

August 2, 2019

Sent via email to: appeals-northern-regional-office@fs.fed.us

Objection Reviewing Officer, Northern Region
Federal Building, Building 26, Fort Missoula Rd.
Missoula, MT 59804

Re: Gold Butterfly Project Objection

To the Reviewing Officer:

Pursuant to 36 CFR 218, this is an objection to the Final Environmental Impact Statement (FEIS) and *Draft* Record of Decision (DROD) for the Gold Butterfly Project, on the Stevensville Ranger District, Bitterroot National Forest (BNF). The Responsible Official is Forest Supervisor Matt Anderson. This objection is filed on behalf of Gail H. Goheen and Stephen S. Goheen. We live at 922 Little Willow Creek Road, Corvallis, MT 59828 and our home phone number is (406) 961-4384. Stephen's cell phone number is (406)360-7506. Although we are united in these objections, please consider Gail H. Goheen the lead objector for these arguments, as she has a long career as a Montana attorney (although admittedly not in this area of specialty) and has done most of the research which led to our objections.

The Gold Butterfly Project is the largest Forest Service timber removal project in the Bitterroot National Forest in recent memory encompassing more than 55,000 acres of National Forest System (NFS) lands. The Responsible Official was presented with three choices for this project:

Alternative 1 – the “No Action” alternative, which calls for abandoning the project;

Alternative 2 – the original proposal, which calls for 7,376 acres , 6.4 miles of new road construction, 17.3 miles of temporary road construction, extensive slash burning, and an estimated 7000 log truck loads of commercial harvest over 8 years—with all hauling and project activity accessed by one road (Willow Creek Road), with about 8.29 miles of

involved county road (about 2.46 miles of it being gravel and the balance chip seal or pavement) ; and

Alternative 3 – the proposal developed through scoping and collaborative efforts, which calls for 4,888 acres of forest treatments and no new road construction.

The Responsible Official's Draft Record of Decision (DROD) was apparently finalized on June 24, 2019 and published in the local newspaper, the Ravalli Republic, on July 3, 2019. It reveals that the Responsible Official has chosen Alternative 2, with a few minor modifications, which convert 138 acres containing old growth to commercial intermediate treatment and 111 acres containing old growth to non-commercial treatment. The decision would reduce the number of log truck loads by only approximately 200 to 300 hauling out of Willow Creek Road. The decision also set forth minor changes on dust abatement along a portion of Willow Creek Road, albeit those modifications were quite minimal (for the reasons referenced later in these objections).

As part of these objections, we hereby fully incorporate into these objections, the comments we made to the Gold Butterfly Draft Environmental Impact Statement (DEIS) in a letter dated July 30, 2018, together with the 19 attachments (exhibits) submitted with those comments.

We also add our names to the objections (to the FEIS and draft ROD) raised by Friends of the Bitterroot, WildEarth Guardians, and the Alliance for the Wild Rockies (lead objector, Jim Miller), and fully incorporate their comments into this objection. Those comments include a July 11, 2017 letter responding to the Forest Service's proposal from Friends of the Bitterroot (FOB) and Alliance for the Wild Rockies (AWR); a December 8, 2017 letter by Jim Miller on behalf of FOB; a November 29, 2017 letter from AWR regarding the Alternative Workshop; a November 30, 2017 letter from WildEarth Guardians regarding the Alternative Workshop; a July 30, 2018 letter from Friends of the Bitterroot and Alliance for the Wild Rockies commenting on the Draft EIS; a July 17, 2017 letter from WildEarth Guardians and others at the scoping phase; and a July 30, 2018 letter from WildEarth Guardians and others commenting on the Draft EIS.

We also fully incorporate the comments of FOB members into this objection. Specifically these include: Larry Campbell July 12, 2017 comments; Jeff Lonn

comments of July 5, 2017; comments of Van Keele dated 1/27/2017; undated comments by Jeff Lonn regarding the Alternatives Workshop; comments of Larry Campbell regarding Alternative Development dated December 4, 2017; undated comments by Michele Dieterich regarding the Alternatives Workshop; comments of Gary Milner regarding November 30, 2017 open house; comments of Michael Hoyt dated December 6, 2017 regarding November 30, 2017 open house; undated letter from Jeff Lonn commenting on the Draft EIS; undated letter from Van Keele commenting on the Draft EIS and; July 30, 2018 letter from Larry Campbell commenting on the Draft EIS.

The primary focus of our objections (as set forth below) concerns the public health and safety effects of the project. In particular our concerns relate to the effect of the project on Willow Creek Road, on the people (like us) who live near Willow Creek Road (especially the gravel portion of this road), and on the many Ravalli County residents who rely upon Willow Creek Road as a primary travel road to their residences. In that regard, we found the responses in the FEIS and DROD (and the underlying information effectively utilized to justify the aforementioned) to be *extremely* disappointing as the same glossed over important information, were largely unresponsive to our concerns, and on occasion were even bordering on insulting (e.g., referring to the use of monitors as far away as Helena to monitor dust along Willow Creek Road).

OBJECTION 1: THE FEIS AND DRAFT ROD GENERALLY FAIL TO REQUIRE THE FOREST SERVICE TO TAKE NECESSARY RESPONSIBILITIES RELATING TO HEALTH AND SAFETY ISSUES INVOLVING THE GOLD BUTTERFLY PROJECT:

The composite thrust of our comments submitted on July 30, 2018, was the need to protect the health and safety of those affected by the Gold Butterfly Project, and for the Forest Service to take the necessary steps to take responsibility for doing so. The July 30, 2018 comments (published as Comment 5e.01 in Appendix C of the FEIS) submitted by the Ravalli County Commissioners (and likewise grouped with comments from 7 other people) addressed similar concerns in the context of “Ravalli County Roads.” Regardless of other issues which may be in dispute relating to the Gold Butterfly Project, it was anticipated that the health and safety of the people most impacted (i.e., those residing near the Willow Creek

Road or significantly utilizing it) would be treated by the Forest Services as of paramount concern relating to the Project. Indeed, even the DROD recognized that “The National Environmental Policy Act (NEPA; 42 USC §4321 *et seq.*) requires federal agencies to complete detailed analyses of proposed actions that may significantly affect the quality of the human environment.” (See DROD, section 5.4, p.12.) The severity of the impact should, amongst other factors, should include: “the degree to which the proposed action affects public health or safety”; the “degree to which the effects on the quality of the human environment are likely to be highly controversial”; “the degree to which the effects on the human environment are highly uncertain or involve unique or unknown risks”; and whether “the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment” (items 2,4,5, and 10 of 40 CFR 1508.27). Yet despite the lip service given to these considerations, the Forest Service FEIS and DROD are disturbingly inadequate in protecting public health and safety.

The DROD (in section 5.5, pp. 12-13) in discussing the National Forest Management Act, declared that the project environmental impact statement followed its requirements and procedures, claiming the interdisciplinary team had “fully evaluated and disclosed the project based on field study, resource inventory and survey, the best available science, and their professional expertise” referencing the project record. Yet, as will be explained further in these objections, the project “Economic Analyses” and the “Air Quality” report are not only insufficient in what they addressed, but they are riddled with errors, in particular as to how they assess and make recommendations affecting public health and safety.

Another law cited in the DROD, was “The Clean Air Act of 1970, as amended (42 USC §7401, *et seq.*). The decision found that: “Federal and state ambient air quality standards are not expected to be exceeded as a result of implementing the selected alternative (Air Quality Specialist Report...), declaring that “This action is consistent with the Clean Air Act.” [See provision 5.1, pp. 11-12.] Yet, as revealed in these objections the most relevant required standard applicable in evaluating particulate requirements of the Clean Air Act which was cited by the “air quality specialist” was misstated by almost 50%; and that report as well as the

FEIS utterly failed to acknowledge any adequate design feature to monitor and enforce Clean Air Act violations.

With a few very minor exceptions, the Forest Service made no changes from their draft EIS. At pages 52-53 of the FEIS, Public Health and Safety consequences were supposedly addressed. None of the 7 issues cited in the related table, however, was “carried forward for analysis.” The reasons cited for failure to do so were deficient, evasive, and misleading, and in violation of law, including the Acts referenced above, as explained below in more detail.

REMEDY:

Withdraw the DROD and prepare a Supplemental EIS after a legitimate study of the health, safety, and related economic issues and statutory requirements referenced above and as further detailed in these objections.

OBJECTION 2: THE DRAFT DECISION AND FEIS VIOLATE NEPA AND HFRA REQUIREMENTS FOR OPEN COMMENTS AND HONEST COLLABORATION.

