepare a joint Environmental Impact Statement (EIS) to identify and assess potential impacts upon the environment of: Repairing and maintaining an approximately 5.6-mile section of the existing Bog Creek Road, which is located in the Selkirk Mountains in Boundary County, Idaho, within approximately two miles of the Canadian border, on land within the Blue-Grass Bear Management Unit (BMU) that is managed by the IPNF; and closing for motorized use additional roads within the Blue-Grass BMU to comply with the IPNF *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones* (Access Amendment) and reduce road density in the Blue-Grass BMU. This notice initiates the public scoping process for the preparation of the EIS. The purpose of the public scoping process is to solicit public comments regarding the potential environmental impacts that may be addressed. This notice commences the public scoping period for which CBP and IPNF are requesting written comments. This process is being conducted pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality Regulations for Implementing the NEPA (40 CFR parts 1500–1508), and CBP and Forest Service NEPA guidelines. Additionally, pursuant to Section 106 of the National Historic Preservation Act, the public scoping

24840

Federal Register / Vol. 81, No. 81 / Wednesday, April 27, 2016 / Notices

process will allow members of the general public to provide CBP and IPNF comments on potential impacts to historic and cultural resources for the proposed action.

DATES: The scoping comment period will be 30 days. To ensure consideration, comments must be received by May 27, 2016.

Comments may be submitted as set forth in the **ADDRESSES** section of this document. This project implements a land management plan and is subject to 36 CFR part 218, subparts A and B of the Forest Service's Project-level Predecisional Administrative Review Process. Pursuant to 36 CFR part 218, only those who provide specific, written comments regarding the proposed project will be eligible to file an objection.

ADDRESSES: Comments may be submitted either by mail or by email at the addresses indicated below. To avoid duplication, please use only one of the following methods to provide written comments:

(a) *Via mail:* Bog Creek Road EIS, P.O. Box 643, Flagstaff, Arizona, 86002-0643.

(b) *Via email:* SPWBogCreekEIS@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Paul Enriquez, CBP, Border Patrol Facilities & Tactical Infrastructure Program Management Office, by telephone at (949) 643-6365, or by email at Paul.Enriquez@cbp.dhs.gov. You may also visit the CBP public Web site for more information at: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

Repairs and Maintenance to Bog Creek Road

U.S. Customs and Border Protection (CBP) protects the nation's borders from terrorism, human and drug smuggling, illegal migration, and agricultural pests while facilitating the flow of legitimate travel and trade. CBP does so by integrating modern technology, deploying highly trained law enforcement personnel, and developing public and private sector partnerships that advance its overall mission.

At 5,500 miles in length, the Northern Border of the United States stands as the longest common border in the world.

The terrain ranges from densely forested lands on the west and east coasts to open plains in the middle of the country. To complement its efforts, CBP uses partnerships with other Federal, state, and local law enforcement agencies to meet the challenges of ensuring security while facilitating legitimate trade and travel along this expansive and complex border area.

The primary road that provides east-west access to the Northern Border in the Selkirk Mountains of Northern Idaho is Bog Creek Road. Bog Creek Road is situated on National Forest System lands that are a part of the Idaho Panhandle National Forests (IPNF). The area is managed by the IPNF unit of the Forest Service (also referred to as IPNF). The road is currently impassable to most vehicles.

Bog Creek Road was closed on both ends in the late 1980s, to meet grizzly bear habitat requirements. As a result of the closure, the road has only been maintained on a limited basis. By the mid-1990s, the road had experienced minor failures. Around the year 2000, a large failure occurred when a large culvert failed due to heavy surface water runoff. At that time, the road became impassable to most vehicles. Currently, the road is gated at the east end and barricaded at the west end. In recent years, the road has been infrequently used by Forest Service and CBP personnel traveling on all-terrain vehicles (ATVs) and horseback, but using ATVs requires a winch system to traverse the large culvert failure. Nearly the entire length of Bog Creek Road is now overgrown with alder brush, small trees, and other vegetation.

Without access to the Northern Border area via Bog Creek Road, CBP must use a lengthy detour to get to the border, including using state highways in Washington and Idaho and other forest roads. This alternative route is approximately 180 miles and adds approximately four hours one way (eight hours total) to CBP patrol response times.

Closing Additional Roads for Motorized Use

Bog Creek Road is located within the Blue-Grass Bear Management Unit (BMU) of the Selkirk Grizzly Bear Recovery Zone (SRZ) of the IPNF. The IPNF has been working since the late 1980s to create secure habitat for grizzly bears. For example, Bog Creek Road was closed in the late 1980s to allow for more effective management of grizzly bear habitat. The IPNF continues to manage habitat conditions of the SRZ. To further manage grizzly bear habitat conditions, in 2011, the IPNF issued a

Record of Decision (ROD) for the *Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones* (Access Amendment). The Access Amendment set motorized vehicle access and security standards in the zones to conserve and contribute to the recovery of grizzly bears, and to meet the agency's responsibilities under the Endangered Species Act (ESA). These standards limit the use of motorized vehicles within the Blue-Grass BMU area to a specified percentage of the land. By limiting high levels of human activity in the area, effective habitat can be created for grizzly bears. The ROD and accompanying biological opinion from the U.S. Fish and Wildlife Service require the standards in the Access Amendment to be met by 2019. Currently, the BMU is not meeting the motorized access standards set forth in the Access Amendment.

The status of all roads in the BMU area is of great interest to CBP since the entire Blue-Grass BMU is within 10 miles of the Northern Border. CBP needs good access to this area to execute its mission to protect the Northern Border. Because there are limited options regarding which roads to close for motorized use that meet the Access Amendment standards and the ESA, and which provide border access to CBP, the Agencies are working together to determine acceptable alternatives.

Purpose and Need for Action

The purpose and need of the proposed action is to provide improved east-west access across the Selkirk Mountains on National Forest System lands that would: (1) Enable CBP to execute its statutory mission to protect the U.S. Northern Border and provide for the safety of CBP and other law enforcement officers in carrying out their duties and (2) meet Access Amendment standards for motorized access in a grizzly bear habitat in the Blue-Grass BMU area.

Proposed Action

Repairs and Maintenance to Bog Creek Road

One aspect of the proposed action would involve the repair and maintenance of an approximately 5.6-mile section of the existing Bog Creek Road between Forest Road (FR) 1013 and FR 2450 within the Blue-Grass BMU of the SRZ of the IPNF. The road is located in the Selkirk Mountains in Boundary County, Idaho, within approximately two miles of the Canadian border.

The Agencies anticipate that the proposed action would likely involve replacing or repairing damaged culverts, grading and resurfacing areas that have been heavily eroded by surface water flows, infilling potholes, and removing protruding boulders. Although widening Bog Creek Road is not a part of the proposed action, there may be areas which no longer meet minimum width requirements and may require cut and fill work to achieve the desired road operating and safety standards. Trees and other vegetation within the roadway and to either side would likely be grubbed or cut back to facilitate safe vehicle passage.

The proposed action would also likely include gathering and transporting fill materials (riprap, mixed soil/rock, and crushed aggregate) from "borrow" pits to use in general resurfacing/fill and in installation of the culvert replacements. Some equipment would be needed to perform the repairs and maintenance, including a dozer, a grader, a hydraulic excavator, and a dump truck. In addition, several pickup trucks or SUVs would be needed to transport construction personnel to and from the area. The Agencies anticipate that upon completion of the proposed repairs and maintenance, the 5.6-mile section of Bog Creek Road would remain closed for public motorized use and would be limited to administrative use only.

Closing Additional Roads for Motorized Use

Another aspect of the proposed action would involve the closure of certain roads within the Blue-Grass BMU. Bog Creek Road is located in the Blue-Grass BMU within the SRZ. This BMU area is currently not meeting Access Amendment standards for motorized access in a grizzly bear habitat. The Agencies anticipate that other roads within the Blue-Grass BMU area would need to be closed for motorized use under this proposed action. The road closures would be necessary to mitigate the potential impacts to grizzly bear habitats associated with the repair and subsequent use of Bog Creek Road and to allow the Forest Service to meet the Access Amendment standards and its statutory obligations under the ESA. Because there are limited options regarding roads to close for motorized use to meet the Access Amendment standards, the Agencies are working together to determine alternatives that would meet CBP's requirements for border access as well as the Forest Service's requirements to comply with the Access Amendment standards and the ESA.

The Agencies have identified a preliminary list of roads that could be closed for motorized use. All of these roads are currently closed to public use and only open for limited administrative use. Roads that have been preliminarily identified for possible motorized closure include FR 2464 Upper, 2464 Lower, 1322, 1322A, 1013D, 1013C, 1388, 1388A, 2252, 636, and 2253. Approximately 26 miles of IPNF roads could be closed under the proposed action. As a part of the scoping process (discussed below), the Agencies are seeking further input on possible motorized road closure alternatives.

Lead and Cooperating Agencies

CBP and the Forest Service will work together as joint lead agencies on the EIS.

Responsible Official

The Executive Director, Facilities Management & Engineering, CBP, is the deciding official for CBP and the Forest Supervisor, IPNF, Forest Service, is the deciding official for the Forest Service.

Public Scoping Process

Public scoping for the Bog Creek Road repair and maintenance proposal was initially conducted by CBP in February and March of 2013. Information gathered from the previous scoping effort was used to inform the Agencies about what level of NEPA analysis was necessary to evaluate the proposed project. The initial scoping information included the possibility that road closures may become part of the proposed action, but did not include specific motorized road closure information. Using initial scoping information, the Agencies determined that the NEPA analysis would be conducted through an EIS process. All scoping comments submitted during the initial scoping will be included in issue development for the current EIS process. A Scoping Report that summarizes the initial scoping effort is available for review at <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

This Notice of Intent (NOI) initiates the public scoping process which will guide the development of the EIS. All interested parties are invited to participate in the scoping process. CBP and the Forest Service invite agencies, organizations, and the general public to provide input to this process of scoping environmental issues for consideration in the EIS. Written comments may be submitted as described in the ADDRESSES section of this document.

When submitting comments, please include your name and address. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will also be accepted and considered.

After the public scoping period is complete and the Agencies have reviewed the results, a compilation list of comments will be included in an amendment to the initial Scoping Report (described above). The amended Scoping Report will be made available on the CBP public Web site: <http://www.cbp.gov/about/environmental-cultural-stewardship/nepa-documents/docs-review>.

Public Involvement in Historic Preservation Activities Under Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act (54 U.S.C. 306108) requires Federal agencies to review all actions which may affect resources listed on, or eligible for, the National Register of Historic Places in order to take into account the effects of their undertakings on historic properties, and to afford the Idaho State Historic Preservation Officer and tribal governments a reasonable opportunity to comment on such undertakings. During the process of public scoping and preparation of the EIS, the Agencies seek to identify interested parties and obtain public comments on historic preservation issues related to the road repair and closure of roads for motorized use.

Preliminary Issues

Based upon the initial project scoping, some preliminary issues have been identified as potential effects of the proposed project. These include effects on:

- Border security;
- threatened and endangered species including grizzly bear, caribou, lynx, and bull trout;
- Blue-Grass BMU grizzly bear core habitat requirement;
- National Forest access; and
- biological resources including fisheries, wildlife, sensitive plants, and noxious weeds.

Permits and Licenses Required

The proposed project would likely require a Clean Water Act Section 404 Permit. The Agencies will work with the Idaho Department of Environmental Quality and the U.S. Army Corps of Engineers to determine the necessary

24842

Federal Register / Vol. 81, No. 81 / Wednesday, April 27, 2016 / Notices

permit process. All required permits would be obtained prior to project implementation.

Next Steps

In accordance with NEPA, the draft EIS will be made available to the public for review and comment through a Notice of Availability (NOA) in the **Federal Register**. The NOA will provide directions for obtaining copies of the draft EIS as well as dates and locations for any associated public participation meetings. After a public comment period on the draft EIS, CBP and the Forest Service will complete a final EIS.

Dated: April 21, 2016.

Karl H. Calvo,

Executive Director, Facilities Management and Engineering, Office of Administration.

Shanda Fallau Dekome,

Acting Forest Supervisor, Idaho Panhandle National Forests, U.S. Forest Service.

