

April 15, 2019  
Attn: Objection Reviewing Officer  
USDA Forest Service  
Northern Region

RE: Objection Darby Lumber Lands Phase 2:  
Bitterroot National Forest, Darby/Sula Ranger District  
Responsible Official: Supervisor Matt Anderson

*Submitted via email to: [appeals-northern-regional-office@fs.fed.us](mailto:appeals-northern-regional-office@fs.fed.us)*

**Re: Darby Lumber Lands – Phase 2 Project Objection**

To Objection Reviewing Officer, Northern Region:

I Michele Dieterich respectfully file these objections to the U.S. Forest Service concerning the agency's Revised Environmental Assessment under the National Environmental Policy Act (NEPA) assessing the impacts of the proposed Darby Lumber Lands Phase 2 project on the Darby-Sula Ranger District of the Bitterroot National Forest (BNF) and the Draft Record of Decision and the Finding of no Significant Impact (FONSI). I have submitted timely and substantive comments on both the scoping of this project and the Environmental Assessment. The Forest Service proposes logging and transportation system management across the project area of about 27,453 acres of Forest Service land in the Rye Creek, Little Sleeping Child Creek, Harlan Creek, Roan Gulch, Burke Gulch, North Fork Rye Creek, and Robbins Gulch drainages in the Sapphire mountain range. The Forest Service proposes logging on 1,274 acres, prescribed burning on the logging units plus 20 acres, construction of 4.3 miles of system and 8 miles of temporary roads to complete the logging, and changes to access on specific existing roads and trails. Two clearcuts are proposed of 97 acres and 39 acres.

I am a taxpayer and resident of Hamilton, Montana. I am concerned about this project and would like to incorporate by reference my scoping and EA comments, WildEarth Guardians and Friends of the Bitterroot scoping comments, EA comments, and Objections including all attachments. I would also like to incorporate by reference EA comments and Objections by Jeff Lonn concerning fire science and all citations concerning up to date fire science data.

**ISSUE:** I once again ask for a 60 day public comment/review period as required by law for any clearcut over 40 acres. This would include an announcement in the public record as to when this period commenced and ended. It would also require public notice more available to stakeholders. This has been non-existent so far in the process.

**RESOLUTION:** Officially open a 60 public review period for the 97 acre clear cut and the 39 acre clearcut. Both should be considered for their cumulative effect in such a small area. Also disclose the amount of clear cutting from road building in the project.

**ISSUE:** I again ask for an Environmental Impact Statement EIS as required by law when a project will significantly effect an area. Proposed Action would add roads to a roadless area and MA8b lands, clearcut beneficial Mistletoe see reference <http://rspb.royalsocietypublishing.org/content/279/1743/3853>, create an ATV route through Lynx habitat, create more sediment in DEQ designated sediment impaired streams, affect bull trout and resident westslope cutthroat, affect grizzly bears who as the Grizzly Task Force states are “likely to be present” in the area. It is quite clear that this proposed action warrants an EIS. As stated in my EA comments page 2, the August 1, 2017 IDT meeting made it very clear that there was not enough time for thorough analysis. Any work since then was merely to cover tracks revealed in scoping and EA comments. Insufficient on the ground studies have been performed, and no thorough analysis has been completed for the project and its effects on the area and the human environment.

**RESOLUTION:** Thoroughly analyze the area on the ground with sufficient time for in depth analysis as you develop an EIS for this project.

**ISSUE:** Information has not been complete on the haul route. In response to my comment concerning temporary and specified roads that dead ended into private land, FS said those areas would be accessed using private land. In a recent BRC meeting Eric Winthers made it clear that there was no deal with the private land owner for hauling logs across this private land. In the interest of transparency, any deals with the land owner should be disclosed or, at the very least, the parameters of private land use and the benefits to the private land owner should be revealed. Does this have something to do with the private logging projects that “can be reasonably expected to occur” EA pg 43? The public has a right to know how their tax dollars are being spent and if they are being spent to benefit a private land owner, giving him permanent and temporary (up to 10 years after the project is finished) access to remote elk winter range (excellent hunting grounds) and upgrading roads that will allow him to profit greatly from private projects on his land. This reeks of a back door deal between the timber company, the land owner and the FS. This could also be used as an alternative haul route and would change the value of the sale. If this occurs, the sale must be re-negotiated in the best interest of the public, taxpayer dollars, and wear and tear on public forest service roads. The alternative haul route should be thoroughly analyzed including the private hauling. Finally, you have not disclosed how private access to public land and elk winter range affects hunter opportunity as requested EA comments pg 4.