The Draft Decision states that the Responsible Official, Matt Anderson, chose Alternative 2 because, “it aligns with the suggestions from the Bitterroot National Forest Interdisciplinary Team (IDT), the Ravalli County Collaborative, the Bitterroot Restoration Committee, members of the public, and the community interests as gauged through the scoping and collaborative process.” After reviewing the comments listed in Appendix C of the FEIS, it is clear that the only one of these groups whose input was clearly valued in this decision process was the IDT. The other groups listed had many of their legitimate comments either evaded in the responses listed in Appendix C, or dismissed as “not substantive” and omitted from Appendix C entirely.

For example, the only comment attributed to the Ravalli County Collaborative (RCC) in Appendix C (although it is listed as their 5th comment) is Comment 5z.05, which states that, “Habitat and critical habitat areas for wolverine, lynx, fisher and pine martin share many areas where treatment of the forest or commercial logging overlap and shall have a substantial impact to various degrees on these declining and or struggling wildlife populations.” The Forest Service dismisses their concerns by responding, “The Wildlife Specialist Report (PF-WILD-001)

evaluated the impacts of proposed actions on wildlife species and their habitats. The project area does not contain designated critical habitat for any terrestrial wildlife species.” Despite this claim, the Wildlife Specialist Report states that Alternative 2 would impact 2,244 acres of wolverine habitat; 29,722 acres of lynx habitat; 2,880 acres of fisher habitat; and 2,998 acres of marten habitat. It judges these impacts as not likely to adversely affect the lynx; not likely to jeopardize the wolverine; and possibly impacting individuals and habitat for fisher, but not likely to lead to federal listing or reduced viability for the species. Martens were not categorized for impact (presumably because they are not federally listed). They are, however, categorized as a management indicator species under the BNF’s Forest Plan. This response to the RCC’s comment clearly shows the validity of the RCC’s concerns, while providing legal cover to deny responsibility for the impact that might result for these populations.

More importantly than this evasion, however, is the obvious fact that at least 4 of the RCC’s other comments (and perhaps many more) were not listed in Appendix C. The failure of the Forest Service to publish these other comments and their appropriate responses violates NEPA under CFR 40-V-1503.4(b) which states, “All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.” As concerned citizens, we deserve the right to see the comments from other interested parties.

Additionally, this lack of recognition of the majority of the RCC’s comments makes it clear that the Forest Service’s efforts (e.g. attending RCC meetings) did not result in true collaboration. This violates the requirements of the Healthy Forest Restoration Act (HFRA) (Sec. 104(f)), which calls for, “collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project.”

The only comment attributed to the Bitterroot Restoration Committee (BRC) in Appendix C (listed as their 2nd comment) is Comment 5I.03, which states that, “More roads created as a result of proposed activities and lack of continued road maintenance will result in higher sediment levels in streams and higher water temperatures and modify riparian habitat.” The Forest Service’s response claims that roads proposed under Alternative 2 are located on the mid- to upper slopes

and were designed to have limited contact with water. They also claim that Riparian buffers and limited proposed activity in the RHCA would maintain riparian habitat and water temperatures. They do admit, however, that these results depend upon implementing BMP's prior to log haul, maintenance, and restricting log haul during wet periods.

We were able to communicate with members of the BRC, who sent us a copy of their official comments which read, "The Bitterroot Restoration Committee has reviewed the Gold Butterfly DEIS and wishes to submit the following comments. The BRC supports the Purpose and Need of the project, although we have concerns about the project's impacts on wildlife, habitat, old growth, and road-related sediment. We would like to have these concerns more fully addressed in the FEIS. Also, the BRC supports reconstruction done on open roads to meet BMPs and to leave roads in a condition to minimize future road maintenance. Finally, the BRC supports relocation of the Willow Creek and Burnt Fork trailheads as proposed." The Forest Service's decision to include the BRC's concern about road-related sediment with other similar comments is understandable (although why it is listed as their second comment when it is the fourth concern listed is puzzling). The FEIS clearly failed, however, to publish the BRC's concerns about the impact of the project on wildlife, habitat, and old growth. This failure is also a violation of NEPA under CFR 40-V-1503.4(b). As with the RCC, this systematic omission of the majority of the issues raised by the BRC shows that the Forest Service did not truly collaborate with this organization, and so is in violation of HFRA Section 104(f).

Many of our comments were also evaded or omitted entirely from publication in Appendix C. Our second comment, "There are a significant number of Ravalli County residents owning property or living along Willow Creek Road (or who have primary access through Willow Creek Road), likely to be impacted by the Gold Butterfly Project," was not included in the published comments. Although there is no response that the Forest Service could reasonably make to change this fact, our comment is substantive as to the impact of the project to citizens living outside the project area, especially as it relates to our other comments regarding public health and safety, the impact of the project on the paved portion of Willow Creek Road, and the issues relating to the county bridge across the Bitterroot

Irrigation District (BRID) Canal. Thus, this comment should have been published pursuant to the NEPA regulation listed above.

Our third comment regarding the “Weight of Logging Trucks and [their] Impact on Paved Road” was also omitted from publication in Appendix C. This omission is quite puzzling, as it closely matches one of the main points of Comment 5e.01, which originated from the Ravalli County Commissioners and has been grouped with comments from seven other parties. Our comment (#3 and the appended referenced exhibits) on the “Weight of Logging Trucks and Impact on Paved Road” was especially significant in that it cited sound authority and set forth the appropriate mathematical calculations, demonstrating that the weight of one fully loaded logging truck was likely to have the impact of 4,000 to 7,000 vehicles traveling the chip seal/paved portion of Willow Creek Road. With 7,000 loaded logging trucks over 8 years, the ongoing magnitude of the destruction of the road over the course of the project is obvious. The FEIS does make remarks due to the impact on the road infrastructure on p. 109, but as noted below in the Objection relating to this topic, the reference is vague as to the likely scope and degree of damage when compared to the studies and calculations presented in our comments. Our comment referenced should have been included in the list of comments from other parties grouped with this issue. The Forest Service’s failure to do so limits our ability to be heard on this issue, deprives the public of knowledge of this important issue, and restricts the ability of other interested parties to collaborate with us as the Gold Butterfly Project moves into the “objection” phase of community involvement, and thus violates NEPA under CFR 40-V-1503.4(b).

Several of our other comments were published in Appendix C, but the responses to these comments were generally incomplete, evasive, or nonresponsive. For example, Comment 5e.02 (attributed jointly to both Corvallis School Superintendent Tim Johnson and to us), asks the Forest Service to consider limiting log truck traffic on Willow Creek Road during times when Corvallis school buses are picking up or dropping off children there. This concern is also listed as the fourth point of Comment 5e.01 by the Ravalli County Commissioners. The response to this comment states that, “Restrictions on log hauling past the Corvallis Elementary School during student drop off and pick up times have been included in project design features, see Public Health and Safety design features

in Chapter 2, Table 2.2-8. Log hauling on Willow Creek Road is regulated by State and County highway safety laws and restrictions.” However, the restrictions listed in the response were already present in the DEIS, and were not the subject of our comment. The only portion of the response which even indirectly addresses the issue raised is the last sentence, which indicates that the Forest Service anticipates log truck traffic coinciding with school bus times, thus ignoring or denying the above requests relating to bussing.

Similarly, Comment 5e.09 describes our concern about how the Forest Service intended to uphold its contractual obligation under the current Schedule A Road Maintenance Agreement (see Document 3 attached to our original comments) to ensure the load rating of the Willow Creek Road bridge across the BRID canal without limiting access to residents living east of the bridge. Our concern mirrors the second point raised by the Ravalli County Commissioners in Comment 5e.01. The response to our comment states, “Any maintenance and repair work conducted on portions of Willow Creek Road or the Bitterroot Irrigation District Bridge would be conducted in consultation with and coordinated by Ravalli County and the Montana Department of Transportation.” While we appreciate the intention of the Forest Service to consult with Ravalli County and the MDoT on this matter, the presumption that this work would be coordinated by these organizations clearly ignores the portion of our comment which shows that this matter is the responsibility of the Forest Service, not the county or the state.

This pattern of partial responses continues with our comments regarding road dust (included under Comment 5f.02). The Forest Service addresses the issue of dust abatement on the gravel portion of Willow Creek Road, but fails to respond to our requests to avoid water as a dust abatement measure and to appropriately monitor the air quality locally to ensure that appropriate standards are not broken. This consistent evasiveness demonstrates yet another HFRA violation of Section 104(f). We assert that this objection is connected to our aforementioned comments as specific examples of these NEPA and HFRA violations.

