

From: [steve kelly](#)
To: [FS-appeals-northern-regional-office](#)
Subject: [External Email]re: Objection to the Bug Creek project, Swan Lake RD, Flathead NF
Date: Friday, April 30, 2021 2:27:36 PM
Attachments: [2021 Bug Creek Objection.docx](#)

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April 30, 2021

Sent via email to:
appeals-northern-regional-office@usda.gov

Objection Reviewing Officer
USDA Forest Service Northern Region
P.O. Box 7669
Missoula, MT 59807

Dear Objection Reviewing Officer:

Pursuant to 36 CFR Part 218, the Montana Ecosystems Defense Council (MEDC) and the Alliance for the Wild Rockies (AWR) respectfully file the following Objection to the Draft Decision Notice and Finding of No Significant Impact (DDN/FONSI) for the Bug Creek Integrated Resource Management Project (Project). This proposal would occur on the Swan Lake Ranger District, Flathead National Forest (FNF). The Responsible Official is Christopher Dowling, Swan Lake District Ranger.

Please find the complete Objection attached. Please acknowledge receipt via email at your nearest convenience. Thank you.

Steve Kelly, Primary Objector for Montana Ecosystems Defence Council and Alliance for the Wild Rockies.

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The DDN/FONSI authorizes an approximate total of 4,604 acres of “vegetation treatments” and within the 35,67-acre project area and significant miles of road reconstruction, new construction and additional miles of recreational trails.

CLEARCUTTING/PUBLIC PARTICIPATION

MEDC and AWR participated (commented) during the Forest Service’s designated public comment process relating to “even-aged management” (clearcuts) over 150 acres in size. The Flathead National Forest (FNF) has failed to adequately respond to our comments and concerns, in violation of NEPA..

On page 5 of our Bug Creek (openings exception over 150 acres) comments, we cited statements made by the FNF which I believe grossly mischaracterized the forested landscape in the project area. I asked a simple question: “Is that so?” No response was given to my question.

These issue of mischaracterization and misdiagnosis was raised on page 5 of our Bug Creek

(openings exception over 150 acres) comments. At page 6 of our comments I raised the issue with the following statement: “The Bug Creek EA creates one of those fictional “narratives” to whitewash the true reasons for massive clearcuts and “spaghetti” roads.”

Below, I have cited another response (not mine) that might help clarify the issue/concern.

The DDN/FOMSI has failed to properly adequately define, identify and evaluate “...forest types, or other suitable classifications...” and failed to conduct the legally required “...appropriate public notice and review by the responsible Forest Service officer.” NFMA Section 6, (g)(3)(F)(iv).

There is no evidence in the record that properly identifies “habitat type” in the project area. See: Publication: *Forest Habitat Types of Montana*, Robert D. Pfister, et al. (1977). https://www.fs.fed.us/rm/pubs_int/int_gtr034.pdf

The DDN/FONSI at pps. 125-126 states:

Response: We disagree to the requirement for a Forest Plan amendment and to the violation of NFMA. Both provide provisions to exceed opening size “standards.” The Flathead National Forest is following guidance established by 2018 Forest Plan and NFMA 1976 to exceed established maximum opening sizes.

The Flathead National Forest - Forest Plan (USDA 2018b; FW-STD-TIMB-07) establishes the maximum opening size created by clearcutting, seedtree cutting, shelterwood seed cutting, or other cuts designed to regenerate an even-aged stand of timber in a single harvest operation shall be 40 acres. 126 Maximum opening size exceptions to the standard are displayed in following table: The Flathead National Forest - Forest Plan (FW-STD-TIMB-08) provides procedural direction, including the requirement of a 60-day public review, when proposing to exceed these established maximum opening sizes, as incorporated from the 2012 Planning Rule and National Forest Management Act of 1976.

The 2012 Planning Rule (36 CFR § 219; 77 Federal Register 21260 – April 9, 2012) provides for development of components that exceed opening size limits where “larger harvest openings are necessary to help achieve desired ecological conditions” (36 CFR § 219.11(d)(4)(i)); including providing for forest patterns and patch sizes that are consistent with natural disturbance regimes (USDA 2018b; FW-STD-TIMB-07).