[FR Doc. 2016-09790 Filed 4-26-16; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2016-0002; Internal Agency Docket No. FEMA-B-1610]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt

or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before July 26, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1610, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-7659, or (email) patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are

used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at http://floodsrp.org/pdfs/srp_fact_sheet.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: April 12, 2016.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

APPENDIX B

Public Scoping Comments

Code	Number	Description
Access	01	Illegal
Access	02	Public access
Access	03	Non-motorized
Access	04	Administrative use
Access	05	Trip numbers
Access	06	Legal
Access	07	Full closure
Access	08	Grazing
Cultural	01	General
Fire	01	General
Fish	01	General
Hunt	01	General
Misc.	01	General support of proposal
Misc.	02	General opposition of proposal
Misc.	03	No Comment
NEPA	01	Purpose and Need
NEPA	02	EIS
NEPA	03	Alternatives
NEPA	04	Public process
NEPA	05	Proposed Action
NEPA	06	Analysis
Roads	01	Closures
Roads	02	Cost / Maintenance
Roads	03	Traffic
Roads	04	Current degraded condition
Roads	05	Condition
Secur	01	Importance
Secur	02	Safety
Soils	01	General
T & E	01	Grizzly Bear
T & E	02	Core Habitat / BMU
T & E	03	General
T & E	04	Caribou
T & E	05	Lynx
T & E	06	Wolverine
T & E	07	Monitoring
T & E	08	Bull Trout
Vege	01	Noxious Weeds
Vege	02	Botanical Survey
Vege	03	Sensitive plants
Water	01	Sediment / Water Quality
Wildlife	01	General

This page intentionally left blank.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
1	Dr. Brian L. Horejsi		T&E	02	Please send me a copy of the biological opinion the USFWS did for the Blue Grass BMU. I am interested in the Bog Creek road proposal.
1	Dr. Brian L. Horejsi		T&E	02	Please also send me a map showing the Bog Creek road proposal in the context of the BMU.
2	Jean Public		Access	01	if you cant get over the impasse, neither can the illegal immigrant scoming in from Canada.
2	Jean Public		Access	07	the road should stay impassable. this entire area should be declared wilderness right now. this is a good opportunity to do this.
2	Jean Public		Access	07	close all roads in this proposal. keep the area clod and wild as in wilderness.
2	Jean Public		NEPA	03	send some drones over the area you cant get to to do sweeps. 5 ft above tallest tree. you can get all the information you need.
2	Jean Public		NEPA	03	use drones instead to keep track of what is going on and atch them when they come over the impasse.
2	Jean Public		NEPA	04	all comments from all who reply to this notice should be put on line so that we can all see what is being said by the public so that we know what you are being told and how you continually override all public comment to do your own choice and then the public has to go to court and get a judge to overturn your decisions that are made sometimes only to enrich yourselves or your agency. where is the transparency at these agencies? you are all secretive sneaky and doing a number on the us pulic these days. this comment is for the public record.
2	Jean Public		Roads	02	repairing all these roads is too expensive for taxpayres.
2	Jean Public		T&E	03	the usfws has in mind wildif ekiller - that is the major thing they do these days. they have dan ashe as their head and he is a notorious wildlife killer who loves to kill animals, so any directive that comes from this now evil agency needs to be looked at for what it is really doing. we need new people inthis agency which has become corrupt and evil at the usfws. none of us would want a known murderer to be in charge of our lives. I want all wildlife living in this area protected to the fullest degree, endangered.
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	Access	01	<p>7. ARE THE PROPOSED ACTIONS COUNTER PRODUCTIVE ?</p> <p>Is the CBP able to demonstrate with confidence that this action will achieve its supposed effect on border security?</p> <p>I submit that the vast majority, if not all visitors to the Northern U.S. from points north, obviously outside those that travel by air, arrive in the U.S. by vehicle and road. Can it be demonstrated that the rebuild of Bog Creek road is not going to be counterproductive and in fact might facilitate illegal or legal access to that area?</p>
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	Access	05	<p>8. PROCEDURE / STANDARDS TO MONITOR ACTION EFFECTIVENESS?</p> <p>The Forest Service has an obligation to reveal present day AND post rebuild the human use levels (number of days use, number of vehicles, number of people, including snowmachine use that may impact lynx, caribou, wolves and early season/ late season bear activity) associated with the Bog Creek Road AND the 26 miles of road identified for possible closure action.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	NEPA	03	This cost should be contrasted, over an extended time frame, with the cost of alternative methods of surveillance, such as UAVs (drones). Such an analysis must partition the relative cost of the drone expenses / costs proportionate to its presence / use over the Bog Creek road area.
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	NEPA	05	3. WHAT ARE OTHER ACTIONS? If the road rebuild is only “one aspect of the Proposed Action”, what are the others?
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	Roads	02	6. COST EFFECTIVE ? In this day and age of the importance of cost effectiveness , as well as measuring effective completion of tasks, the cost of a - road upgrading and b - continued maintenance of upgrades, and c. – continued attendance of the ground by USFS and CBP personnel should be considered and presented in the EIS. This cost should be contrasted, over an extended time frame, with the cost of alternative methods of surveillance, such as UAVs (drones). Such an analysis must partition the relative cost of the drone expenses / costs proportionate to its presence / use over the Bog Creek road area.
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	T&E	02	It is essential that you address the lack of action regarding grizzly bear security measures in the BLUE-GRASS bear management unit– all of which are far overdue – as exposed in the above Federal Register Notice. 1. HISTORY OF FAILURE TO ACT / COMPLY Please expand on (explain!) the Forest Services failure to comply with the Access Amendment; > for example, the Blue-Grass “BMU is not meeting the motorized access standards set forth in the Access Amendment”. > And the BMU is “currently not meeting access amendment standards for motorized access in a grizzly bear habitat” Yet, we are told, 26 miles of IPNF roads that apparently could be closed, and have been identified as being able to contribute to Grizzly bear core habitat, have not been the subject of closure action? How do you account for this? 2. FALSE INTENTIONS? It is revealing, in a very negative sense, that the Forest Service appears to have “come alive” regarding road closures to benefit Grizzly bears now that another agency has intentions of degrading core habitat in the Blue-Grass BMU. It does not inspire public confidence in the Forest Services intentions to adhere to standards of scientific rigor when long over due conservation measures (as expected in the Access Amendment) “suddenly” become relevant because the “necessity” to build a highly passable and useful road (upgrade) forces your hand.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	T&E	03	<p>3. WHAT ARE OTHER ACTIONS? If the road rebuild is only “one aspect of the Proposed Action”, what are the others? And how will these “other aspects” and/or actions impact grizzly bear, lynx, wolf and caribou security?</p> <p>4. CUMULATIVE EFFECTS ANALYSIS Given that this Proposed Action looks to have multiple components (in addition to the Bog Creek Road rebuild) that will result in changes in human use of this critical grizzly bear, bull trout and caribou habitat, all actions must be considered in a Cumulative Effects Analysis.</p> <p>5. FREQUENCY OF ADMINISTRATIVE USE BY USFS and CPB The potential – Likely? – implications of full build-out and full life cycle of this action must be detailed and assessed for its impact on grizzly bear, caribou, lynx, wolf and bull trout population viability and recovery.</p>
3	Dr. Brian L. Horejsi	Speak Up For Wildlife Foundation	T&E	07	<p>8. PROCEDURE / STANDARDS TO MONITOR ACTION EFFECTIVENESS? The Forest Service has an obligation to reveal present day AND post rebuild the human use levels (number of days use, number of vehicles, number of people, including snowmachine use that may impact lynx, caribou, wolves and early season/ late season bear activity) associated with the Bog Creek Road AND the 26 miles of road identified for possible closure action.</p> <p>You must also delineate and commit to > the procedure (and thresholds for corrective action should effectiveness not be achieved) for monitoring whether a) compensatory (but already expected by the Access Amendment Plan) road closures and b) the rebuild of the Bog Creek Road are having the expected favorable impact on population viability and recovery of grizzly bears, lynx, caribou, wolves and bull trout.</p> <p>What measures will you use to indicate / measure management effectiveness? Will it simply be miles of “closed road” or will they include evidence of reduced human use of the area? You are obligated to monitor and report administrative use, including CPB use – how do you intend to do that? I expect you will > lay out a monitoring structure which will > include trigger points that lead to management improvement/ advances based on scientifically sound standards that protect the listed species/populations.</p>
4	Chuck Roady		Access	04	Repairing and replacing the washed out culverts on road #1013 will improve the water quality as well as allow access for other land and wildlife management purposes.
4	Chuck Roady		MISC.	01	Please accept my comments to support the repair, reconstruction, and continual maintenance of the Bog Creek Road to facilitate the use by the US Border Patrol to execute its mission of protecting our international borders.
4	Chuck Roady		NEPA	05	<p>Would you please send a project map of the area showing the involved road(s) that are planned for repair? Either by email or regular mail will be fine.</p> <p>Thank you for considering my comments.</p>
4	Chuck Roady		Roads	04	Road #1011 from the top of Grass Creek – Blue Joe Creek ridge divide will also need some minor reconstruction and repair to allow the necessary equipment access to work on road #1013.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
4	Chuck Roady		SECUR	01	This project is a critical key to establish a precedence where as national security should be a priority over the management of endangered species when adjacent to and within close proximity to our national borders.
4	Chuck Roady		T&E	01	As long as the gates on the specified roads remained closed there will be little to no impact upon grizzly bears or any other endangered species. The grizzly bear populations in the Selkirk Mountains as well as the quality of their habitat continues to be on the increase.
4	Chuck Roady		Water	01	Repairing and replacing the washed out culverts on road #1013 will improve the water quality
5	David Robinson		Access	01	The CBP must keep its priorities straight and not tear up protected habitat for the sake of so-called national security. This area is so remote, it is not a target for border crossings from the Canadian side by terrorists. There are plenty of other easier crossings the CBP should concentrate on that people wanting to cross into the USA would likely use! Opening up this road would actually create a avenue for terrorists and others to use to access the remote area for entry!
5	David Robinson		T&E	03	Please accept my comments on the so-called opening of the Bog Creek Rd in northern Idaho. Opening this road is absolutely unacceptable, Located in grizzly and caribou habitat of the Selkirk Mountains. Boundary County officials have long wanted a loop road between Bonners Ferry and Priest Lake. The road up Smith Creek on the Bonners Ferry side was designed to highway standards in prep of a northern route across the US Selkirks. This is a step in re-opening up that route to the detriment of all wildlife that needs remote places and just to save 4 hours in travel time for US Customs(CBP).
5	David Robinson		T&E	03	In the Federal Register Notice: "A Notice by the U.S. Customs and Border Protection and the Forest Service on 04/27/2016", at the bottom of this scoping notice, there is mention of permits likely needed and there is no mention of the necessary biological opinion with regards of any endangered and threatened species taking! Once again thank you for accepting my comments and wish to stay informed as this EIS goes forward.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Access	01	H. Please show that the road is not going to be counterproductive and in fact might facilitate illegal or legal access to that area;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Access	04	F. Please explain the frequency of administrative use of these roads by the USFS and the CPPB;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Fish	01	Please demonstrate that the project is in compliance with PACFISH/INFISH. Please disclose in the NEPA document the results of up-to-date monitoring of fish habitat and watershed conditions and how this project will affect the fish in the project area.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	01	G. Please demonstrated that the rebuild of Bog Creek road is needed;