In total, Appendix C lists 364 comments that the Forest Service deemed “substantive.” Many of these comments are attributed to multiple commenters. As demonstrated by the missing comments from the RCC and the BRC, many more comments were disregarded as not substantive. After listing the 364

substantive comments (the vast majority of which question the scope of the project in some aspect), the only changes to the Forest Service's proposal were:

- To convert 138 acres of old-growth treatment to a commercial intermediate treatment designed to maintain old-growth characteristics;
- To convert 111 acres of old-growth treatment to non-commercial treatment designed to maintain old-growth characteristics;
- To enter into a Schedule A Road Maintenance Agreement with Ravalli County to take responsibility for maintaining the entire 2.46 miles of gravel surface of Willow Creek Road; and
- To convert Forest Service Road 13111 into a trail for non-motorized vehicles.

Given the large scale of the proposed Gold Butterfly Project (over 7,000 acres of treatments), the first two of these changes are clearly minor adjustments compared to the changes proposed in Alternative 3. Alternative 3 calls for a reduction of almost 2,500 acres of treatments, including no treatments in old-growth stands. Alternative 3 also does not require the construction of new roads, heeding several community concerns stated in the comments of Appendix C.

When looking at the above data, it becomes clear that the Forest Service did not allow meaningful public participation in the Gold Butterfly Project. They have made a token effort to comply with the requirements of HFRA by taking such actions as:

- Attending meetings of the RCC and the BRC (whose comments were largely deemed not substantive and ignored);
- Producing mailings (some of which we personally were not sent) and news releases;
- Holding open houses and field trips; and
- Inviting public comments as required by law (while largely dismissing and/or ignoring these comments).

We contend that the Draft Record of Decision violates the HFRA by not demonstrating any true collaboration with interested persons, as the Forest Service has rendered public participation practically meaningless to affect their decisions regarding this project. This is contrary to the dictates of the HFRA (Sec. 104(f)). The statement that the draft decision “aligns with the suggestions from the Bitterroot National Forest Interdisciplinary Team (IDT), the Ravalli County Collaborative, the Bitterroot Restoration Committee, members of the public, and the community interests,” is at best misleading and at worst, deliberately false. The attitude reflected throughout the DROD and FEIS implies that, “We (the Forest Service) are going to pretend to listen to you (because we are required to by law) and then we are going to do exactly what we always wanted to do.” This attitude is detrimental to the long-term success of both the Forest Service and the communities it is supposed to serve and, more importantly, it is against the law.

REMEDY:

The Forest Service should withdraw the DROD, open a new period allowing for public comments, prepare a supplemental EIS which publishes all of the substantive comments they receive and appropriate responses for each of them, and then prepare a new draft decision which actually makes substantive changes to the original proposal based on these comments.

OBJECTION 3: THE FEIS AND DROD (AND OTHER PROJECT RELATED DOCUMENTS): DO NOT ADEQUATELY ANALYZE THE DESIGN FEATURES AND ASSOCIATED COSTS NECESSARY TO MEET FOREST SERVICE REQUIREMENTS TO PROTECT THE PUBLIC HEALTH AND SAFETY; ATTEMPT TO SHIFT RESPONSIBILITY FOR THE MAJORITY OF SUCH COSTS TO RAVALLI COUNTY INSTEAD OF RECOGNIZING THE FOREST SERVICE’S ULTIMATE RESPONSIBILITY FOR THE SAME; AND SUBSEQUENTLY FAIL TO INCLUDE THE TRUE PROJECT COSTS IN THEIR ECONOMIC ANALYSIS

1.) Outline of major costs relating to protecting the public health and safety.

As noted above in Objection 1, the obligations of the Forest Service to protect public health and safety are inherent in NEPA, The National Forest Management Act, and The Clean Air Act. The majority of other Project

issues that arise relating to public health and safety arise from the use of Willow Creek Road (and from the anticipated slash burning). Other objections, delineated below, will deal with more details of the Forest Service's failure to adequately assess, monitor, and protect the public from such health and safety issues (and the same are incorporated in this analysis). The bottom line, however, is that the costs relating to appropriately protecting public health/safety issues engendered by this project could easily run into hundreds of thousands of dollars and possibly approaching well more than a million dollars (presuming that there is are no liability claims that arise from damages done to affected persons). Those costs reasonably would include:

- Costs for chemical dust treatment, timely applied, on the gravel portion of Willow Creek County Road, as well as any other costs appropriate to reasonably maintain that portion of the road for safe travel during the timeline of the Project;
- Costs for appropriate maintenance of Willow Creek Road from Corvallis to the section of the road where the gravel portion now begins, resulting from the damage done from the Project (primarily log hauling)—to include repaving/chip-sealing when necessary;
- Charges necessary to make the bridge across the Bitter Root Irrigation District (BRID) ditch along Willow Creek Road safe for the load requirements of the loaded logging trucks over the time of the Project, and to adequately protect travel of residents/other users while such repairs/replacement is accomplished.
- Expenses for appropriate monitoring of the particulate levels to ensure The Clean Air Act requirements are upheld (whether resulting from gravel dust (or pavement dust) alone or in conjunction with other sources, such as slash burning);
- Cost of enforcing the Clear Air Act particulate requirements (even if it means reduced logging operations when required) and for the

expenses incurred by the public for legal efforts to ensure such enforcement in the event the Forest Service fails to properly administer such obligations;

- Similar costs relating to the chip seal/paved portions of the road, to the extent that fine dust is created (primarily by log truck hauling);
- Any expenses resulting from enforcing hours of travel along county portions of Willow Creek Road relating to logging operations—including not only during times before and after school (as currently planned), but also to protect safe school bus travel times to and from Corvallis schools.

These are the true expenses necessary to protect public health and safety that are reasonably generated by the subject Project. They should not be shifted to the taxpayers of Ravalli County, or worse—ignored—with the potential for serious health (or even life-threatening) consequences for those affected.

2.) The attempt to shift the financial burden of the Project to Ravalli County (or even worse not to do the appropriate remedy), is in violation of current law and agreements—contrary to the assertions made in the FEIS and DROD (and related underlying documents).

Overlapping issue relating to haul road and public health and safety.

As previously indicated, when it came to road and related public health and safety issues, Comment 5e.01 from the Ravalli County Commissioners overlapped with ours (the Goheen DEIS comments) - at least as to overarching issues, including who should ultimately bear financial responsibility for the Project relating to health and public safety issues. The road at issue is the approximate 8.29 mile stretch of Willow Creek Road under Ravalli County jurisdiction “between the town of Corvallis and mile post 8.29, at the line between sections 9 and 10 of township 6 north, range 19 west” where the Forest Service jurisdiction of the road begins. [DEIS,

section 2.2.2.3, p.19, referring to “Haul Routes” for the Project; *see also* p. 105 of FEIS.]

The Ravalli County Commissioners (listed in the FEIS Appendix C, Comment 5e.01) begin by stating that, “Ravalli County is concerned about the impacts to county owned/maintained roads from heavy equipment and logging trucks, mostly, but not limited to, the impacts to Willow Creek Road. **Due to resource and financial limitations, Ravalli County would not be able to accommodate the necessary maintenance during the project, nor the rehabilitation of the road after the project is complete.**” [Emphasis supplied.]

Forest Service’s position relating to Ravalli County’s responsibility to pay for County Road maintenance.

The response by the Forest Service to the comment from the County regarding its inability to pay for the road maintenance burden generated by the project, states that, “Potential impacts of log hauling on Willow Creek Road are disclosed in Chapter 3, Section 3.5 Public Health and Safety. See design features in Chapter 2, Table 2.2-8 developed to minimize risks related to log hauling. The Bitterroot National Forest will continue discussions with Ravalli County on road maintenance and repair during and after project implementation to address public concerns to the extent feasible.” However, the only applicable design feature listed in said table merely states that, “the Forest Service will continue to coordinate with Ravalli County on such issues as road maintenance and log truck traffic on county jurisdictions.” This response is facile at best, and it is telling that the Ravalli County Commissioner’s comment is listed in in Response Category 5, “No Further Response Required.”