**RESOLUTION:** Be clear on haul route and thoroughly analyze that haul route. Do not build roads to benefit private land owners at taxpayer expense. Only haul from those areas after a private contract has been created and then collaborate with the land owner to add access via private land to units not in Ma8b. Make it clear to the public that these roads will affect their hunter opportunity. If a new haul route is chosen, a new EIS should be created to thoroughly analyze the route.

**ISSUE:** It is fiscally irresponsible to not disclose the costs of the project to the public. The public have the right to know how tax dollars are spent by public agencies. The inordinately long haul route make this a huge loss to taxpayers with little benefit. The economic analysis revealed at the final hour (we requested all specialist reports during

EA comment period, but had to request again when the ECON and other specialist reports were cited in the response to comments) shows an economic loss of the timber sale alone, and a total cost to tax payers of almost 900,000 dollars . It comes at too high a cost and it does not meet the purpose and need. Ma8b is at a basal area consistent with controlled burning. There is no need for logging. Mistletoe, as stated before, is beneficial. Once again, there is no need for the clearcuts or this logging project.

**RESOLUTION:** Do not waste taxpayer dollars with this timber sale. You could do so much more with these funds to protect homes from fire. See Headwaters Economics study: <https://headwaterseconomics.org/wildfire/solutions/land-use-planning-is-more-effective/>. This shows that it is more economical and more effective to work with homeowners to protect them from fire. Certainly protecting homes is more important than padding the pockets of the timber industry.

**ISSUE:** EA lacks an alternative and economic analysis of just improving the roads that cause sediment in nearby DEQ sediment impaired streams and future maintenance, which was requested in scoping pg. 2 and EA comments page 2.

**RESOLUTION:** Save taxpayer money by just fixing the roads to improve the sediment impaired streams below. It will cost one quarter of the cost of this timber sale.

**ISSUE:** EA states that returning to the area up to seven more times may be necessary to reach the purpose and need of the project (EA comments page 2). This and the inevitable private land logging will have a great effect on sediment in streams and dust in the human environment. This has not been thoroughly analyzed as required by NEPA.

**RESOLUTION:** Do a more thorough analysis of the cumulative effects of these activities and consider alternative actions to this project to protect communities from wildfires. Consider Headwaters Economics information concerning logging in the WUI and protecting homes from wildfires.

<https://headwaterseconomics.org/wildfire/homes-risk/fire-cost-background/> This was not addressed in the EA. There are more economical ways to prevent the destruction of homes from fire.

**ISSUE:** No thorough analysis of old growth, EA comments page 3. Does the area comply with Forest Plan old growth standards? Does the project bring the area to this standard? In scoping comments and EA comments, I requested an inventory of old growth and old trees. This has not been provided in the revised EA. Only a walk through and visual evaluation was completed in the area. This method has proved inadequate in the Westside Project. Rings were counted on stumps and inventoried to find a questioned area was in fact old growth as defined in Green et al (available in the Gold Butterfly EIS). As in this project, a walk-through in the area had determined it to not be old growth. Remember that the forest also has an obligation to bring areas into old growth if possible. This area is in a sea of clear cutting and rampant logging. It might be the only area left to move towards old growth to bring the area up to old growth standards in third order drainages. Certainly clearcutting will only exacerbate this lack in the project area.

**RESOLUTION:** Analyze the area for old growth or areas on the brink of becoming old growth with coring and consider a change to project vegetation management to preserve old growth and bring areas to old growth as directed in the Forest Plan.

**ISSUE:** The benefits of Mistletoe have not been discussed or analyzed in scoping, EA or revised EA/FONSI, nor have alternative Forest Service sanctioned approaches to Mistletoe been discussed. The Ma2 and Ma8b do not prioritize timber production. Forest service documents do not recommend treatment unless there is a timber focus.

**RESOLUTION:** Consider alternative ways to handle mistletoe on the forest, especially since the management areas have a wildlife and habitat focus.

**ISSUE:** EA comments page 3, Building temporary or permanent roads in the MA8b area is against the FP and in violation of NFMA. MA8b is not suitable for timber production. It is reserved for elk winter range and forage production. Taking land out of production (roads) reduces forage. Soil disturbance invites weeds, reducing forage. EA states that increased grazing pressure would reduce forage. Logging will reduce thermal cover and EHE requirements. Thus, the proposed action is against FP Management Area directives. The proposed action will not improve Elk Winter Range or forage and is illegal under NFMA.