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	01	T. Disclose the IPNF's record of compliance with its monitoring requirements as set forth in its Forest Plan; U. Disclose the IPNF's record of compliance with the additional monitoring requirements set forth in previous DN/FONSIs and RODs on the IPNF;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	02	Thank you for writing 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.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	05	D. Please list on a map where the 26 miles of IPNF roads that apparently could be closed, and have been identified as being able to contribute to Grizzly bear core habitat; E. Please explain when these roads will be closed;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	05	BB.Disclose the timeline for implementation; CC.Disclose the funding source for non-commercial activities proposed;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	06	QQ. Disclose how Project complies with the Roadless Rule;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	06	RR. Disclose the impact of climate change on the efficacy of the proposed treatments; SS. Disclose the impact of the proposed project on the carbon storage potential of the area;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	06	UU. Disclose maps of the area that show the following elements: 1. Past, current, and reasonably foreseeable logging units in the Project area; 2. Past, current, and reasonably foreseeable grazing allotments in the Project area; 3. Density of human residences within 1.5 miles from the Project unit boundaries; 4. Hiding cover in the Project area according to the Forest Plan definition; 5. Old growth forest in the Project area; 6. Big game security areas; 7. Moose winter range;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	06	Please utilize the NEPA process to clarify any roadless boundary issues. It is not adequate to merely accept previous, often arbitrary roadless inventories—unroaded areas adjacent to inventoried areas were often left out. Additionally, there is a lot of public support for adding unroaded areas as small as 1,000 acres in size to the roadless inventory.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	06	Alliance has reviewed the statutory and regulatory requirements governing National Forest Management projects, as well as the relevant case law, and compiled a check-list of issues that must be included in the EIS for the Project in order for the Forest Service's analysis to comply with the law. Following the list of necessary elements, Alliance has also included a general narrative discussion on possible impacts of the Project, with accompanying citations to the relevant scientific literature. These references should be disclosed and discussed in the EIS for the Project. I. NECESSARY ELEMENTS FOR PROJECT EIS: A. Disclose all Idaho Panhandle National Forest (IPNF) Plan requirements for road projects and explain how the Project complies with them;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	NEPA	06	I. Please do a complete cumulative effects analysis of this proposal;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Roads	02	Please evaluate all of the costs and benefits of this project. Please include a detailed list of all the costs to the agency and the public.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Soils	01	Y. Disclose the expected amount of detrimental soil disturbance in each unit after ground disturbance and prior to any proposed mitigation/remediation; Z. Disclose the expected amount of detrimental soil disturbance in each unit after proposed mitigation/remediation; AA. Disclose the analytical data that supports proposed soil mitigation/remediation measures;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	T&E	02	B. Disclose road densities within the Blue-Grass BMU to comply with the IPNF Forest Plan Amendments for Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones (Access Amendment); C. Please disclose if the road density include temporary roads that were never closed and user created roads;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	T&E	02	R. Disclose the current, during-project, and post-project road densities in the Blue-Grass BMU;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	T&E	03	L. Disclose the biological assessment for the candidate, threatened, or endangered species with potential and/or actual habitat in the Project area; M. Please formally consult with the US FWS on impact of this project on threatened and endangered species and their critical habitat, especially lynx, bull trout, caribou and grizzly bears.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	T&E	05	N. Disclose if this project is in lynx critical habitat;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	T&E	08	O. Disclose if this project is in bull trout critical habitat;

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	T&E	08	We request a careful analysis of the impacts to fisheries especially bull trout and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	01	W. Disclose the level of current noxious weed infestations in the Project area and the cause of those infestations; X. Disclose the impact of the Project on noxious weed infestations and native plant communities;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	01	<p>Weeds</p> <p>Native plants are the foundation upon which the ecosystems of the Forest are built, providing forage and shelter for all native wildlife, bird and insect species, supporting the natural processes of the landscape, and providing the context within which the public find recreational and spiritual opportunities. All these uses or values of land are hindered or lost by conversion of native vegetation to invasive and noxious plants. The ecological threats posed by noxious weed infestations are so great that a former chief of the Forest Service called the invasion of noxious weeds “devastating” and a “biological disaster.” Despite implementation of Forest Service “best management practices” (BMPs), noxious weed infestation on the Forest is getting worse and noxious weeds will likely overtake native plant populations if introduced into areas that are not yet infested. The Forest Service has recognized that the effects of noxious weed invasions may be irreversible. Even if weeds are eliminated with herbicide treatment, they may be replaced by other weeds, not by native plant species.</p> <p>Invasive plant species, also called noxious weeds, are one of the greatest modern threats to biodiversity on earth. Noxious weeds cause harm because they displace native plants, resulting in a loss of diversity and a change in the structure of a plant community. By removing native vegetative cover, invasive plants like knapweed may increase sediment yield and surface runoff in an ecosystem. As well knapweed may alter organic matter distribution and nutrient through a greater ability to uptake phosphorus over some native species in grasslands. Weed colonization can alter fire behavior by increasing flammability: for example, cheatgrass, a widespread noxious weed on the Forest, cures early and leads to more frequent burning. Weed colonization can also deplete soil nutrients and change the physical structure of soils.</p> <p>The Forest Service’s own management activities are largely responsible for noxious weed infestations; in particular road construction and use create a risk of weed infestations. Roads are often the first place new invader weeds are introduced. Vehicle traffic and soil disturbances from road construction and maintenance create ideal establishment conditions for weeds. Roads also provide obvious dispersal corridors. Roadsides throughout the project area are infested with noxious weeds. Once established along roadsides, invasive plants will likely spread into adjacent grasslands and forest openings.</p> <p>Please provide an alternative that won’t introduce new noxious weeds into the project area. (<i>Comment continued on next page</i>)</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	01	<p><i>(Comment continued from previous page)</i></p> <p>Please address the ecological, social and ascetic impact of current noxious weed infestations within the project area. Include an analysis of the impact of the actions proposed by this project on the long and short term spread of current and new noxious weed infestations. What treatment methods will be used to address growing noxious weed problems? What noxious weeds are currently and historically found within the project area? Please include a map of current noxious weed infestations which includes knapweed, Saint Johnswort, cheat grass, bull thistle, Canada thistle, hawkweed, hound's-tongue, oxeye daisy and all other Category 1, Category 2 and Category 3 weeds classified as noxious in the IDAHO COUNTY NOXIOUS WEED LIST. State-listed Category 2 noxious weed species yellow and orange hawkweeds are recently established (within the last 5 to 10 years) in Montana and are rapidly expanding in established areas. They can invade undisturbed areas where native plant communities are intact. These species can persist in shaded conditions and often grow underneath shrubs making eradication very difficult. Their stoloniferous (growing at the surface or below ground) habit can create dense mats that can persist and spread to densities of 3500 plants per square mile (Thomas and Dale 1975). Are yellow and orange hawkweeds present within the project area?</p> <p>Please address the cumulative, direct and indirect effects of the proposed project on weed introduction, spread and persistence that includes how weed infestations have been and will be influenced by the following management actions: road construction including new permanent and temporary roads; opening and decommissioning of roads represented on forest service maps; ground disturbance and traffic on forest service template roads.</p> <p>Noxious weeds are not eradicated with single herbicide treatments. A onetime application may kill an individual plant but dormant seeds in the ground can still sprout after herbicide treatment. Thus, herbicides must be used on consistent, repetitive schedules to be effective. What commitment to a long-term, consistent strategy of application is being proposed for each weed infested area within the proposed action area? What long term monitoring of weed populations is proposed?</p> <p>When areas treated with herbicides are reseeded on national forest land, they are usually reseeded with exotic grasses, not native plant species. What native plant restoration activities will be implemented in areas disturbed by the actions proposed in this project? Will disturbed areas including road corridors, skid trails, and burn units be planted or reseeded with native plant species?</p> <p>The scientific and managerial consensus is that prevention is the most effective way to manage noxious weeds. The Forest Service concedes that preventing the introduction of weeds into uninfested areas is "the most critical component of a weed management program." The Forest Service's national management strategy for noxious weeds also recommends "develop[ing] and implement[ing] forest plan standards . . ." and recognizes that the cheapest and most effective solution is prevention. Which units within the project area currently have no noxious weed populations within their boundaries? What minimum standards are in the IPNF Plan to address noxious weed infestations? Please include an alternative in the DEIS that includes land management standards that will prevent new weed infestations by addressing the causes of weed infestation. The failure to include preventive standards violates NFMA because the Forest Service is not ensuring the protection of soils and native plant communities. Additionally, the omission of an EIS alternative that includes preventive measures would violate NEPA because the Forest Service would fail to consider a reasonable alternative.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	02	V. Disclose the results of the field surveys for threatened, endangered, sensitive, and rare plants in each of the proposed units;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	03	<p>Rare Plants</p> <p>The ESA requires that the Forest Service conserve endangered and threatened species of plants as well as animals. In addition to plants protected under the ESA, the Forest Service identifies species for which population viability is a concern as "sensitive species" designated by the Regional Forester (FSM 2670.44). The response of each of the sensitive plant species to management activity varies by species, and in some cases, is not fully known. Local native vegetation has evolved with and is adapted to the climate, soils, and natural processes such as fire, insect and disease infestations, and windthrow. Any management or lack of management that causes these natural processes to be altered may have impacts on native vegetation, including threatened and sensitive plants. Herbicide application – intended to eradicate invasive plants – also results in a loss of native plant diversity because herbicides kill native plants as well as invasive plants. Although native species have evolved and adapted to natural disturbance such as fire on the landscape, fires primarily occur in mid to late summer season, when annual plants have flowered and set seed. Following fall fires, perennial root-stocks remain underground and plants emerge in the spring. Spring and early summer burns could negatively impact emerging vegetation and destroy annual plant seed.</p> <p>What threatened, endangered, rare and sensitive plant species and habitat are located within the proposed project area? What standards will be used to protect threatened, rare, sensitive and culturally important plant species and their habitats from the management actions proposed in this project? Describe the potential direct and indirect effect of the proposed management actions on rare plants and their habitat.</p>
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	03	<p>Whitebark Pine</p> <p>Not all ecosystems or all Rocky Mountain landscapes have experienced the impacts of fire exclusion. In some wilderness areas, where in recent decades natural fires have been allowed to burn, there have not been major shifts in vegetation composition and structure (Keane et al. 2002). In some alpine ecosystems, fire was never an important ecological factor. In some upper subalpine ecosystems, fires were important, but their rate of occurrence was too low to have been significantly altered by the relatively short period of fire suppression (Keane et al. 2002). For example, the last 70 to 80 years of fire suppression have not had much influence on subalpine landscapes with fire intervals of 200 to several hundred years (Romme and Despain). Consequently, it is unlikely that fire exclusion has yet to significantly alter stand conditions or forest health within Rocky Mountain subalpine ecosystems.</p> <p>White pine blister rust, an introduced disease, has caused rapid mortality of whitebark pine over the last 30 to 60 years. Keane and Arno (1993) reported that 42 percent of whitebark pine in western Montana had died in the previous 20 years with 89 percent of remaining trees being infected with blister rust. The ability of whitebark pine to reproduce naturally is strongly affected by blister rust infection; the rust kills branches in the upper cone bearing crown, effectively ending seed production.</p> <p><i>(Comment continued on next page)</i></p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	VEGE	03	<p><i>(Comment continued from previous page)</i></p> <p>Montana is currently experiencing a mountain pine beetle epidemic. Mountain pine beetle prefer large, older whitebark pine, which are the major cone producers. In some areas the few remaining whitebark that show the potential for blister rust resistance are being attacked and killed by mountain pine beetles, thus accelerating the loss of key mature cone-bearing trees. Whitebark pine seedlings and saplings are very likely present in the subalpine forests proposed for road construction. In the absence of fire, this naturally occurring whitebark pine regeneration would continue to function as an important part of the subalpine ecosystem. Since 2005, rust resistant seed sources have been identified in the Northern Rockies (Mahalovich et al 2006). Due to the severity of blister rust infection within the region, natural whitebark pine regeneration in the project area is prospective rust resistant stock.</p> <p>What surveys have been conducted to determine presence and abundance of whitebark pine regeneration? If whitebark pine seedlings and saplings are present, what measures will be taken to protect them? Will restoration efforts include planting whitebark pine? Will planted seedling be of rust-resistant stock? Is rust resistant stock available? Would enough seedlings be planted to replace whitebark pine lost to fire activities? Have white pine blister rust surveys been accomplished? What is the severity of white pine blister rust in proposed action areas?</p>
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Water	01	S. Disclose the Idaho Panhandle National Forest's record of compliance with state best management practices regarding stream sedimentation from ground-disturbing management activities;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Water	01	TT. Disclose the baseline condition, and expected sedimentation during and after activities, for all streams in the area;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Water	01	K. Solicit and disclose comments from the Idaho Department of Environmental Quality regarding the impact of the Project on water quality;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Water	01	We request a careful analysis of the impacts to fisheries especially bull trout and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature. Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas of the project activities. Where livestock are permitted to graze, we ask that you assess the present condition and continue to monitor the impacts of grazing activities upon vegetation diversity, soil compaction, stream bank stability and subsequent sedimentation.
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Water	01	Are there any water quality limited segments in the project area? Do all of the 303d listed waterbodies have TMDLs completed for them? Does this project comply with them and the Clean Water Act?
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Wildlife	01	Q. Disclose the snag densities in the Project area, and the method used to determine those densities;