Another significant mention of the responsibility for road maintenance listed in the Gold Butterfly public documents occurs in the FEIS (Ch. 3, p. 54), where it states that this issue that the “Log haul may negatively affect the physical conditions of the county section of Willow Creek road causing burden to the taxpayers of Ravalli County,” was not carried over for analysis, but was discussed briefly in the “issues” section of the Economic Analysis Report (which was published with the Draft Environmental Impact

Statement in 2018). The Economic Analysis Report (p. 3) merely references the current Road Maintenance Agreement between Ravalli County and the Forest Service, reaffirms that, “the Forest Service continues to coordinate with Ravalli County about road maintenance concerns,” and then references the Payment in Lieu of Taxes (PILT) federal program. It notes that Ravalli County received 2.3 million dollars from the program in 2017 to help carry out vital services such as road maintenance. The Economic Analysis Report fails, however, to list the other vital services such as firefighting, police protection, public schooling, and search and rescue operations that PILT is intended to help fund (and which is already designated as such in county budgets). It also fails to note that Ravalli County is responsible for maintaining about 550 miles of public roads, and that expecting them to divert a large percentage of their PILT revenue to support about 1% of their county roads is unreasonable.

This evidence, taken in conjunction with the above cited statement from the FEIS (Ch. 3.5, p. 109) that, **“Road maintenance activities by Ravalli County are expected to occur as needed to maintain the road at the desired standard”** (emphasis supplied), makes it abundantly clear that the Forest Service expects Ravalli County taxpayers to foot the majority of the costs of maintaining Willow Creek Road while the logging trucks (and other vehicles) associated with the Gold Butterfly Project repeatedly destroy a road not designed to carry this type of traffic.

The FEIS and the DROD documents are riddled with innuendo (as suggested above), that the Forest Service will work with the County regarding the physical and financial responsibilities in maintaining Willow Creek Road—carrying them out through ongoing public collaboration. Yet from the statement noted in the last paragraph, it would certainly seem that such allegations are duplicitous. One would think that if the Forest Service was serious about working together with Ravalli County to address this issue, they would have worked out the supposed agreement with the county over the last year, since the County’s comments were made on this project on July 30, 2018. Even this week the county commissioners have noticed hearings relating to their potential objections to the draft ROD and FEIS, making it appear that efforts at an agreement are woefully lacking. The

reason for all of these concerns, and the Forest Service's underlying motives to avoid addressing them, become even more apparent for the reasons explained in the section of this objection referenced as "*Economic analysis and its failure to recognize road, health and safety issues*" set forth below.

Forest Service's assertions of rights of logging truck operators along Ravalli County roads.

Despite serious impacts to road infrastructure, public safety and human health (as noted more specifically in objections below and on pp. 108-109 of the DEIS), the Forest Service maintains that not only is Ravalli County expected to maintain the road to the desired standard as indicated above, but logging truck operators are "still subject to the same traffic safety laws and posted speed limits on Willow Creek Road as all other road users." (DEIS at p. 109). The clear innuendo is that Ravalli County is stuck with the Project and any rules relating to it that the Forest Service has determined. In part their theory appears to be based on a road maintenance agreement between the Forest Service and Ravalli County.

Effect of "road maintenance" agreement.

At several points in the Project documents, there is reference to an Agreement between Ravalli County and the Forest Service. For example, in the FEIS, at p. 19 (section 2.2.2.3), in referring to the haul route, the following statement is made:

...Although under county jurisdiction, the Forest Service does have an agreement with Ravalli County (dated May 22, 2017 to perform maintenance on 1.2 miles of Willow Creek Road within section 9; it is expected that this agreement will remain in place for the duration of the project. [Emphasis added.]

No doubt the Forest Service contends that it is this road agreement that gives it authority to insist that Ravalli County be solely responsible for the all maintenance of the public road, at least to the where the gravel section of the road begins. (See map of asphalt and gravel surfaced portions of Willow Creek Road shown on p. 106 of the FEIS.) [Note that the Forest

Service in the FEIS, as a modification to the DEIS, says that it will enter into a Schedule A agreement to modify maintenance of the 1.2 mile portion of the road by undertaking maintenance responsibilities for the entire 2.46 miles of the gravel portion of Willow Creek Road (under county jurisdiction) for dust maintenance purposes (see Table 2.2-8 on p. 33, FEIS).]

Attached as Document A is a copy of the existing (most recent) 2017 “Schedule A” agreement between Ravalli County and the Forest Service regarding maintenance of various County and Forest Service roads, as well as Document B, the original 1965 “Forest Development Road Cooperative Agreement” [hereafter “1965 agreement”] to which the “Schedule A” attachment is modified from time to time. Contrary to any suggestions that these documents somehow obligate the Ravalli County to 1) pay the tab for maintaining the county Willow Creek Road “at the desired standard” or 2) permit the use of the road by commercial log truck traffic (without setting any special limitations on such traffic), throughout the duration of the project (regardless of its impact), these documents demonstrate the Forest Service’s rights and responsibilities in this matter, for the reasons outlined below:

- P. 4 of the 1965 agreement (p.4) indicates that “maintenance” is “subject to availability of funds.” P. 6 of that agreement contains a provision stating that nothing in the agreement “shall be construed to obligate” the Forest Service or the County “beyond the extent of available funds allocated or programmed for this work...” As referenced from their earlier comments, Ravalli County has indicated it doesn’t have adequate funds to do maintenance on Willow Creek Road related to this Project.
- The 1965 agreement (p. 5) anticipates that in the event conditions require extraordinary repairs outside the scope of ordinary road maintenance, the same should be addressed through a separate project agreement.
- The 1965 agreement (p. 5) requires compliance with State and Federal laws and federal regulations (Department of Agriculture)

AND those of Ravalli County relating to its jurisdiction as well as “all necessary rules of road use, such rules to include those measures necessary to regulate speeds, vehicular weights and widths, and such other restrictions for specified classes of users as deemed necessary for public interest and safety.” Thus, the Forest Service’s contention that logging truck operators have the same right to use the road as other vehicles (with no special restrictions on speed, weight limits, etc.), is contrary to the 1965 agreement. The Forest Service’s position also fails to recognize the Ravalli County’s rights to set up special rules, under Section 7-14-2127 MCA(1) (attached as Document C) which allows county commissioners in their “discretion” to “limit or forbid, temporarily, any traffic or class of traffic on the county roads or any part of a county road when necessary in order to preserve or repair the roads.” It seems that would be especially appropriate during the (temporary) period when a major logging project is underway...in particular when this type of restriction is anticipated by virtue of an agreement with the Forest Service.

- The 2017 “Schedule A” [Document A hereto] to the aforescribed agreement, at p. 1 limits Forest Service operation of roadways “to that level necessary to provide for administrative access to the National Forest” (emphasis added). A review of the Forest Service Manual 5400 *et seq* (Document D, p. 17) demonstrates that it is intended to be applied to the type of agreements like the 1965 agreement and Schedule A to it. On p. 20 of that same document, “definitions” are noted, and they also reference by inclusion definitions from a Forest Service Handbook (FSH 5409.17, chapter 60, section 60.5) [Document E]. That provision specifically indicates that in defining “Administrative Traffic” (including the reference on p. 1 of the Schedule A agreement), it “does not include commercial traffic associated with logging, such as log trucks, fallers, machine operators...”

- The Schedule A Document (p. 2) above referenced also clearly states that the Forest Service is responsible for not only the 1.2 miles of road maintenance at the upper end of the county Willow Creek Road, but they are also liable for the bringing the existing BRID bridge to a satisfactory load rating for the Gold Butterfly project (which in and of itself is likely to be an expensive project given the current load rating of the Bridge as explained later in these objections).
- The Forest Service Handbook (FSH 1509.11, subpart 31.21 and 31.22) [Document F] clearly anticipates that cooperative Forest Service Road Agreements can call for the Forest Service to provide funds “in whole or in part” to projects of this nature, and also anticipates that the same can become part of a Schedule Agreement. Additionally, Document G attached [FSM 7703.4] encourages the local authorities to bear only a proportionate share of reconstruction when they can’t afford to accept full responsibility (implying the Forest Service can bear their share or all of said costs).
- It is also anticipated under FSM 7703.5 (Document G) that such costs for which the Forest Service bears responsibility may be recovered from “commercial haulers commensurate with their use.” (See e.g., the Air Quality report (pp.3-4) which anticipates passing dust abatement costs on to the contractor.) The problem with the application of this practice in the planning for the Gold Butterfly Project is that it does not appear that the realistic road and related expenses have been included in the economic analysis AND that such obligations and expenses should be made available by the Forest Service up front to any contractors bidding on the project to avoid the legal morass that might otherwise ensue.
- Regardless of the above points, as the current Schedule A Road Maintenance Agreement only lists the upper 1.2 miles of Willow Creek Road and the Willow Creek Road bridge across the BRID canal, and does not list the remaining portion of Willow Creek Road, this unlisted portion is not in any way under Forest Service Jurisdiction.