**RESOLUTION:** No permanent or temporary roads in Ma8b. Analysis of areas within Ma2 where the permanent road could be located must be a part of this EA/EIS. The EA only considers building the new road in Ma8b and does not analyze alternative areas in Ma2.

**ISSUE:** Revised EA appendix explains that CWD and snag retention requirements have been revised and the project is now in compliance, in response to my comments pg 3. BNF cannot revise a forest standard without due process and public involvement in a forest wide amendment.

**RESOLUTION:** Delay this project until the proper procedures and analyses have been completed, including public comment for a forest wide amendment to the standard.

**ISSUE:** EHE and Elk Security amendments have become rampant on the Bitterroot National Forest (see my EA comments and chart pg3). In response, the updated EA states that BNF has found a new process for analyzing elk security and habitat, and explains that the numbers of elk show that the lack of EHE and Elk Security on the forest caused by multiple site specific amendments does not matter. Once again, a forest wide amendment must be analyzed and due process must be followed to change these standards. These standards are also an umbrella for other species as is stated in the BA on Grizzly and Lynx. The biologist assures us that the “EHE standard results in areas of secure habitat for a range of species including grizzly bears” (Biological assessment for Grizzly and Lynx pg 9). You cannot have this both ways. EHE standard as written and analyzed in the forest plan may not necessary to protect elk (though this must be analyzed under NFMA in a forest wide amendment), but is certainly needed for Grizzly, Lynx, Wolverine and other species. Furthermore, if the elk are thriving according to the revised appendix on amendments which states elk numbers are increasing and harvest has not been reduced in 5 years, where is the need for improved forage?

**RESOLUTION:** Analyze the project for EHE and Elk Security as stated in the Forest Plan. Look for ways to protect EHE as mandated in the Forest Plan and increase EHE as promised in Darby Lumber Lands Phase 1. Do not thin or build roads in Elk Winter Range.

**ISSUE:** Loss of hunter opportunity. As I stated in my comments page 3. Hunter opportunity will be diminished by logging activities that will force elk onto neighboring private lands.

**RESOLUTION:** Reduce logging activities to preserve hunter opportunity. Create no clear cuts over 20 acres. Do not log or build roads in Ma8b Elk Winter Range and reduce logging in Ma2 especially around the border of the Ma8b areas as mandated in the forest plan.

**ISSUE:** This project will put undue stress on soils in the project area. It is an island of pristine, untrammled area in a sea of disturbance. Please note my comment pg 4 that includes a chart showing a lack of soils data for a certain period of time. Why is that information missing? The response to comments that the information is unavailable is faulty. McBride claims this information was created, yet it is missing.

**RESOLUTION:** Consider leaving this area alone to preserve the last bastion of undisturbed soil. Do an on the ground study of the soils in the entire project area using the McBride method, not newer methods that are subjective vs hard data.

**ISSUE:** Lack of Transparency and a lack of effort to inform the public, local land owners and stakeholders is rampant in this project. The only land owners that were notified were the ones from which permission needed to be obtained. Other affected landowners were not notified in a timely fashion. The EA claims to have collaborated with the Bitterroot Restoration Committee (BRC). The BRC did not take on this project. Updates were provided, but the BRC offered no input. They chose not to explore or research the project.

**RESOLUTION:** Start again on this project with public notice and transparency. Do not claim collaboration when you merely updated a group on the project.

**ISSUE:** Again, a lack of transparency in the project shows in our requests for information. During the EA comment period, members of Friends of the Bitterroot Steering Committee asked to see the project file, especially all specialist reports and IDT meeting notes. Amy Fox offered to put them online in lieu of our coming to the office to peruse the folder. It was not until reading the “response to comments” which referred to more specialists reports that FOB realized there was information not made available even though requested in my comments and FOB’s comments on scoping and EA. Why were these reports not made available when first requested?

**RESOLUTION:** Project files in their entirety should be published online and available in printed form for all projects so transparency of government agencies is followed. Requests for information should be thoroughly vetted and supplied. This project should be back to square one and allow the public to see the entire project file.

This proposed action should be abandoned or altered to be a very necessary road improvement project without commercial logging. Add non-commercial thinning

projects in any Community Protection Zones (CPZ) in the area and educating local land owners on the true science of protecting their land from fire. This would truly serve the purpose and need stated in the EA. Consider the attached research by the DiCaprio Foundation on protecting homes against fire.

Sincerely,

A handwritten signature in cursive script, reading "Michele M Dieterich", is displayed on a rectangular, light brown background.

Michele M Dieterich

Two horizontal black bars redacting contact information, likely a phone number and an email address.