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Wildlife	01	DD.Disclose the current level of old growth forest in each third order drainage in the Project area; EE.Disclose the method used to quantify old growth forest acreages and its rate of error based upon field review of its predictions; FF. Disclose the historic levels of mature and old growth forest in the Project area; GG.Disclose the level of mature and old growth forest necessary to sustain viable populations of dependent wildlife species in the area; HH.Disclose the amount of mature and old growth forest that will remain after implementation; II. Disclose the amount of current habitat for old growth and mature forest dependent species in the Project area; JJ. Disclose the amount of habitat for old growth and mature forest dependent species that will remain after Project implementation; KK.Disclose the method used to model old growth and mature forest dependent wildlife habitat acreages and its rate of error based upon field review of its predictions; LL.Disclose the amount of big game (moose and elk) hiding cover, winter range, and security currently available in the area; MM.Disclose the amount of big game (moose and elk) hiding cover, winter range, and security during Project implementation; NN. Disclose the amount of big game (moose and elk) hiding cover, winter range, and security after implementation; OO. Disclose the method used to determine big game hiding cover, winter range, and security, and its rate of error as determined by field review; PP. Disclose and address the concerns expressed by the ID Team in the draft Five-Year Review of the Forest Plan regarding the failure to monitor population trends of MIS, the inadequacy of the Forest Plan old growth standard, and the failure to compile data to establish a reliable inventory of sensitive species on the Forest;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Wildlife	01	J. Solicit and disclose comments from the Idaho Department of Fish and Game regarding the impact of the Project on wildlife habitat;
6	Michael Garrity	Alliance for the Wild Rockies & Native Ecosystems Council	Wildlife	01	P. Disclose the biological evaluation for the sensitive and management indicator species with potential and/or actual habitat in the Project area;
7	Robert H. Aland		T&E	01	Do not disturb grizzly bear habitat now or in the future. Find alternatives. Grizzly bears are too precious and too few. They have not recovered from near extirpation before being placed on the list of protected species in 1973 under the Endangered Species Act. Your proposed action comes at a particularly bad time – after the U.S. Fish & Wildlife Service proposed (March 11, 2016) to remove their ESA protection despite scientific evidence against removal.
8	Mike Petersen	The Lands Council	NEPA	01	The rationale as to why this road is needed should be thoroughly analyzed, many areas along the Canadian/U.S. border do not have this access,

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
8	Mike Petersen	The Lands Council	NEPA	03	and technology such as drones likely provides far more effective security.
8	Mike Petersen	The Lands Council	T&E	03	This remote area of the lower 48 states provides important security habitat for mountain caribou, grizzly bear, wolverine and other rare species. This is also an important wildlife corridor down from Canada that the road would fragment.
8	Mike Petersen	The Lands Council	Wildlife	01	This is also an important wildlife corridor down from Canada that the road would fragment.
8	Mike Petersen	The Lands Council	Wildlife	01	Reconstructing this road to allow access is an invitation to illegal use, poaching, and inadvertent wildlife mortalities - all which should be analyzed. Increased human presence that the reconstructed road would create for both motorized and non-motorized use will impact many species as well.
9	Alan Schmierer	National Park Service	MISC	03	Dear Sir/Madam, The NPS has no comments on ER-16/0232X, the Repair and Maintenance of Bog Creek Road and Closure of Certain Roads within the Blue Bear Management Unit within the Selkirk Mountains. If you have questions, please contact Alan Schmierer at Alan_Schmierer@nps.gov.
10	Roy M Emrick		MISC	02	This statement is in opposition to the proposed action.
10	Roy M Emrick		T&E	02	I live in Tucson, AZ and have seen the way the Border Patrol roads destroy habitat and don't think they will do any better on our Northern Border in critical Grizzly habitat.
10	Roy M Emrick		Wildlife	01	The only things walls and roads are really effective against are wildlife.
11	William Barquin	Kootenai Tribe of Idaho	Access	01	The Kootenai Tribe supports efforts to protect Kootenai Territory from terrorism, human trafficking, drug and weapon smuggling, and agricultural pests that may impact Kootenai citizens and resources.
11	William Barquin	Kootenai Tribe of Idaho	Access	02	Actions to protect Kootenai Territory, however, must also continue to allow for the ability of Ktunaxa people to travel freely within Kootenai Territory for legitimate travel, trade and cultural and religious expression, and to exercise its Treaty and other reserved rights.
11	William Barquin	Kootenai Tribe of Idaho	Cultural	01	The analysis area lies entirely within Ktunaxa (Kootenai) Territory and has been the homeland of the Kootenai Tribe since time immemorial. The area is of significant importance to the Kootenai Tribe and its citizens for the exercise of religion, protection of sacred sites and cultural resources, and the exercise of Treaty-reserved hunting, fishing and gathering activities.
11	William Barquin	Kootenai Tribe of Idaho	Cultural	01	The Kootenai Tribe looks forward to working with U.S. Customs and Border Protection and the U.S. Forest Service through ongoing government-to-government consultation regarding this important matter.
12	Paul Sieracki	Alliance for the Wild Rockies	Access	01	Additional there is a high recreation use area at Boundary Lake, BC, only 1 mile north of the Bog Creek Road that should be taken account for in the analysis along with all projects in adjacent British Columbia that involve road construction, logging, recreation or national security issues. Emphasizing the importance of not opening this road. Human use in Boundary Lake, in adjacent BC. Figure 1, Boundary Lake BC, an area of high recreational use (downloaded from Google Earth).