Thus, even if the Forest Service argues that no restrictions should be placed on log truck traffic along portions of Willow Creek Road listed under Schedule A, they cannot compel Ravalli County to avoid restricting log truck traffic on the unlisted portions of said Road.

Economic Analysis and the need to include road related health and safety expenses.

The Economic Analysis document prepared in conjunction with the Project fails to meet the required specifications. Section 32.24 (2.) of the Forest Service Handbook, requires consideration of non-forest service costs. These include “cooperative road maintenance.”

At p. 3 of the Economic Analysis, the report indicates that the “FS continues to coordinate with Ravalli County about maintenance concerns,” when in reality there are no indications of any cooperative agreement reached over the past year (it doesn’t seem to have even been discussed). Regardless, the report seems to acknowledge financial responsibility for only the upper 1.2 miles of Willow Creek road under county jurisdiction, and goes on to state: “It is expected that this agreement will remain in place for the during the duration of the project.”

The only line item which might “possibly” relate to “Road Maintenance” is that which appears on Table 4 on p. 8 of the report under “Other Logging Costs...” related to the Project. That amount is \$261,234, BUT there is no explanation of how it was derived and whether it is just related to road maintenance within the forest jurisdiction (which would appear to be the case, given the statements in the report immediately preceding said Table).

Based on the above analysis regarding the Forest Service’s lack of enforceable obligation relating to the logging Project against the County for its portion of the Willow Creek Road, and the commissioner’s stated inability for the County to pay for the same, it would appear that the Economic Analysis is seriously in error.

These errors are compounded because no one at the Forest Service appears to have done a study of the true cost of maintain the county road for a project of this size. The road maintenance costs given the number of

logging trucks and related equipment, etc. traveling on one narrow road (most of which is either gravel or already potholed/cracked chip-sealed and is traditionally hard to maintain) is likely to be astronomical for the reasons stated later in these objections. The project is scheduled to last 8 years, so maintenance will need to be ongoing. This factor does not include the costs of proper dust abatement and related monitoring, etc.

The economic analysis also does not consider that monitoring and enforcement of the Clean Air Act standards, and other public safety measures may further curtail the use of the road (including through implementing speed requirements, limiting operation during school bus times on the road, etc.). These are real costs to any party bidding on the project and they need to be disclosed (including to potential contractors). YET, the DROD as it currently sits, anticipates (at p. 17) that the Forest Service project implementation will begin by the Fall of 2019 “in association with the first timber sale.” All of this is occurring while the Forest Service is still planning on dealing with Ravalli County for the road related costs (assuming they really were intending to do so). Regardless, such related costs for the Project are likely to end up being the burden of the Forest Service or its contractors.

We have always contended that the Forest Service should take appropriate responsibility for the effects of the Gold Butterfly Project on Willow Creek Road and the BRID canal (see Goheen Comments 3 & 4 for the DEIS). The failure of the DROD and FEIS to address the economic impact of undertaking these responsibilities violates the Bitterroot National Forest Land and Resource Management Plan, which calls for Project net public benefit and/or probable marketability to be analyzed before advertising the project (Gold Butterfly Project Economic Analysis, p. 1). However, no economic analysis related to this project has been published since March of 2018, and certainly no economic analysis has been made which takes into account the Forest Service’s true financial responsibilities as outlined above.

REMEDY:

Withdraw the DROD. Revise the current Schedule A Road Maintenance Agreement with Ravalli County to place responsibility for maintaining the full 8.29

miles of Willow Creek Road with the Forest Service. Negotiate a Supplemental Project Agreement which provides for the Forest Service to repave, improve, and if necessary, reconstruct Willow Creek Road. Prepare a Supplemental EIS after a thorough new economic analysis based on the likely costs to properly maintain not only the gravel portion of the county portion of Willow Creek Road, but to properly maintain the chip seal/paved portion of that road (and bridge) as well. Those projections should be made to extend throughout the life of the project and its completion. Such costs should include expenses (proper maintenance, monitoring, and enforcement) of adhering to Clean Air Act requirements and meeting other appropriate public safety requirements. As part of this process the Forest Service should then actually make sure such expenses are paid and the road, health and safety requirement are met.

OBJECTION 4: THE GOLD BUTTERFLY FEIS DOES NOT ADEQUATELY ADDRESS AIR QUALITY ISSUES, INCLUDING DUST ABATEMENT PROCEDURES AND RESPONSIBILITIES FOR THE GRAVEL SECTION OF WILLOW CREEK ROAD AND THOSE PORTIONS OF THE ROAD THAT ARE LIKELY TO ESSENTIALLY BE PULVERIZED TO GRAVEL THROUGH PROJECT USAGE.

In our original comments, Comment number 5 stated that, “Particulates and dust are likely to create a serious health issue on the upper stretches of Willow Creek Road from where the gravel section begins to the Forest Service boundary.” Our supporting arguments for this comment:

- 1) Provided that the Forest Service should take responsibility for dust abatement on the gravel section of Willow Creek Road which lies below the upper 1.2 miles of the road (which was already the responsibility of the Forest Service under their Schedule A Road Maintenance Agreement with Ravalli County);
- 2) Asked the Forest Service not to consider water as an appropriate treatment method (but rather use magnesium chloride applied as appropriately needed), given the short duration of water’s efficacy as a treatment method, and the difficulty of legally procuring sufficient quantities of water;

- 3) Requested that air quality be adequately monitored and particulate requirements not be violated., given that the DEIS Specialist Report – Air Quality only mentioned monitoring devices in Hamilton, Missoula, and other more distant Montana locations.

In a table listing design features common to both Alternative 2 and Alternative 3, the FEIS for the Gold Butterfly Project states (Ch. 2.2.3, p. 33) that, “When conditions warrant, dust abatement for log hauling will be completed on sections of road for which the FS is responsible to maintain. The Forest Service will enter into a Schedule A road maintenance agreement with Ravalli County to undertake maintenance responsibilities for the entire 2.46 miles of gravel surface of Willow Creek Road. Conditions would not be warranted during winter or if the road surface is moist enough to limit dust. Abatement could include either water or chemical application.” [Emphasis supplied]

This design feature is flawed in major ways, as outlined below.

1.) The FEIS clearly envisions the option of using water as a primary dust abatement measure.

In addressing the “Impacts to Health and Human Safety from Haul-Generated Dust,” the FEIS states (Ch. 3.5, p. 108) that, “Residents immediately adjacent to this section of Willow Creek Road may still temporarily experience elevated dust conditions over a short duration (i.e. hours) between dust abatement treatments.” As chemical dust abatement treatments do not require repeated treatments within hours, we can only assume that water dust abatement treatments are likely being considered as a primary method of dust abatement.

Unfortunately, water treatments are impractical, both in their effectiveness and in their feasibility. At high temperatures, water treatments are only effective for about a half an hour (“Dust Palliative Selection and Application Guide,” published by the Forest Service and attached to our original comments as Document 14). However, the time a treatment vehicle would be required to travel just the length of the existing county portion of Willow Creek Road which is gravel is likely longer than a half an hour – and that does not include the time the truck would have to be refilled with water, nor the time it would take to water the Forest Service Roads running

near Riparian Habitat Conservation Areas (RHCAs), as called for in the Gold Creek DEIS Specialist Report on Hydrology (p. 3). Gaining 30 minutes of dust abatement followed by “hours” of trucks propelling large amounts of particulate matter (PM) into the air is not an effective design feature.

Additionally, the feasibility of providing enough water for treatment vehicles is also impractical. The only large source of local water for such treatments is Willow Creek, but taking large amounts of water from Willow Creek would violate the decreed water rights of downstream users who rely upon their allotment of Willow Creek water for livestock, irrigation and similar use. Any attempt to use Willow Creek as a source for water-based dust abatement would therefore be illegal, and the Forest Service would likely be faced with resulting litigation. [See Article 9, Section 3 of the Montana State Constitution, which addresses water rights in Montana and Title 85, chapter 2, MCA, which sets forth the rights and obligations relating to Montana surface and groundwater, and establishes the system for the ownership of rights and enforcing of decreed water rights. Enforcement is administered through the Department of Natural Resources and Conservation. This would include the water rights that have been determined or adjudicated through said authority, including those on Sub basin 76HA (dealing with the water rights of which the Willow Creek drainage is part), and the further restrictions as set forth in section 85-2-344 MCA relating to sub basin temporary closure.]