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
12	Paul Sieracki	Alliance for the Wild Rockies	Access	01	3. The elimination of roads shown as red-green dashes in Map 1 below will reduce opportunities for illegal immigration and drug traffickers and reduce the workload of the Border Patrol.
12	Paul Sieracki	Alliance for the Wild Rockies	MISC	02	<p>Increased probability of opening up a northern loop route between Bonners Ferry and the Priest Lake fracture zone.</p> <p>In the past I have had the opportunity to drive that loop (late 1980's). Political officials have in the past wanted this loop route opened for tourism opportunities. I have been told that the Smith Creek road was built to high standards to accommodate a northern route just south of the US – Canada border (late 1980's). This desire is still alive among conservative County officials.</p>
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	01	<p>The proposal to open this road is an access convenience issue, is contrary to the Desired Future Conditions for the Priest Lake Geographic Area.</p> <p>The IPNF Forest Plan (page 93) desired condition states: GA-DC-VEG-PR-02. The Upper Priest and Upper Granite Creek areas are the most diverse in the IPNF from an ecosystem and species standpoint. These areas are within the desired conditions that are shown in figures 2 and 3 and continue to provide high ecological integrity.</p> <p>This proposal is counter to the desired future condition of the Priest Lake Geographic Area.</p>
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	<p>2. Recontour road segments shown in red and green on the map below to exclude atv's, and snowmobiles, and fix erosion problems. This will combine smaller core fragments and allow additional use of the Upper Priest River area. It would also provide for a continuous core habitat condition between the Salmo-Priest Wilderness on the west side of the Selkirks to Long Canyon and the Selkirk Crest to the south and east. This approach is directed by the IPNF Forest Plan for the Priest GA: GA-DC-WL-PR-01. NFS lands provide habitat conditions for wildlife movement, especially woodland caribou, throughout the Selkirk recovery zone.</p> <p>GA-DC-WL-PR-02. Low levels of human disturbance allows for denning activities of wideranging carnivores that are sensitive to human disturbance (e.g., grizzly bear). Areas with low levels of disturbance are available for use by woodland caribou throughout the year.</p> <p>GA-DC-WL-PR-03. Habitat conditions for wildlife movement on the divide between Idaho and Washington, from the Canadian border south are retained.</p>
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	6. There are plenty of options for the Border Patrol to access the area, Border Patrol can book hotels in Priest Lake and Bonners Ferry, or just use personnel from the Bonners Ferry side to patrol that portion of the border. It is better to inconvenience the Patrol and reduce human use than to negatively affect the grizzly bear and the high ecological integrity of the area.
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	<p>6. Recoutour access road 1662 (to Hughes Meadows)</p> <p>I would also like to see NF road 1662 re-countoured and the two bridges crossing Hughes Fork removed. The horse access trailhead eyesore could be rebuilt at the Junction of roads and 1013. This would provide additional security habitat in the time of the 6th great extinction especially since the grizzly bear population in the Selkirks is not recovering and Hughes Meadows is high quality year round grizzly bear habitat.</p>
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	Map 1. Grizzly bear core areas in light green. Reclaiming the road system shown as red and green dashes will provide a continuous core area connecting the Salmon Priest Wilderness with Long Canyon and the Selkirk Crest (outlined in dark green). The thin strip by the "t" on Salmo-Priest is a mapping error.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	Suggested positive solutions to promote endangered species recovery: 1. Implement an area closure to trapping to protect wolverine, lynx and fisher from incidental trapping and allow populations of martin and beaver to rebound.
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	4. Eliminate the destructive cattle allotment in Grass Creek, part of the Blue Grass BMU.
12	Paul Sieracki	Alliance for the Wild Rockies	NEPA	03	5. Purchase the mine in Blue Joe Creek.
12	Paul Sieracki	Alliance for the Wild Rockies	T&E	01	Image 1. Wetlands on Bog Creek Road (in blue), the majority of which are outside designated grizzly bear core areas and provide year round non denning habitat.
12	Paul Sieracki	Alliance for the Wild Rockies	T&E	01	The headwaters, wetland complex offers non denning season habitat for the Grizzly Bear. Most components are within a 0.25 mile buffer of the Bog Creek road, outside of grizzly core. Use of the road, even administrative use will cause displacement of grizzly bears from an important habitat complex. The habitat complex, located adjacent to the Bog Creek Road, could be added to existing core areas, providing higher habitat quality than the side roads that the project proposes to close. This would potentially aid in grizzly recovery.
12	Paul Sieracki	Alliance for the Wild Rockies	T&E	03	The proposal to open this road is an access convenience issue, is contrary to the Desired Future Conditions for the Priest Lake Geographic Area and is a violation of the Endangered Species Act. Ecologically Importancance The area is ecologically important, has a complete representation of species native to the Selkirk Mountains including 4 ESA listed species, mountain caribou, grizzly bear, lynx and bull trout and will be the last climate refugia to persist in the US Selkirks and is ecologically intact. It is too sensitive to re-open.
12	Paul Sieracki	Alliance for the Wild Rockies	T&E	03	It was a major victory for wildlife to close off this road during that time period and reduce human activity in grizzly bear habitat. Despite what the USFS and Border Patrol state, fixing this road will result in increased use of the road and disturbance to wildlife. Implementation of the proposed action will be a violation of the Endangered Species Act.
12	Paul Sieracki	Alliance for the Wild Rockies	Water	01	Image 1. Wetlands on Bog Creek Road (in blue), the majority of which are outside designated grizzly bear core areas and provide year round non denning habitat.
12	Paul Sieracki	Alliance for the Wild Rockies	Wildlife	01	Malcom Creek – Bog Creeks provide headwater connectivity between the Pend Oreille and Kootenai River Drainages The Malcolm Creek – Bog Creek headwaters are either connected directly or separated by less than 0.1 miles of almost flat bottom terrain. Along with the McArthur Lake area, they provide important headwater connectivity between the Pend Oreille River and the Kootenai River. Relatively low elevation headwater connectivity provides migration routes for amphibians and other species between watersheds. The maps in appendix 1 show an underestimation of the extent of the wetland complex especially on the Bog Creek (eastern) side. As one can see there are extensive wetland components on the east side of Bog Creek.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
12	Paul Sieracki	Alliance for the Wild Rockies	Wildlife	01	The interests of wildlife, wild areas and border security are best served by not opening the Bog Creek Road. The earth is in the 6th large scale extinction event, conserving wildlife must be top priority. This must be addressed by aggressive restoration of habitat, including road removal and re-contouring, and replanting.
13	Brad Smith	Idaho Conservation League	Access	02	Over-snow access Its not clear from the Notice of Intent whether or not over-snow access will be allowed for administrative or public use to the Bog Creek Road or any other routes within the Bluegrass BMU.
13	Brad Smith	Idaho Conservation League	Access	04	Administrative access roads Other roads in the Bluegrass BMU are open to administrative access only. The Forest Service and wildlife management agencies use these roads infrequently for management purposes. The Border Patrol also uses these roads for patrols. The number of administrative trips is limited to 57 per year in the Selkirk Grizzly Bear Recovery Area. Closing one of these roads would not only create "core" habitat for the purpose of the Access Amendment, but it would also result in a real, on-the-ground improvement in grizzly bear habitat conditions. The EIS should make a distinction between roads that are classified as "administrative" but are impassible and those were administrative use actually occurs.
13	Brad Smith	Idaho Conservation League	Access	04	Access to the Continental Mine The owners of the Continental Mine properties have unlimited access behind the gates. The EIS should describe which roads the mine owners are authorized to use and the season(s) of use. These roads clearly cannot be counted as contributors to grizzly bear "core" habitat.
13	Brad Smith	Idaho Conservation League	NEPA	01	It is not clear to us why the agency can no longer execute its statutory mission to secure the northern border because the Notice of Intent fails to explain how circumstance along the border have changed compared to when the road was closed 28 years ago.
13	Brad Smith	Idaho Conservation League	NEPA	01	Purpose and need According to the Notice of Intent for this project, the purpose and need for action is to: “(1) [e]nable CBP to execute its statutory mission to protect the U.S. Northern Border and provide for the safety of CBP and other law enforcement officers in carrying out their duties and (2) meet Access Amendment standards for motorized access in a grizzly bear habitat in the Blue-Grass BMU area.” As the Border Patrol is aware, the Bog Creek Road was closed to motorized access in 1988 in order to improve habitat security for grizzly bears, which are listed as “threatened” under the Endangered Species Act. There was a clear purpose and need for closing the road at that time—to contribute to the recovery of grizzly bears. What is not clearly articulated in the purpose and need statement for the current proposal is why the Border Patrol can no longer execute its statutory mission to protect the northern border. The road has been closed now for 28 years. The stated purpose and need fails to explain what has changed so that the Border Patrol can no longer execute its mission. The public can only speculate why the Border Patrol proposes to reopen the road. <i>(Comment continued on next page)</i>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
13	Brad Smith	Idaho Conservation League	NEPA	01	<p><i>(Comment continued from previous page)</i></p> <p>The only information that seemingly supports reopening the road is found on page 24840 of the April 27, 2016 edition of the Federal Register. The Border Patrol states that, “[w]ithout access to the Northern Border area via Bog Creek Road, CBP must use a lengthy detour to get to the border, including using state highways in Washington and Idaho and other forest roads. This alternative route is approximately 180 miles and adds approximately four hours one way (eight hours total) to CBP patrol response times.” This statement suggests that the Border Patrol only dispatches agents from its Bonners Ferry station in order to respond to incidents in the project area.</p> <p>However, the Border Patrol also maintains a station in Metaline Falls, Washington, where agents could be dispatched to respond to incidents on the west end of the Bog Creek Road. Certainly agents from Bonners Ferry are not driving all the way around the southern end of the Selkirk Mountain Range to respond to incidents on the west end of the Bog Creek Road when it can dispatch agents from nearby in Metaline Falls. If this were true, then the agency probably would have opposed the closure in 1988.</p> <p>The environmental impact statement (“EIS”) must clearly explain the true purpose and need for the project. The Border Patrol should explain why the agency can no longer execute its statutory mission to secure this section of the border after 28 years. The agency must also be honest about how and where from it conducts its patrols and responds to incidents.</p>
13	Brad Smith	Idaho Conservation League	NEPA	01	<p>Also, there are many other segments of the northern border that are inaccessible by road, many of which are considerably longer. What is so difficult about this particular segment that it demands vehicular access? Without this information, the public can only speculate about what the true purpose of this project is.</p>
13	Brad Smith	Idaho Conservation League	NEPA	03	<p>Alternatives to the proposed action</p> <p>Access to the Continental Mine by the property owners significantly impedes improvement of grizzly bear habitat in the Bluegrass BMU. Perhaps the best way to mitigate for the reconstruction and use of the Bog Creek Road by administrative agencies would be to buy out the private landowners and put the Continental Mine properties into federal ownership. Doing so would alleviate the need to provide unfettered access to the property owners. The number of vehicle trips behind the gates would likely decrease dramatically. Moreover, forest road 2546 could be decommissioned, creating a significant amount of “core” grizzly bear habitat. Because the Border Patrol has deep pockets, and the Forest Service does not, the Border Patrol can likely afford to buy out the property owners. This action alternative should be considered and analyzed in the EIS.</p>
13	Brad Smith	Idaho Conservation League	NEPA	03	<p>Alternatives to the proposed action</p> <p>In the event that the property owners are unwilling to sell, the EIS should also consider and analyze an alternative that places limitations on the number of trips that the property owners can take in any given year. In fact, the property owners are required by the Forest Service’s special use regulations to obtain a special use permit in order to gain legal access to roads that are only open to administrative use. The special use regulations provide that the agency may place limitations on a permitted activity in order to mitigate the environmental effects.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
13	Brad Smith	Idaho Conservation League	NEPA	03	Alternatives to the proposed action Road decommissioning (full obliteration and recontouring) should also be considered as part of the action alternatives.
13	Brad Smith	Idaho Conservation League	NEPA	04	Since 1973, the Idaho Conservation League has been Idaho's voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 25,000 supporters, many of whom have a deep personal interest in protecting human health and the environment.
13	Brad Smith	Idaho Conservation League	NEPA	05	Impassible roads The proposed action includes "closure" of approximately 26 miles of roads in the Bluegrass BMU in order to "mitigate the potential impacts to grizzly bear habitats associated with the repair and subsequent use of Bog Creek Road". 81 Fed. Reg. 24841. The Notice of Intent lists the roads that would be closed in order to satisfy the Access Amendment. However, we question whether or not the roads that were identified for closure will fully mitigate the effects of rebuilding the Bog Creek Road because many of these roads are currently impassible and therefore, not used by federal agencies or the public.
13	Brad Smith	Idaho Conservation League	NEPA	06	Consequently, it is critical that the EIS accurately describe the current condition of each road segment. The EIS should identify which roads are currently impassible and account for the total impassible road mileage. This will help inform the public and the decision makers whether or not the proposed mitigation will truly offset the reconstruction and use of the Bog Creek Road.
13	Brad Smith	Idaho Conservation League	NEPA	06	A travel analysis report should be prepared to evaluate the resource-related risks of each road segment in order to identify candidates for decommissioning.
13	Brad Smith	Idaho Conservation League	NEPA	06	Environmental effects analysis The EIS should describe the environmental effects of the proposed action and all action alternatives to all forest plan focal species, regional sensitive species, candidate species, and listed species.
13	Brad Smith	Idaho Conservation League	SECUR	01	The Idaho Conservation League appreciates the Border Patrol's dedication to ensuring the security of our nation by securing our borders.
13	Brad Smith	Idaho Conservation League	T&E	01	Over-snow access Conflicts may also occur in late winter/early spring when grizzly bears emerge from hibernation, but snow cover remains deep enough for over-snow vehicle access.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
13	Brad Smith	Idaho Conservation League	T&E	02	Accounting for the true effects to grizzly bears Failure to accurately describe the existing condition of each road segment may give the public the impression that the proposed mitigation will offset the reconstruction of the Bog Creek Road when in fact, the project could result in a net reduction in grizzly bear habitat security. A net negative effect to grizzly bears may result if the Forest Service gets to claim credit for "core" by counting roads that are currently impassible toward the total. The potential for this project to negatively affect bears is further confounded by the potential for administrative use of the Bog Creek Road to exceed the 57 trips allotted in the Access Amendment. We recommend that the Border Patrol and the Forest Service create a method for accounting for the true trade-offs of the proposed action and any action alternatives that reflects on-the-ground conditions—not necessarily database codes.
13	Brad Smith	Idaho Conservation League	T&E	02	No action alternative (existing condition) The EIS must accurately explain the existing condition (no action), which is the basis for describing the effects of the action alternatives. In particular, the EIS should describe the existing condition of all road segments in the Bluegrass Bear Management Unit ("BMU"). This is necessary in order to articulate the true effects of the proposed action and any action alternatives to the human and natural environment as required by the National Environmental Policy Act ("NEPA"). Bog Creek Road For example, the Bog Creek Road and its surrounding corridor are not counted as grizzly bear "core" habitat for the purposes of the Grizzly Bear Access Amendment. Nevertheless, by virtue of being impassible for some time now, the Bog Creek Road and its surrounding corridor are de facto core habitat. By our calculations, this corridor contributes more than 1,800 acres of secure grizzly bear habitat. While rebuilding the road would not result in a deduction of "core" habitat as far as the Access Amendment is concerned, the proposed action will reduce grizzly bear habitat security within the Bog Creek Road corridor. The distinction between official "core" habitat and habitat security must be made in the EIS in order to accurately characterize the existing condition and the effects associated with the action alternatives.
13	Brad Smith	Idaho Conservation League	T&E	02	The result is a paper exercise where the Forest Service gets to claim credit for creating "core" habitat by changing codes in a database without actually changing the conditions on the ground. Meanwhile, the Bog Creek Road will have the opposite effect. The Forest Service will suffer no deduction in "core" habitat when the Border Patrol rebuilds the Bog Creek Road. Yet, this action will reduce grizzly bear habitat security.
13	Brad Smith	Idaho Conservation League	T&E	03	However, we remain concerned that the proposed action will undermine efforts to recover several listed species. As the Border Patrol is aware, the Bog Creek Road was closed in 1988 in order to help recover these species.
13	Brad Smith	Idaho Conservation League	T&E	03	If this project is approved, then substantial mitigation will be necessary in order to avoid undermining efforts to recover listed species.
13	Brad Smith	Idaho Conservation League	T&E	03	Environmental effects analysis The EIS should describe the environmental effects of the proposed action and all action alternatives to all forest plan focal species, regional sensitive species, candidate species, and listed species. These include but are not limited to, wolverine, lynx, grizzly bear, and caribou.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
13	Brad Smith	Idaho Conservation League	T&E	04	Limitations on over-snowaccess in this area are particularly important to the recovery of caribou.
13	Brad Smith	Idaho Conservation League	T&E	07	<p>Monitoring and reporting</p> <p>To ensure that the intent and the requirements of the Access Amendment are carried out, the Border Patrol and the Forest Service should develop a cooperative monitoring and reporting plan for the Bog Creek Road and the Blue Grass BMU. This plan should include monitoring of at least 30% of the closure devices in the BMU on an annual basis, including gates, berms, or any other closure methods or devices. We recommend that closures be monitored on a rotating basis, such that all closures are monitored within three-year intervals.</p> <p>Since the gates on the Bog Creek Road are more likely to be breached by members of the public than the other roads in the Blue Grass BMU (it is the only road to bridge the east and west sides of the Selkirk Crest), we recommended monitoring the Bog Creek Road for closure violations on an annual basis. This should include road counters and cameras.</p> <p>Forest Service and Border Patrol officials must coordinate regularly to ensure that the collective trips made on the Bog Creek Road do not exceed the maximum allowable trips during the active bear year.</p> <p>The monitoring results should be incorporated into the annual reports submitted to the U.S. Fish and Wildlife Service by April 15 of each year.</p>
13	Brad Smith	Idaho Conservation League	VEGE	03	<p>Environmental effects analysis</p> <p>The EIS should describe the environmental effects of the proposed action and all action alternatives to all forest plan focal species, regional sensitive species, candidate species, and listed species.</p>
13	Brad Smith	Idaho Conservation League	Water	01	Road decommissioning (full obliteration and recontouring) should also be considered as part of the action alternatives. In particular, the Border Patrol and the Forest Service should give consideration to obliterating roads within riparian corridors, such as road 636, which contribute sediment to project area streams.
13	Brad Smith	Idaho Conservation League	Wildlife	01	The EIS must also explain the significance of the project area to wildlife connectivity. There are presently no open roadways that cross the Selkirk Mountains from east to west between Bald Mountain (near Sandpoint) and the northern border. Rebuilding the road will likely result in a significant impediment to the migration of wildlife between the U.S. and Canada in the project area.
13	Brad Smith	Idaho Conservation League	Wildlife	01	Over-snow access by the Border Patrol, other federal agencies, and the public will negatively affect wildlife in the project area and wildlife connectivity.
13	Brad Smith	Idaho Conservation League	Wildlife	01	<p>Environmental effects analysis</p> <p>The EIS should describe the environmental effects of the proposed action and all action alternatives to all forest plan focal species, regional sensitive species, candidate species, and listed species.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	Access	08	As a tradeoff, the proposal estimates that 26 miles of roads could be closed in order to meet INPF's Access Amendment standards. To meet standards, users would have to relinquish access to currently open or seasonally open roads. Based on the preliminary list of roads, this would affect access to grazing allotments, which may in turn affect current local support for the grizzly bear recovery program. To ensure compliance with the Access Amendment, we recommend newly opened and closed roads be monitored and closures enforced by the Forest Service.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	Fish	01	Given the history of erosion and culvert failure on Bog Creek Road, improvements will require major hydrologic engineering, stormwater control, and maintenance to protect bull trout and other native fish species from habitat degradation and loss of passage.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	NEPA	03	The proposed actions will likely cause temporary displacement of grizzly bears and other sensitive wildlife species, with possible permanent losses to habitat and movement corridors. Bog Creek Road improvements will require major construction efforts and maintenance, along with public access losses in other regions of the Blue-Grass BMU. We recommend the Joint EIS fully assess tradeoffs of wildlife habitat losses and increased vulnerability in relation to the gains made by reopening 5.6 miles of highly degraded and difficult to maintain road. We encourage exploration of alternatives in remote, real-time monitoring of the area that may help limit the number of administrative trips required of the Bog Creek Road. We emphasize that any changes to the current travel management plan include resources toward monitoring and enforcement of closures to protect wildlife security.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	NEPA	06	Bog Creek Road was closed in the 1980's in order to increase security habitat for ESA-listed grizzly bears. Today, the BMU which contains this road is not meeting the security standards for grizzly bear habitat established by the Access Amendment. This proposal seeks to trade existing, secure habitat for newly closed roads. The proposed actions are likely to cause a cumulative disturbance to fish and wildlife due to road construction, administrative use, and recreational access (motorized and non-motorized).
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	T&E	01	As a tradeoff, the proposal estimates that 26 miles of roads could be closed in order to meet INPF's Access Amendment standards. To meet standards, users would have to relinquish access to currently open or seasonally open roads. Based on the preliminary list of roads, this would affect access to grazing allotments, which may in turn affect current local support for the grizzly bear recovery program. To ensure compliance with the Access Amendment, we recommend newly opened and closed roads be monitored and closures enforced by the Forest Service.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	T&E	06	In addition to grizzly bears, the area is known to contain wolverine. Wolverine is a State Species of Greatest Conservation Need. Recently, Idaho and other states within wolverine range were able to avoid federal ESA listing by the U.S. Fish and Wildlife Service by developing and adopting conservation strategies designed to reduce threats to the species viability. The Northern Idaho Panhandle is considered a Tier I priority conservation area for wolverine by IDFG. The Bog Creek Road area specifically has been identified as suitable denning habitat and is part of a predicted wolverine dispersal corridor. Wolverine distribution is believed to be linked with persistent spring snow cover. Bog Creek Road is situated at the toe of a north-facing slope, in the northernmost part of Idaho and receives significant and persistent snowfall. The site provides ideal habitat conditions for a species increasingly habitat-limited due to climate change, fragmentation, snow sport recreation, and human infrastructure.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	T&E	07	As a tradeoff, the proposal estimates that 26 miles of roads could be closed in order to meet INPF's Access Amendment standards. To meet standards, users would have to relinquish access to currently open or seasonally open roads. Based on the preliminary list of roads, this would affect access to grazing allotments, which may in turn affect current local support for the grizzly bear recovery program. To ensure compliance with the Access Amendment, we recommend newly opened and closed roads be monitored and closures enforced by the Forest Service.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	T&E	07	The proposed actions will likely cause temporary displacement of grizzly bears and other sensitive wildlife species, with possible permanent losses to habitat and movement corridors. Bog Creek Road improvements will require major construction efforts and maintenance, along with public access losses in other regions of the Blue-Grass BMU. We recommend the Joint EIS fully assess tradeoffs of wildlife habitat losses and increased vulnerability in relation to the gains made by reopening 5.6 miles of highly degraded and difficult to maintain road. We encourage exploration of alternatives in remote, real-time monitoring of the area that may help limit the number of administrative trips required of the Bog Creek Road. We emphasize that any changes to the current travel management plan include resources toward monitoring and enforcement of closures to protect wildlife security.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	Wildlife	01	The road is currently heavily vegetated and inaccessible to full-sized vehicles. With improvements, recreational use is likely to increase despite gates. This use will add ongoing disturbance and decrease big game and grizzly bear security, in an area that is currently difficult to travel even on foot.
14	Charles E. "Chip" Corsi	Idaho Department of Fish and Game	Wildlife	01	The proposed actions will likely cause temporary displacement of grizzly bears and other sensitive wildlife species, with possible permanent losses to habitat and movement corridors. Bog Creek Road improvements will require major construction efforts and maintenance, along with public access losses in other regions of the Blue-Grass BMU. We recommend the Joint EIS fully assess tradeoffs of wildlife habitat losses and increased vulnerability in relation to the gains made by reopening 5.6 miles of highly degraded and difficult to maintain road. We encourage exploration of alternatives in remote, real-time monitoring of the area that may help limit the number of administrative trips required of the Bog Creek Road. We emphasize that any changes to the current travel management plan include resources toward monitoring and enforcement of closures to protect wildlife security.
15	Dan Dinning	Boundary County Commissioners	Access	04	2. The reconstruction of the Bog Creek Road will only allow the travel of the Border Patrol and will not be open to the public. It will be used by a United States Government Agency. 6. National Security should be the utmost concern of our country, but the use of roads by federal agencies should not be counted as public use.
15	Dan Dinning	Boundary County Commissioners	NEPA	05	1. I believe the science regarding road densities and its effect on Grizzly Bears is outdated and applying these standards to this project is not appropriate.
15	Dan Dinning	Boundary County Commissioners	Roads	01	3. Because this road will be classed as open, I feel in error, there are additional roads proposed for closure. 4. These roads, the application of the outdated standards, and its effects on Boundary County should be discussed at length with the state and local officials prior to any decision being made. 5. The roads proposed for closure already do not allow travel on them, and removal from the landscape places them at risk for ever using them in case of emergency.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
15	Dan Dinning	Boundary County Commissioners	SECUR	01	I want to thank the Department of Homeland Security/Border Patrol for wanting to improve this road for the improvement of our National Security. Preventing terrorism, drug smuggling and a host of other activities is paramount to me.
16	Andrea Santarsiere	Center for Biological Diversity et al.	MISC	02	The above-listed groups all have a substantial interest in this proposal given its potential impacts to wildlife, including grizzly bears, Woodland caribou, and Canada lynx, all listed under the Endangered Species Act ("ESA"). For the reasons discussed below, we oppose this proposed project.
16	Andrea Santarsiere	Center for Biological Diversity et al., Cottonwood Environmental Law Center, Endangered Species Coalition, Justice for Wolves, Northeast Oregon Ecosystems, Predator Defense, Selkirk Conservation Alliance, Sierra Club, The Lands Council, Western Watersheds Project, and WildEarth Guardians	NEPA	01	We understand and appreciate the role of CBP in policing our nation's borders. Although we fully understand the need to prioritize national security, there is no indication in this notice that security would be threatened without use of Bog Creek Road, which has gone mostly untraversed for several decades. Instead, the agencies simply note that it would be faster and more convenient for U.S. Customs and Border Protection to use Bog Creek Road to reach the Northern Border. ²³ Without more information as to why it is necessary to regularly reach the Northern Border via Bog Creek Road, as opposed to other albeit lengthier routes, the public cannot weigh the value of reconstructing this road in important grizzly bear and Woodland caribou habitat versus the national security risk that might be present without use of this road. CBP must flush out all, if any, national security risks that may be reduced along the Northern Border through use of Bog Creek Road that would otherwise go unaddressed without use of the road.
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	01	I. The Agencies Must Comply with the National Environmental Policy Act. A. The Agencies Must Reasonably Define the Purpose and Need of the Project. NEPA planning begins with an identification of the purpose and need for a project. NEPA's implementing regulations provide that an environmental document should "briefly specify the underlying purpose and need to which the agency is responding in proposing the alternative including the proposed action." 40 C.F.R. § 1502.13. The purpose and need will be judged under a reasonableness standard, and "[a]gencies are afforded considerable, although not unlimited, discretion to define the purpose and need of a project." Northwest Ecosystem Alliance v. Rey, 380 F. Supp. 2d 1175, 1185 (W.D. Wa. 2005) (citation omitted). However, "deference does not mean dormancy, and the rule of reason does not give agencies license to fulfill their own prophecies, whatever the parochial impulses that drive them." Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991), cert denied, 502 U.S. 994, 112 S. Ct. 616 (1991). <i>(Comment continued on next page)</i>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	01	<p><i>(Comment continued from previous page)</i></p> <p>Accordingly, “an agency may not define the objectives of its actions in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency’s power would accomplish the goals of the agency’s action, and the EIS would become a foreordained formality.” <i>Id.</i> (citation omitted); see also <i>City of New York v. United States Dep’t of Transp.</i>, 715 F.2d 732, 743 (2d Cir. 1983) (“[A]n agency will not be permitted to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered.”). Furthermore, an agency must exercise independent judgment in defining the purpose and need of a project and cannot rely exclusively on the statements and opinions of the applicant. See <i>Simmons v. United States Army Corps of Engrs.</i>, 120 F.3d 664, 669 (7th Cir. 1997) (stating that “an agency cannot restrict its analysis to those alternative means by which a particular applicant can reach his goals”) (internal citation and quotations omitted).</p> <p>Similarly, an agency may not “define a project so narrowly that it forecloses a reasonable consideration of alternatives.” <i>Fuel Safe Washington v. Fed. Energy Regulatory Comm’n</i>, 389 F.3d 1313, 1324 (10th Cir. 2004) (quoting <i>Davis v. Mineta</i>, 302 F.3d 1104, 1119 (10th Cir. 2002)); <i>Citizens’ Comm. To Save Our Canyons v. U.S. Forest Serv.</i>, 297 F.3d 1012, 1030 (10th Cir. 2002). “Because the purpose and need defines the range of alternatives, an agency ‘cannot define its objectives in unreasonably narrow terms.’” <i>Sierra Club v. U.S. Dep’t of Transp.</i>, 310 F.Supp.2d 1168, 1192 (D. Nev. 2004) (citing <i>City of Carmel-By-The-Sea v. U.S. Dep’t of Transp.</i>, 123 F.3d 1142, 1155 (9th Cir. 1997)). “While it is true that defendants could reject alternatives that did not meet the purpose and need of the project, they could not define the project so narrowly that it foreclosed a reasonable consideration of alternatives.” <i>Davis</i>, 302 F.3d at 1119.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	01	<p>We expect the Agencies to discuss the need for construction and use of Bog Creek Road in detail, including what security threats exist along the Northern Border in this area, why currently existing access to the Northern Border is insufficient, and how often CBP foresees using the road.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	02	<p>I. The Agencies Must Comply with the National Environmental Policy Act. E. USFS Must Prepare an Environmental Impact Statement.</p> <p>Agencies must prepare an Environmental Impact Statement (“EIS”) for all major federal actions significantly affecting the quality of the human environment. 42 U.S.C. § 4332(2)(C). The relevant regulations that list factors to be considered in determining whether impacts from a project are significant, and thus require preparation of an EIS, can be found at 40 C.F.R. § 1508.27. Because the project is likely to have beneficial and adverse significant impacts and is likely to affect a threatened or endangered species (including grizzly bears, Woodland caribou, and Canada lynx), it is appropriate that the Agencies analyze the proposed action in an EIS. <i>Id.</i> §§ 1508.27(b)(1) & (9).</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	03	<p>I. The Agencies Must Comply with the National Environmental Policy Act.</p> <p>B. The Agencies Must Identify and Analyze a Full Range of Reasonable Alternatives.</p> <p>CEQ regulations implementing NEPA require that agencies "(r)igorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14(a). The importance of this mandate cannot be downplayed, as a rigorous review of alternatives is considered "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. According to CEQ regulations, the ARS must "use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. § 1500.1(e).</p> <p>Furthermore:</p> <p>The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.</p> <p>40 C.F.R. § 1500.2(1). "NEPA's requirement that alternatives be studied, developed, and described both guides the substance of the environmental decisionmaking and provides evidence that the mandated decisionmaking process has actually taken place." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988) (citation omitted). This analysis, for example, must include a reasonable range of alternatives that would meet the defined purpose and need of the project. See, e.g., Idaho Conservation League v. Mumma, 956 F.2d 1508, 1520 (9th Cir. 1992) ("nature and scope of proposed action" determines the range of reasonable alternatives agency must consider).</p> <p>The Agencies must also analyze a "no action" alternative. An EIS must "[i]nclude the alternative of no action." 40 C.F.R. § 1502.14(d). See Pit River Tribe v. U.S. Forest Serv., 469 F.3d 768, 786 (9th Cir. 2006) (holding the "no action" alternative inadequate because the EIS failed to take a hard look "at whether the leases should have been extended"); Or. Natural Res. Council v. U.S. Forest Serv., 445 F. Supp. 2d 1211, 1224 (D. Or. 2006) ("The Forest Service nowhere has analyzed whether the impacts . . . warrant the complete abandonment of this project."); Friends of Yosemite Valley v. Scarlett, 439 F. Supp. 2d 1074, 1105 (E.D. Cal. 2006) ("A no action alternative in an EIS is meaningless if it assumes the existence of the very plan being proposed."). NEPA requires that federal agencies consider alternatives to recommended actions whenever those actions "involve[] unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E). The consideration of alternative requirement ensures that agency decisionmakers "[have] before [them] and take[] into proper account all possible approaches to a particular project (including total abandonment of the project) which would alter the environmental impact and the cost-benefit balance." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988) (citing Calvert Cliffs' Coordinating Committee, Inc. v. United States Atomic Energy Comm'n, 449 F.2d 1109, 1114 (D.C. Cir. 1971) (emphasis added)). Lack of a no action alternative may prevent consideration of the environmental baseline as NEPA requires. Half Moon Bay Fishermans' Marketing Ass'n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988).</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	03	We support an alternative that would not approve reconstruction and use of Bog Creek Road, but that would reduce motorized use in the Blue Grass BMU by closing to motorized use other USFS roads identified in the scoping notice. We would like to see the Agencies propose and analyze such an alternative.
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	05	Given the vegetated state of the former Bog Creek Road, trying to maintain that this project is simply "repair and maintenance" rather than road construction is disingenuous and a clear attempt to downplay the environmental impacts of this proposal. ¹⁹ In fact, the project will likely include the following: 1) replacing or repairing damaged culverts; 2) grading and resurfacing areas eroded by surface water flows; 3) infilling potholes; 4) removing boulders; 5) removing trees and other vegetation; 6) cut and fill operations to achieve desired road width; and 7) gather and transporting fill material from "borrow" pits. ²⁰ This would all be done with the use of a dozer, a grader, a hydraulic excavator, and a dump truck, as well as several pickup trucks or SUVs. ²¹
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	05	III. The Agencies Must Comply with the National Forest Management Act. The Agencies must comply with National Forest Management Act ("NFMA") and its implementing regulations. NFMA requires the Forest Service to ensure that site-specific management projects are consistent with the applicable forest plan. 16 U.S.C. § 1604(i). Thus, the Forest Service must ensure that all aspects of the proposed action comply with the Idaho Panhandle National Forests Land Management Plan. ²⁴ Specifically, the Service must ensure the project complies with all forestwide standards and guidelines, including the Grizzly Bear Access Amendment and the Northern Rockies Lynx Management Direction, and the reasonable and prudent measures and terms and conditions for grizzly bears and Canada lynx. Notably, The Forest Service determined that meeting motorized route densities in the Blue Grass BMU fell under priority level one. ²⁵
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	06	I. The Agencies Must Comply with the National Environmental Policy Act. C. The Agencies Must Take a "Hard Look" at the Environmental Consequences of the Proposed Action. NEPA requires agencies to use high quality information with accurate scientific analysis. 40 C.F.R. § 1500.1(b). The analysis must "make explicit reference ... to the scientific and other sources relied upon." 40 C.F.R. § 1502.24. An agency may not simply "rely on expert opinion without hard data." Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1150 (9th Cir. 1998). "An agency must set forth a reasoned explanation for its decision and cannot simply assert that its decision will have an insignificant effect on the environment." Marblehead Mountain Audubon Soc'y v. Rice, 914 F.2d 179, 182 (9th Cir. 1990) (citing Kleppe v. Sierra Club, 427 U.S. 390, 410 n.21 (1976)). <i>(Comment continued on next page)</i>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	06	<p><i>(Comment continued from previous page)</i></p> <p>“NEPA’s intent is to ‘focus[] the agency’s attention on the environmental consequences of a proposed project,’ to ‘guarantee[] that the relevant information will be made available to the larger audience that may also play a role’ in forming and implementing the agency’s decision, and to provide other governmental bodies that may be affected with ‘adequate notice of the expected consequences and the opportunity to plan and implement corrective measures in a timely manner.” Davis v. Mineta, 302 F.3d 1104, 1114 n.5 (10th Cir. 2002) (quoting Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349-50 (1989) (alterations in the original). In other words, by requiring agencies to take a “hard look” at how choices before them affect the environment, and then place the data and conclusions before the public, NEPA relies upon the democratic processes to ensure “the most intelligent, optimally beneficial decision will ultimately be made.” Calvert Cliffs’ Coordinating Committee, Inc. v. U.S. Atomic Comm’n, 449 F.2d 1109, 1114 (D.C. Cir. 1971); Oregon Natural Resources Council Fund v. Goodman, 505 F.3d 884, 889 (9th Cir. 2007).</p> <p>Furthermore, it is well settled that a NEPA document must provide the decisionmaker with adequate information to fully assess the impacts of an action. 42 U.S.C. § 4332 (1976). “[I]f the decision was reached procedurally without individualized consideration and balancing of environmental factors -- conducted fully and in good faith -- it is the responsibility of the courts to reverse.” Calvert Cliffs’ Coordinating Committee, Inc. v. U.S. Atomic Energy Comm’n, 449 F.2d at 1115.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	06	<p>III. The Agencies Must Comply with the National Forest Management Act.</p> <p>The Forest Service faces many changes with its vastly oversized, under-maintained, and unaffordable road system. The impacts from roads to water, fish, wildlife, and ecosystems are tremendous and well documented in scientific literature.²⁶ Given that the Forest Service is considering changes to a large number of miles of roads in this project, the agency should consider the Travel Analysis Report for the Idaho Panhandle Forest, and identify the Minimum Road System.²⁷ We urge the Forest Service to carefully evaluate the proposed project and its alternatives through this lens.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	06	<p>Environmental consequences that must be considered for this proposal include impacts on fish and wildlife that may use the project area, especially sensitive or endangered fish and wildlife including grizzly bears, Woodland caribou, Canada lynx, gray wolves, and wolverines. Additional impacts that must be addressed include impacts on soil, water quality, air quality, and recreation.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	NEPA	06	<p>Directives specific to impacted Geographic Areas must also be followed. The Agencies must also ensure compliance with standards and guidelines that are in place to protect the integrity of forest resources, including soils, minerals, fisheries, water, riparian resources, vegetation, wildlife, and recreation opportunities.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	01	<p>Grizzly bears once ranged throughout most of western North American, from the high Arctic to the Sierra Madre Occidental of Mexico, and from the coast of California across most of the Great Plains.² Prior to European settlement, scientists believed that approximately 50,000 grizzly bears occupied the western United States between Canada and Mexico.³ With European settlement of the American West and a federally funded bounty program aimed at eradication, grizzly bears were shot, trapped, and poisoned, reducing the population to just 2 percent of their historic range.⁴ As a result of its precipitous decline, the Service listed the grizzly bear as a threatened species in the lower 48 states under the Endangered Species Act in 1975.⁵ Despite the grant of federal protection over forty years ago, today scientists estimate there are less than 1,800 grizzly bears left in the lower 48 states, occupying five isolated populations.⁶ One of these isolated populations exists in the Selkirk Mountains of northern Idaho, northeast Washington, and southeast British Columbia.⁷ This area has been listed as one of six Recovery Zones identified as necessary for grizzly bear recovery, and today this struggling population totals approximately 88 bears.⁸</p> <p>Early on, the Fish and Wildlife Service (“FWS”) recognized that roads and motorized access create one of the greatest threats to grizzly bear survival and recovery. Motorized access can impact grizzly bears in a number of ways, including increasing human interaction and subsequent grizzly bear mortality, including but not limited to direct mortality through vehicle strikes; increasing displacement and habitat fragmentation; increasing habituation to humans, which in turn can lead to increased conflicts and subsequent management removals; and decreasing habitat where bears can utilize minimal to disturbance from humans.⁹</p> <p>For this reason, in the late 1980s, the Forest Service (“USFS”) closed Bog Creek Road on both ends to meet grizzly bear habitat requirements.¹⁰ By around 2000, the road has become impassable to most vehicles, and even using all-terrain vehicles requires use of a winch system to traverse a large culvert failure.¹¹ Today, the road remains closed, and has been re-vegetated, likely benefitting grizzly bears by increasing secure grizzly bear habitat.¹²</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	01	<p>That the new Bog Creek Road would be limited to administrative use would not negate the impacts to grizzly bears or caribou, both during construction and use of this road.²² Noise and human presence during construction will likely cause bears to avoid the area, as will use of the road thereafter, including reasonably foreseeable illegal use. The road will fragment important grizzly bear habitat currently occupied by a threatened grizzly bear population.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	01	<p>Guidelines are in place to protect grizzly bears, caribou, and other species from certain seasonal disturbances that could impact wildlife during critical periods of the year. For example, Forest Wide guidelines direct the Forest Service to minimize disturbance between April 1 and May 1 in areas where grizzly bears may be emerging from their dens.²⁸</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	02	<p>In further recognition of the negative impact that roads have on grizzly bears and their habitat, the Forest Service worked to add amendments to existing National Forest Plans to limit and control motorized access ("Access Amendment"). The Idaho Panhandle National Forest issued a Record of Decision adding such amendments within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones in 2011.¹³ The standards set forth in the Access Amendment are necessary to provide secure habitat for grizzly bears and for the Forest Service to meet their obligations under the ESA.¹⁴</p> <p>The road that U.S. Customs and Border Protection ("CBP") and USFS (collectively, "the Agencies") wish to reconstruct here - Bog Creek Road - is located in the Blue Grass Bear Management Unit ("BMU") of the Idaho Panhandle National Forest in northern Idaho.¹⁵ Although under the terms of the Access Amendment the Forest Service is not required to ensure motorized use standards are met until 2019, currently the Blue Grass BMU is not meeting the motorized access standards set forth in the Access Amendment.¹⁶ Despite failure to meet standards that would protect threatened grizzly bears, the Forest Service and the Department of Homeland Security now propose reconstructing and reopening a road that has been closed for several decades and is now covered in vegetation.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	02	<p>Although the agencies have proposed to consider the closure of other motorized routes to offset this construction, the agencies have preliminary identified multiple roads that could be closed and therefore it is impossible to determine at this time whether those road closures would protect habitat comparable to the habitat near and surrounding Bog Creek Road, and whether overall motorized use within the area will increase or decrease. Moreover, because the Blue Grass BMU is not currently meeting required habitat standards, the Forest Service should consider closing roads regardless of whether construction of the Bog Creek Road is ultimately approved.</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	03	<p>II. The Agencies Must Comply with the Endangered Species Act.</p> <p>The ESA is "the most comprehensive legislation for the preservation of endangered species ever enacted by any nation." <i>Tennessee Valley Authority v. Hill</i>, 437 U.S. 153, 180 (1978). "The plain intent of Congress in enacting this statute was to halt and reverse the trend toward species extinction, whatever the cost." <i>Id.</i> at 184. The ESA mandates "institutionalized caution." <i>Arizona Cattle Growers' Ass'n v. Salazar</i>, 606 F.3d 1160, 1167 (9th Cir. 2010). The ESA, aims, in part, "to preserve the ability of natural populations to survive in the wild" and "to promote populations that are self-sustaining without human interference." <i>Trout Unlimited v. Lohn</i>, 559 F.3d 946, 957 (9th Cir. 2009). Through the ESA, "Congress clearly intended that [agencies] give the highest of priorities and the benefit of the doubt to preserving endangered species." <i>Defenders of Wildlife v. Flowers</i>, 414 F.3d 1066, 1074 (9th Cir. 2005).</p> <p><i>(Comment continued on next page)</i></p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	03	<p><i>(Comment continued from previous page)</i></p> <p>To achieve these goals, the ESA “provides both substantive and procedural provisions designed to protect endangered species and their habitats.” Am. Rivers v. Nat’l Marine Fisheries Serv., 126 F.3d 1118, 1121 (9th Cir. 1997). Section 7 of the Endangered Species Act (“ESA”) requires each federal agency, in consultation with FWS, to insure that any proposed action is not likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of its critical habitat. 16 U.S.C. § 1536(a)(2). To facilitate compliance with Section 7, the agency must first inquire with FWS to determine whether any listed or proposed species may be present in the area of the proposed action. Id. § 1536(c)(1). When a listed or proposed species may be present in the action area, the agency must prepare a “biological assessment” to determine whether the species or their critical habitat may be affected by the action. Id. If the agency determines that the proposed action may affect any listed species or critical habitat, it must engage in formal consultation with FWS. 50 C.F.R. § 402.14. Formal consultation results in the issuance of a “biological opinion, where FWS concludes whether the proposed action is likely to jeopardize a listed species or result in the destruction or adverse modification of critical habitat. Id. § 402.14(h). Agencies are required to “use the best scientific and commercial data available” in assessing impacts to protected species during the consultation process. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(d).</p> <p>Section 9 requires that agencies insure that the proposed action does not result in the “take” of any listed species. 16 U.S.C. § 1538(a)(1)(B). “Taking” under the ESA “means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Id. § 1532(19). FWS has the authority to issue an incidental take statement concurrent with a biological opinion if it concludes that incidental take is not likely to jeopardize the continued existence of the species. 50 C.F.R. § 402.14(i).</p>
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	03	The Agencies must consult with FWS to determine the impacts on grizzly bears, Woodland caribou, Canada lynx, and bull trout, as well as any other endangered or threatened species that may use the project area.
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	04	The road also lies in important recovery habitat for the Woodland caribou, one of the most threatened mammals in the United States. By the time the Wood caribou was listed under the ESA in 1984, it occupied only a small area in Idaho and northeast Washington near the Canadian border, and the population had dropped down to a “critically endangered” number of about thirty animals. ¹⁷ While the recovery goal has been set at 125 individuals, still this population struggles with population estimates fluctuating between about 30 and 50 animals since listing. Like grizzly bears, caribou generally avoid roads with traffic and other human disturbances. Thus, this road may have a direct impact on caribou and their use of habitat in the project area. ¹⁸
16	Andrea Santarsiere	Center for Biological Diversity et al.	T&E	04	Guidelines are in place to protect grizzly bears, caribou, and other species from certain seasonal disturbances that could impact wildlife during critical periods of the year. Similarly, management activities should be avoided from June 1 to July 15 in known occupied caribou calving habitat, disturbance from over-snow vehicle use should be avoided or minimized in areas known to be occupied by caribou from December 1 to April 30, and disturbance should be avoided in occupied caribou summer habitat from July 8 to October 16. ²⁹