Magnesium chloride treatment to control gravel dust under these circumstances is consistent with federal recommendations. In the Federal Highway Administration (FHWA) 2013 report, “Unpaved Road Dust Management: A Successful Practitioner’s Handbook,” (see attached Document H, hereafter “Handbook”) a committee of more than 20 experts traveled to unpaved roads in 10 different sites across 4 western states, meeting with the respective host practitioners to gain a broad perspective to help road managers find successful means of dust abatement. A variety of chemical applications were observed, including magnesium chloride, calcium chloride, lignosulfonate, petroleum resin, synthetic polymer, synthetic fluid, electrochemical additives, sulfonated oil, and enzymes. The Handbook does not attempt to identify a “best product,” but attempts to

identify a process to best manage an unpaved road system using chemical treatments. It reminds practitioners that chemical dust abatement cannot make a bad road good, but that it can help keep a good road good.

According to the Handbook (p. 8), appropriate chemical dust control can limit the loss of fine road material, leading to: reduced dust levels; improved safety and driver experience; improved air and water quality; improved quality of life of nearby residents; extended intervals between gravel replacement needs; reduced maintenance costs through extended intervals between grader blading needs; and reduced public complaints. It states (p. 11-12) that, "Treating roads with an appropriate chemical additive will cost more up front compared to leaving them untreated, but the quantifiable benefits usually justify those extra costs..."

2.) The FEIS provides no reasonable process for the monitoring and enforcement of dust abatement procedures, or for the input of the public and local government to report violations of appropriate, legally required standards.

So, what does the FEIS statement that residents adjacent to the road "may still temporarily experience dust conditions for a short duration of time (i.e., hours)" mean? It is probable (given the Forest Service's intention not to monitor, as covered below), that the impact of these large and heavy logging trucks and equipment on the road will lead the nearby residents to experience "hours" of exposure to particulates in excess of that allowed by the Clean Air Act. Those hours could be for most of the day; 12 am to 5 pm (when logging traffic is allowed to occur as described in Chapter 3 of the FEIS, p. 108). Monitoring (as referenced below) is critical to meeting Clean Air Act standards in these circumstances. It is worrisome to see this issue treated so carelessly when the Forest Service and its contractors would benefit financially from looking the other way, for days, weeks, or perhaps even months at a time.

Almost laughably, the DEIS Specialist Report – "Air Quality" apparently is still being relied on, even though it indicates (p. 2) that appropriate monitoring stations are available in "Hamilton, Missoula, Helena,

Frenchtown, Butte and several other sites in Montana.” **Who would make such a statement and why would the DEIS and DROD ever rely on such assessments? The answer, sadly, is apparent - someone who apparently doesn't care about the lives and health of those residing close to the road whose health will be affected.** Of the closest monitors mentioned, Hamilton is approximately an 11-mile drive from our home and Missoula is more than a 50-mile drive away (and the equipment referenced apparently isn't even federal equipment, based on communications with Montana's DEQ personnel.) It is utterly preposterous to claim that such equipment could reasonably measure local PM violations resulting from the proposed project.

Road dust generated by the Gold Butterfly Project presents a real threat to the health of those people who live near the gravel portion of Willow Creek Road. A literature review¹ by researchers from West Virginia University and North Dakota State University showed that, “Road dust was found to have harmful effects of the human body, especially the respiratory system.” This review found 17 different studies reporting that exposure to road dust had adverse health effects on the respiratory system, including asthma and mesothelioma. It also found 7 articles reporting that road dust exposure adversely affected the cardiovascular system, and one study that linked low birth weights to exposure of the mother to road dust during pregnancy. This extensive research showing a broad spectrum of negative health effects from road dust indicates that thorough care should be taken to minimize the amount of road dust generated by the Gold Butterfly Project.

The Air Quality report (at p. 3) states, “Dust would be produced from timber harvest and related activities, including yarding, log hauling, and road maintenance. It would also be produced during administrative use and use by forest visitors. It is impossible to quantify the amount of dust that would be produced by each of the alternatives.” That apparently is the excuse the Forest Service is using to put on a blindfold and pretend that the Air Quality Act requirements for particulates do not need to be met. Surely the Forest Service has access to monitors. Since the upper portion of

¹ “Road dust and its effect on human health: a literature review,” Khan, R & Strand, M. *Epidemiol Health*, v. 40. April 10, 2018. See attached Document I.

Willow Creek Road will be closed during log hauling activities for recreational users, there will only be a few residents who will be traveling the gravel portion of the road during those times. The Forest Service knows that the Gold Butterfly Project is huge and by comparison would be overwhelmingly responsible for any road dust. Their decision not to appropriately monitor local air quality indicates a fear of what they might find and what it might mean for the project.

Those involved with this Project should realize that private citizens, if forced to do so by lack of action by Forest Service personnel or contractors, could themselves acquire monitors which are reasonably reliable and use them to establish Clean Air Act violations. In that event appropriate relief could be sought through the Department of Environmental Quality for the state of Montana which is also charged with enforcing the same particulate standards as those established by the EPA, and/or litigation could ensue. No one needs this sort of expense and disruption. It would be far better from the outset to do what is right for the health of public citizens and mandated by law.

Another factor that will affect the air quality along Willow Creek Road is smoke from slash burning. The primary focus of the air quality report was adverse air quality resulting from smoke arising from slash burns. While the "expert" asserted that smoke would primarily be directed away from the Bitterroot Valley, it was acknowledged that there may be "short periods of smoke during the night and early morning hours (Air Quality report, p. 3). It was also noted that residual smoke production from larger piles "would be expected for several days." There has been no attempt to consider the impact of smoke particulate when combined with road dust and the need to restrict log hauling activity when conditions warrant (including when smoke may come from a wildfire). Such combination of factors needs to be addressed and enforced in plans for logging operations when dangerous levels of particulates are reached.

Furthermore, the gravel portion of Willow Creek Road passes between two spines of the Sapphire Mountains, which creates a canyon-like characteristic, which is likely to trap dust, diesel fumes, etc. No reference

has been made to this special feature and its likely aggravation of the accumulation of PM. This makes it even more important that local monitoring of air quality is made a priority.

3.) Lastly, as outlined below in Objection 5, unless significant changes are made to the Gold Butterfly Project as it is currently laid out in the Draft Decision and FEIS, it is highly likely that the “paved” portion of Willow Creek Road will quickly deteriorate to the point where dust abatement becomes necessary for the remaining 5.83 miles of Willow Creek Road.

If the Forest Service continues to take the position that it is not legally obligated to maintain the paved portion of the road, and Ravalli County does not have the funds to repeatedly repave it, then the PM driven into the air from the passage of log trucks and other project-related vehicles driving over an amalgam of dirt and crushed pavement will likewise be an environmental violation for which the Forest Service will also be responsible.

Road dust on paved roads can also be resuspended by vehicular traffic and other disturbances (Nicholson, 1988). Moosmüller et al. (1998) showed that large vehicles such as trucks or buses resulted in high peaks in wind velocities and increased dust entrainment even from outside the driving lane. Heavy duty vehicles contributed eight times more resuspended road dust than light duty vehicles (Abu-Allaban et al., 2003). Resuspension is high from surfaces that have much loose material of suitable size to be entrained into the air (Kupianen, 2007). Düring et al. (2003) did not find a clear relationship between pavement condition and road dust emission levels, but noted that the highest emission levels tended to be on streets with the poorest conditions, and that their study did not include streets in very bad condition. If the paved road is ground to smithereens (as would be expected from the load referenced in Objection 5, if not properly maintained), then monitoring of these sections of the road should also be required, with appropriate curtailment of log hauling activity when appropriate under the Clean Air Act. [For all citations referenced in the above paragraph, see the attached Document J].]

Failing to properly address these issues would violate Section 17.8.308 (2) ARM (see attached Document K), which states, “No person shall cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.” It would also violate Article IX of the Montana State Constitution (attached as Document L), which states that, “The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.”

Finally, it is quite possible that it would also violate the Clean Air Act by releasing more PM than is allowed by the EPA’s National Ambient Air Quality Standards (NAAQS), which list PM as one of the six principal “criteria” air pollutants. We also note here—shockingly—that the DEIS Specialist Report (Air Quality) incorrectly lists the 24-hour standard for PM_{2.5} at the 1997 level of 65 micrograms/cubic meter rather than the more current 2006 level of 35 micrograms/cubic meter—a mistake which almost doubles the actual maximum amount allowed. A copy of the current EPA Clean Air Act standards and the EPA’s own summary of when the particulate levels referenced above were changed and made permanent, is contained in Document M.

REMEDY:

Withdraw the draft ROD, and prepare a supplemental EIS which does not include water as a potential dust abatement method. Instead, the supplemental EIS should include a design feature providing for chemical dust abatement (presumably magnesium chloride, but possibly another proven chemical dust abatement measure) to be applied to the entire 2.46-mile gravel section of Willow Creek Road. This should be done on an as needed basis, to control excessive PM violating any air quality standards.

This design feature should include requirements for the Forest Service to monitor the air quality with appropriate equipment placed along Willow Creek Road to determine when PM standards are being violated and additional dust abatement is required. Appropriate monitoring devices should be placed at least every mile along the aforementioned county road beginning no more than ¼ mile from where the pavement currently ends. This obligation should not be delegated to any contractor involved in the project. The Forest Service should designate (at all times) a contact person to whom Ravalli County Officials or local residents can

communicate their observations and concerns relating to local air quality; this person should be responsible for undertaking corrective follow-up measures if violations are found. Violations resulting from project-related traffic should result in lessening the number of loads, trucks, or equipment passing – or if necessary, from time to time halting the project until the conditions appropriately change. For example, if PM from slash burning (alone or in conjunction with traffic-related dust) violates NAAQS, then the slash burning or log hauling, etc., should be restricted until conditions improve to meet said standards. Even if other conditions which might contribute to aggregating such problems occur (e.g. regional fires or weather patterns), controls on the project should still ensue to prevent air quality violations. If problems persist which suggest that the project inherently cannot reasonably meet air quality standards for a location along Willow Creek Road, then the scope of the project should be decreased, even if that means less timber removal or log hauling occurs until other solutions can be achieved (such as the use of roads at other locations than Willow Creek Road).

The Ravalli County Commissioners, the State of Montana (through its agents), and members of the public (including those residing near the road) should be given procedural remedies relating to the Project. These remedies should ensure that safe PM levels as mandated under the Clean Air Act are met, in an effort to avoid otherwise likely litigation. Nothing should prevent the use of evidence that PM levels are in violation of the NAAQS, including evidence reasonably based on other reliable sources or equipment in that resolution process.

While we hope that the remedy we suggest below for Objection 2 renders unnecessary the need for dust abatement along the portion of Willow Creek Road which is currently paved, the Forest Service should extend the above remedies to include the entire length of Willow Creek Road if road deterioration from Gold Butterfly Project traffic leads to significant air quality issues.

OBJECTION 5: THE GOLD BUTTERFLY FEIS DOES NOT ADEQUATELY ADDRESS THE IMPACT OF THE PROJECT ON THE PAVED PORTION OF WILLOW CREEK ROAD, NOR DOES IT ACKNOWLEDGE ITS RESPONSIBILITY TO REPAIR THIS IMPACT.

In our original comments, Comment number 3 addressed the “Weight of Logging Trucks and [their] Impact on Paved Road[s].” In the supporting arguments for this comment, we calculated that the loaded log trucks necessary for the implementation of the Gold Butterfly Project would do 16 to 104 times more damage to the paved portion of Willow Creek Road than normal traffic would. Consequently, we asked that the Forest Service take responsibility for maintenance of the paved portion of Willow Creek Road, rather than let that burden fall to Ravalli County taxpayers.

The Gold Butterfly FEIS (Ch. 3.5, p. 109) states that, “The number of estimated log trucks for both alternatives will have a direct detrimental impact on both the paved and gravel surfaces of Willow Creek Road. The extent and duration of surface damage is likely to be higher with Alternative 2 than Alternative 3 based on estimated log truck volume and implementation time. Impacts may include rutting, broken or deteriorating surfaces, potholes, and/or washboards. Maintenance, such as surface blading or resurfacing, will be needed during the life of the project to maintain Willow Creek Road at its use standard. Timber sale contract stipulations preclude log hauling during wet periods when resource damage, such as erosion, will occur. Thus, hauling typically does not take place on U.S. Forest Service roads during periods of freeze/thaw or ice and snowmelt. Limiting log hauling during these times should help reduce damage to Willow Creek Road as well.” It goes on to state lower in the page that, “**Road maintenance activities by Ravalli County are expected to occur as needed to maintain the road at the desired standard.**” [Emphasis added.]

While this analysis acknowledges that the project will have an impact on the paved portion of Willow Creek Road, it does not attempt to quantify this impact. Now that the scope of the Gold Butterfly Project has been more accurately defined in the Draft Record of Decision, we have been able to more precisely calculate the effect of the project on the paved portion of Willow Creek Road. The attached calculations (See Document N attached to these objections), which are based on logging trucks weighing between 80,000 and 92,000 pounds when fully loaded, cars weighing approximately 4,000 pounds, recent traffic density reports from the Ravalli County Road Department, and the GAO’s report linking road damage to the fourth power of weight per axle (see supporting documents 5, 6, 7, and 17 attached to our original comments), show that the loaded logging

trucks from the Gold Butterfly Project can be expected to cause 22-39 times more road damage than normal traffic would. These calculations do not even include the damage that would be done by unloaded logging trucks, heavy vehicles brought in to perform road construction and maintenance, Forest Service vehicles, or other vehicles traveling on Willow Creek Road in connection with the Gold Butterfly Project. Thus, the multiplier (when compared to normal vehicle travel on the road) is likely to be much higher than the conservative estimate of 22-39—and this is over an eight-year span. Repairing the cumulative road damage associated with this project would undoubtedly require hundreds of thousands of dollars, and likely much more to adequately maintain Willow Creek Road at a safe standard.

John Horat (Ravalli County Road Administrator) has confirmed that the County maintains the paved/chip sealed area section of the road from Corvallis to where the gravel section begins (a distance of 5.83 miles according to the FEIS, p. 105). Mr. Horat was able to provide per-mile estimates for the cost of the county could be expected to pay for repaving Willow Creek Road. He cited a recent agreement with a private contractor in which the county paid about \$170,000 per mile for repaving a similar road. He also stated that if the county was to do the work itself, the cost for materials (exclusive of labor, insurance, etc.) would be about \$90,000 per mile (the differential with the contracted outprice would also include some profit for the contractor). [From reviewing other materials, the cost of chip sealing the road would undoubtedly be less, but the longevity would likewise be less than repaving, especially given the extreme stress the road would be experiencing from heavy vehicles.]

If a third party (or Ravalli County, factoring in its employee, insurance, overhead, etc.) was doing the work to repave the 5.83 miles referenced above due to project damages, and a logging contractor (or the Forest Service) was paying to have that work done, the approximate cost would be almost one million dollars. ($\$170,000 \times 5.83 = \$991,000$.) Since the load and damage to the pavement/chip seal will occur over an eight-year period, interim treatment no doubt will be necessary if Willow Creek Road is to remain passable and reasonably safe for not only Project traffic but for the residents and others using the road. There are approximately 500 households accessing Willow Creek Road along its entire county length, and given likely average occupants, probably 1200-1300 residents

utilizing Willow Creek Road. (See Document 16 referenced in our Comments, which lists property owners compiled in 2018 from Onxmaps software.) These residents should not be expected to safely use a road that has been torn to “smithereens” (as one of the County road personnel described the result of projected Project traffic on the chip-seal portion of Willow Creek Road without proper maintenance); such a surface would not be satisfactory to log truck operators either.

As reflected in Objection 3 of this document, Ravalli County cannot afford to pay for the maintenance costs referenced above. Realistic road maintenance costs should be paid by the Forest Service (or the contracting party, with a guaranty that the necessary work will be completed and, if necessary, paid by the Forest Service).

REMEDY:

Withdraw the draft ROD, and prepare a supplemental EIS which states that the Forest Service will enter into a Schedule A road maintenance agreement with Ravalli County in which they will undertake the responsibility to properly maintain the entire Willow Creek Road for the duration of the Gold Butterfly Project. Negotiate an additional Supplemental Project Agreement giving the Forest Service the authority and responsibility to repave, improve, and if necessary, reconstruct Willow Creek Road. Failure to maintain Willow Creek Road at a safe standard should result in lessening the number of loads, trucks, or equipment passing – or if necessary, from time to time halting the project until the necessary repairs are made.