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
17	Lynne Hood	United States Environmental Protection Agency Region 10	Cultural	01	Coordination with Tribal Governments Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies which have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. The EIS should describe the process and outcome of government-to-government consultation between the agencies and each of the tribal governments within the analysis area and vicinity, issues which were raised (if any), and how those issues were addressed in the selection of alternatives.
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	01	Purpose and Need The EIS should include a clear and concise statement of the underlying purpose and need for the proposed project, consistent with the implementing regulations for NEPA. We recommend that this statement be framed broadly to ensure a robust analysis of alternatives.
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	01	Coordination with Agencies The EIS is being developed jointly between the CBP and the IPNF. The EIS should discuss the roles and responsibilities of each agency with respect to the project
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	03	Range of Alternatives The EIS should include a range of reasonable alternatives which meet the stated purpose and need for the proposed action and are responsive to the issues identified during the scoping process. Environmental impacts associated with each alternative should also be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. These impacts should be quantified to the greatest extent possible. The EPA encourages selection of feasible alternatives which minimize environmental degradation.
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	05	Coordination with Agencies The EIS is being developed jointly between the CBP and the IPNF. The EIS should discuss the roles and responsibilities of each agency with respect to the project as well as how the proposed action would support or conflict with the objectives of Federal, state, tribal or local land use plans, policies and controls in the analysis area and vicinity.
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	06	The EPA agrees with the following preliminary list of issues identified in the NOI: <ul style="list-style-type: none"> • Border security; • threatened and endangered species including grizzly bear, caribou, lynx, and bull trout; • Blue-Grass BMU grizzly bear core habitat requirement; • National Forest access; and • biological resources including fisheries, wildlife, sensitive plants, and noxious weeds.

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	06	<p>Climate Change</p> <p>We believe the Council on Environmental Quality's December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts in NEPA outlines a reasonable approach, and we recommend that agencies use that draft guidance to help outline the framework for its analysis of these issues. Accordingly, we recommend the draft EIS include an estimate of the GHG emissions associated with the project, qualitatively describe relevant climate change impacts, and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. More specifics on those elements are provided below. In addition, we recommend that the NEPA analysis address the appropriateness of considering changes to the design of the proposal to incorporate GHG reduction measures and resilience to foreseeable climate change. The draft and final EIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts.</p> <p>More specifically, we suggest the following approach:</p> <ul style="list-style-type: none"> • Estimate the GHG emissions associated with the proposal and its alternatives. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website. [1: https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html] For actions which are likely to have less than 25,000 metric tons of CO2-e emissions/year, provide a qualitative estimate unless quantification is easily accomplished. • The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and alternatives. In disclosing the potential impacts of the proposal and reasonable alternatives, consideration should be given to whether and to what extent the impacts may be exacerbated by expected climate change in the action area, as discussed in the "affected environment" section. • Recognizing that climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, we do not recommend comparing GHG emissions from a proposed action to global emissions. As noted by the CEQ revised draft guidance, "[t]his approach does not reveal anything beyond the nature of the climate change challenge itself: [t]he fact that diverse individual sources of emissions each make relatively small additions to global atmospheric GHG concentrations that collectively have huge impact." We also recommend that you do not compare GHG emissions to total U.S. emissions, as this approach does not provide meaningful information for a project level analysis. Consider providing a frame of reference, such as an applicable Federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals. • Describe measures to reduce GHG emissions associated with the project, including reasonable alternatives or other practicable mitigation opportunities and disclose the estimated GHG reductions associated with such measures. The DEIS alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. EPA further recommends that the Record of Decision commits to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions.
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	06	<p>Environmental effects</p> <p>The EIS should include environmental effects and mitigation measures. This would involve delineation and description of the affected environment, indication of resources that would be impacted, the nature of the impacts, and a listing of mitigation measures for the impacts. The following topics will be of particular interest to us.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
17	Lynne Hood	United States Environmental Protection Agency Region 10	NEPA	06	<p>Cumulative Impacts</p> <p>The NEPA document should assess impacts over the entire area of impact, including the effects of other past, present and future actions both in and outside the project area together with the proposed action.</p> <p>The NEPA document should describe where and how much grazing has occurred in the project area, and where and the extent to which it is occurring now. For each resource analyzed, the document should identify:</p> <ul style="list-style-type: none"> • Current condition of the resource as a measure of past impacts. • Trend in the condition of the resource as a measure of present impacts. • Future condition of the resource based on an analysis of the cumulative impacts of reasonably foreseeable projects or actions added to existing conditions and current trends • Cumulative impacts' contribution of the proposed alternatives to the long-term health of the resource, and provide a specific measure for the projected impact from the proposed alternatives • Parties that would be responsible for avoiding, minimizing, and mitigating adverse impacts • Opportunities to reduce impacts, including working with other entities.
17	Lynne Hood	United States Environmental Protection Agency Region 10	Soils	01	<p>we recommend that the EIS discuss:</p> <ul style="list-style-type: none"> • Extent of vegetation removal, whether the removal would occur on steep slopes, in or near riparian areas, and where soil damage was particularly severe due to previous activities.
17	Lynne Hood	United States Environmental Protection Agency Region 10	T&E	03	<p>Impacts to endangered species</p> <p>The proposed plan and subsequent activities may impact endangered, threatened or candidate species listed under the Endangered Species Act, their habitats, as well as State sensitive species. The EIS should identify the endangered, threatened, and candidate species under ESA, and other sensitive species within the project area. In addition, the document should describe the critical habitat for these species; identify any impacts the plan will have on these species and their critical habitat; and how it will meet all requirements under ESA, including consultation with the U.S. Fish and Wildlife Service.</p>
17	Lynne Hood	United States Environmental Protection Agency Region 10	T&E	07	<p>Monitoring</p> <p>Since the project has the potential to affect a variety of resources, we recommend that the proposed action include an environmental inspection and mitigation-monitoring program to ensure compliance with all mitigation measures and assess their effectiveness. The EIS document should describe the monitoring program and its use as an effective feedback mechanism so that any needed adjustment can be made to m...[letter ended with an incomplete sentence]</p>
17	Lynne Hood	United States Environmental Protection Agency Region 10	VEGE	01	<p>Noxious Weeds and Rare Plants</p> <p>Following vegetation removal, invasive species can also aggressively spread into newly cleared or filled areas. The status of noxious weed projects within the planning area should be described and weed monitoring and control features identified. The EIS should contain measures that are consistent with Executive Order 13112, Invasive Species. We suggest including a description of current conditions and best management practices which will be utilized to reduce the likelihood of introduction and spread of invasive species with the proposed management activities.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
17	Lynne Hood	United States Environmental Protection Agency Region 10	Water	01	<p>Water resources</p> <p>Water quality degradation is one of EPA's primary concerns. Section 303(d) of the Clean Water Act requires States to identify water bodies that do not meet water quality standards and to develop water quality restoration plans to meet established water quality criteria and associated beneficial uses. Thus, the draft EIS should disclose which waters might be impacted, the nature of potential impacts, and specific pollutants likely to impact those waters. It should also report those water bodies potentially affected by the proposed action which are listed on EPA-approved 303(d) lists. Also, anti-degradation provisions of the Clean Water Act apply to those waterbodies where water quality standards are currently being met and prohibit degrading the water quality. The draft EIS should indicate how those provisions would be met by the proposed action.</p> <p>Under the Clean Water Act, any project construction that would disturb a land area of one or more acres collectively also requires a National Pollutant Discharge Elimination System permit for discharges to waters of the United States. The EIS, therefore, should document the project's consistency with applicable storm water permitting requirements and should discuss specific mitigation measures which may be necessary or beneficial in reducing adverse impacts to water quality.</p> <p>Roads</p> <p>The project would involve road construction, which can result in sediment delivery to streams and habitat fragmentation. As the EIS is developed, agencies should evaluate the impacts that roads would have on waterbodies in the planning area and analyze the effects on wildlife habitat.</p>
17	Lynne Hood	United States Environmental Protection Agency Region 10	Water	01	<p>Wetland, floodplain, and riparian resources</p> <p>Based on information in the NOI, it is unclear whether wetlands are present on or adjacent to the project area. The EIS should describe all waters of the United States, including wetlands, which could be affected by the proposed action and alternatives, and include maps that clearly identify all waters within the planning area, data on acreages and channel lengths, habitat types, values, and functions of these waters.</p> <p>If wetlands are present and would be affected by the project, the document should discuss how the projects would comply with Section 404 of the Clean Water Act requirements. It should also evaluate potential impacts to adjacent wetlands or indirect impacts to wetlands, such as hydrologic changes due to increases in impervious surfaces. Project discharges can result from a variety of activities, including road and facility construction. The EIS should disclose where there are known waters or wetlands, which would be directly or indirectly affected by the proposed EIS activities.</p> <p>Activities affecting floodplains are also regulated under Section 404 of the Clean Water Act and Executive Orders 11988: Floodplain Management and 13690: Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input. Floodplains perform a vital function of conveying and dissipating the volume and energy of peak surface runoff flows downstream. Periodic flood flows form and sustain specific habitat types, such as wetland and riparian areas. The EIS, therefore, should include information on any activities that could occur in floodplains, what alternatives were considered, and steps to be taken to reduce floodplain impacts and risks. Because of their importance, unimpaired flood flows within floodplains should be preserved and flood-related damage to downstream resources should be prevented.</p>