OBJECTION 6. THE GOLD BUTTERFLY FEIS DOES NOT ADEQUATELY ADDRESS THE ISSUE OF MAINTENANCE OR REINFORCEMENT OF THE COUNTY BRIDGE ACROSS THE BRID CANAL AND RELATED PROBLEMS.

In our original comments, Comment number 4 addressed the “County Bridge across BRID Canal and Related Problems.” In our supporting arguments relating to this comment, we noted that the Forest Service had agreed to take responsibility for any upgrading or maintenance necessary for the bridge under their current Schedule A Road Maintenance Agreement (Document A) with Ravalli

County. It also asked that a reasonable plan be developed for any necessary upgrades for the bridge, and for this plan to allow for ongoing traffic.

It is extremely unlikely that the bridge as currently constructed could safely hold the weight of even one loaded logging truck, much less the high volume of heavy vehicles necessary for the Gold Butterfly Project. As noted above in Objection 5, a loaded logging truck weighs between 80,000 to 92,000 pounds. The bridge's signage calls for a load limit of 19 tons (38,000 pounds, far less than a standard loaded logging truck). The Gold Butterfly FEIS makes only one mention of this issue, in Appendix C, Comment 5e.09, (again in the "No Further Response Necessary" section), which states that, "Any upgrades or maintenance planned for the Willow Creek Road/ Bitterroot Irrigation District Bridge must include considerations for ingress and egress to allow residents and road users access during bridge repairs (117-6)." The Forest Service's response to this comment claims that, "Any maintenance and repair work conducted on portions of Willow Creek Road or the Bitterroot Irrigation District Bridge would be conducted in consultation with and coordinated by Ravalli County and the Montana Department of Transportation."

While we hope that this coordination would occur, the response implies that the responsibility for this work would fall upon Ravalli County or the state of Montana. This appears to be untrue, as the current Schedule A Road Maintenance Agreement between Ravalli County and the Forest Service lists the bridge among the road sections for which the Forest Service takes responsibility, at least as to "load rating," which implicitly should mean that the Forest Service should do the necessary work to make sure the bridge can handle the loads anticipated to be carried by the logging trucks on this project. If that is not part of the Forest Service's responsibility, then it should certainly become so through a revision of the Schedule A agreement and the negotiation of an appropriate project agreement. Since currently the load limit is 19 tons, it would be illegal for weights above that –and especially those related to this project. Ravalli County does not have to be responsible for rebuilding the bridge to the level adequate to handle the logging trucks. Rather, by law (7-14-2127 MCA; Document C), no vehicle above the weight limits should be allowed to pass over the bridge.

As the bridge in question is narrow, any significant maintenance or reinforcement could require that a secondary bridge or a widened bridge be constructed to allow traffic to pass while said maintenance or reinforcement was being done. This could require obtaining an easement from one of the owners of the property bordering the bridge. While none of this is impractical, the failure of the FEIS to provide a design feature outlining the Forest Service's plan of action on this issue is a significant oversight.

REMEDY:

Withdraw the DROD and prepare a supplemental EIS which includes a design feature outlining the Forest Service's plan to maintain and improve the bridge across the BRID canal. This plan should include provisions for testing the bridge to determine if it can safely handle the heavy vehicles called for in the Gold Butterfly Project. It should also plan to construct either a secondary bridge or a widened bridge when necessary to allow for ongoing traffic during maintenance or reinforcement.

OBJECTION 7. THE GOLD BUTTERFLY FEIS DOES NOT ADEQUATELY ADDRESS THE ISSUE OF PUBLIC SAFETY DUE TO INCREASED TRAFFIC FROM LOGGING TRUCKS ON WILLOW CREEK ROAD.

In our original comments, Comment number 6 addressed "Other Safety Issues" involving the increased traffic along Willow Creek Road associated with the Gold Butterfly Project. These issues included:

- 1) Safety issues involving log trucks traveling on areas of Willow Creek Road that are quite narrow and/or have very limited sight distances;
- 2) Safety issues involving Gold Butterfly traffic increasing the danger at "blind" intersections;
- 3) Safety issues involving log trucks traveling Gold Butterfly during times when school buses are traveling along Willow Creek Road.

We asked speed limits to be implemented and monitored by the Forest Service to preserve public safety.

The FEIS (Ch. 3.5, p. 105) admits that “Some sections of Willow Creek Road as well as secondary road intersections with Willow Creek Road have limited sight distances due to topography and curves in the road layout.” It notes (at p. 105, Ch 3.5) that there are 94 intersections with Willow Creek Road along its 8.29 county length (including driveways and others which are secondary roads leading to multiple residences). It acknowledges that there will be decreased sight distance where dust is present (although it focuses on the gravel portion of the road rather than dust that may emanate from the paved portion of the road if it becomes pulverized) (p. 108, Ch 3.5). It also states (Ch. 3.5, p. 109) that, “Risk to public safety for motorized, non-motorized, and pedestrian traffic along Willow Creek Road will be elevated over background conditions due to the volume of log trucks estimated under Alternative 2 and Alternative 3.” However, it claims (Ch. 3.5, p. 109) that, “Log truck operators are still subject to the same traffic safety laws and posted speed limits on Willow Creek Road as all other road users.” The FEIS and the DROD incorporating it acknowledge that design features and safety precautions can’t eliminate risk altogether [p. 109, Ch 3.5 of FEIS and provision 2.3.2 of DROD, p. 9]. That could be interpreted as “Too bad for those who may be injured or die as a result of this Project, as we certainly wouldn’t want to do anything to slow these logging trucks down.”

Unfortunately, the logging trucks and other heavy vehicles required for the Gold Butterfly Project are not capable of stopping or maneuvering as quickly as normal vehicles. This is the reason that on many roads, the speed limit for heavy trucks is lower than the speed limit for normal vehicles. There have also been complaints from residents near other Forest Service projects in Ravalli County that logging trucks (often being under significant economic pressure to quickly deliver their cargo) have regularly traveled at unsafe speeds along narrow, windy gravel roads like Willow Creek Road.

The FEIS also states (Ch. 3.5, p. 109) that, “Other safety precautions will include signage along Willow Creek Road alerting the public to the presence of log trucks.” Although the FEIS (Ch. 2.2.3, p. 33) includes a design feature to close Willow Creek Road’s upper 1.2 miles on weekdays from 12 AM to 5 PM and to provide signage (and other methods) to communicate this, no other design feature mentions signage, despite the claim made on page 109.

Finally, the FEIS does not adequately address the issue of limiting logging traffic during times when school busses are picking up or dropping off children along Willow Creek Road. The issue is raised only in Appendix C, Comment 5e.02 (once again, in the “No Further Response Required” section), which refers to a design feature listed in Chapter 2, Table 2.2-8 of the FEIS restricting log hauling past Corvallis Elementary School during student drop off and pick up times. These times are listed in said table as being from 8:00-8:45 AM and from 3:00-3:45 PM. However, school busses regularly travel along Willow Creek road during times outside of these official drop off and pick up times for the school. This design feature was present during the DEIS and was acknowledged in our comments last summer. The response listed in the FEIS completely ignores the question of protecting those students who ride the bus rather than being dropped off or picked up directly at the school.

The FEIS and DROD indicates that the Forest Service has endeavored to find other haul routes for this massive project (instead of just utilizing one narrow road (14 feet at times on curves as it passes through our property) as the only available solution. They have chosen to avoid other alternatives (such as temporary condemnation of easements for log hauling purposes, even though that remedy is authorized under Montana law. *See* 70-30-102 (42) and 70-30-109 MCA [Document O]).

REMEDY: FOR THE REASONS REFERENCED, WE MAKE THE FOLLOWING PROPOSALS.

Withdraw the draft ROD, and prepare a supplemental EIS which includes a design feature stating that contracts with logging companies shall include an agreement to limit the speed of log trucks to 15 miles per hour on the gravel section of Willow Creek Road and to 25 miles an hour on the paved section of the road, and should also include a design feature providing for either equipment or personnel to be used to monitor the speed of log trucks to assure that this restriction is being followed.

The supplemental EIS should also be amended to include a design feature providing for signage along Willow Creek Road alerting the public to the presence of log trucks.

The supplemental EIS should also be amended to include a design provision restricting the travel of log trucks along the paved portion of Willow Creek Road during school bus pick up and drop off times, from 7:30-8:00 AM and from 3:45-4:10 PM.

We, the undersigned, respectfully submit these objections to the Gold Butterfly Project and request the remedies set forth above.

 8/2/19
Gail H. Goheen

 8/2/2019
Stephen S. Goheen