Letter Number	Name	Organization	Resource Category	Resource Code	Comment
17	Lynne Hood	United States Environmental Protection Agency Region 10	Water	01	we recommend that the EIS discuss: <ul style="list-style-type: none"> • Extent of vegetation removal, whether the removal would occur on steep slopes, in or near riparian areas, and where soil damage was particularly severe due to previous activities.
17	Lynne Hood	United States Environmental Protection Agency Region 10	Wildlife	01	Roads The project would involve road construction, which can result in habitat fragmentation. As the EIS is developed, agencies should analyze the effects [that roads would have] on wildlife habitat. We support the closure of roads to support meeting standards for motorized access in grizzly bear habitat. Vegetation removal related to the Bog Creek road may create obstacles to animals migrating through the area may deter terrestrial animals from crossing due to lack of cover, reduced forage and browsing opportunities, changes in wildlife migration patterns, and occasional human activity in these areas. Therefore, we recommend that the EIS discuss: <ul style="list-style-type: none"> • Effects on habitat fragmentation and the creation of edge effects favoring some species, including mitigation measures. • Extent of vegetation removal, whether the removal would occur on steep slopes, in or near riparian areas, and where soil damage was particularly severe due to previous activities. • How vegetation removal would support retention of vegetation structures that are important for wildlife migration, recruitment and dispersal, rearing and feeding. • Clearly identify and describe the mitigation measures to minimize effects to grizzly bear and other wildlife impacts.
17	Lynne Hood	United States Environmental Protection Agency Region 10	Wildlife	01	The proposed plan and subsequent activities may impact endangered, threatened or candidate species listed under the Endangered Species Act, their habitats, as well as State sensitive species. The EIS should identify the endangered, threatened, and candidate species under ESA, and other sensitive species within the project area. In addition, the document should describe the critical habitat for these species; identify any impacts the plan will have on these species and their critical habitat; and how it will meet all requirements under ESA, including consultation with the U.S. Fish and Wildlife Service.