National Forest Management Act (NFMA) of 1976: ‘Section 6, (g)(3) states “(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate and even-aged stand of timber will be used as a cutting method on National Forest System lands only where- (iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: Provided, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and...” Response to Comment (O-04p).

The DDN/FOMSI has failed to properly adequately define, identify and evaluate “...forest types, or other suitable classifications...” and failed to conduct the legally required “...appropriate public notice and review by the responsible Forest Service officer.” NFMA Section 6, (g)(3)(F)(iv), and NEPA.

The entire project relies almost exclusively on a single magazine article and map (Barrett et al. 1998). This citation is not a legitimate scientific study which can stand alone. This inhouse report has never been properly vetted by the greater scientific community. It is hardly worthy of the weight being given by decision-makers poised to begin hacking away at the public’s forest. This data-deficient report with its presuppositions and assumptions fails to exercise reasonable caution and accounting of known limitations leading to misuse of the HRV (historical range of variability) process. As a result, the 1998 fire-history assessment is critically flawed. The sole document being used as a foundation to support the Project is grossly inadequate.

Urgency, Limitations, Assumptions, and Misuse of HRV – As time passes, fewer records of HRV are available to help fill in gaps in our knowledge; old trees, snags, stumps and logs burn or decay, and records from professionals who have witnessed change are lost or not archived making it difficult to assess some important sources of information before they are gone. It is important to prioritize data gaps and to encourage efforts to fill gaps, although in many cases, pre-settlement information may never be available. Historical data must be interpreted with caution, as it is not always possible to assign causation to observed phenomena, as confounding factors may not always be discernible, and their relative contribution to observed records may not be accountable (Morgan and others 1994). See: Historical Range of Variation and State and Transition Modeling of Historic and Current Landscape Conditions for Potential Natural Vegetation Types of the Southwest, Southwest Forest Assessment Project Heather Schussman and Edward Smith (2006)

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fswdev7_018534.pdf

*5. Limitations of HRV While HRV seems to have many advantages for use in land management, there are also issues, caveats, and cautions in its application. This section attempts to describe the **major problems with the HRV approach** in an order of importance to land management. A thorough knowledge of these HRV limitations is critical for comprehensive evaluation and interpretation of HRV analysis results and implementations. Emphasis added. See: The use of historical range and variability (HRV) in landscape management, Robert E. Keane a, *, Paul F. Hessburg b,1, Peter B. Landres c, Fred J. Swanson d,2, (2009), pps. 1031-1033. http://myweb.facstaff.wvu.edu/wallin/envr435/pdf_files/keane_etal_2009_rnv.pdf*

Nowhere in the NEPA process, i.e. the EA/DDN/FONSI are the “limitations” of the HRV/”fire history” methodology discussed, disclosed or analyzed. How can we possibly use this traditional scientific method to find answers when all of nature is being corrupted by the abuse of modern scientific methods? If science is the study of nature and how it works without the intervention of man, and if at the same time nature itself is being fundamentally altered by the false institution of (so-called) science, what then should the new definition of modern science be? “Management” is the presumed (prejudicial) action, without ever acknowledging its

overwhelming corrupting presence in the predetermined selection of questions asked. Not surprisingly, the “solutions” reflect the endless self-reinforcing feedback loop created by institutional (and personal) bias. When science fails to acknowledge the influence of the observer on the observed, a very distorted reality is almost guaranteed as a result.

Proposed Remedy: Select the No Action alternative or draft an EIS and include the issues and concerns in our comments and above.

NATURE’S BIOLOGICAL DIVERSITY

On page 5 of our Bug Creek (openings exception over 150 acres) comments, we cited statements made by the FNF which I believe grossly mischaracterized the forested landscape in the project area. I asked a simple question: “Is that so?” No response was given to my question, in violation of NEPA.

These issue of mischaracterization and misdiagnosis was raised on page 5 of our Bug Creek (openings exception over 150 acres) comments. At page 6 of our comments I raised the issue with the following statement: “The Bug Creek EA creates one of those fictional “narratives” to whitewash the true reasons for massive clearcuts and “spaghetti” roads.”

NFMA’s primary purpose is to protect biological diversity (by limiting clearcutting).

Clearcutting: “...such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.” *See:* NFMA Section 6, (g)(3)(F)(v)

Vegetation management practices using bulldozers and feller-bunchers as tools cannot replicate the complex interactions among and between hundreds of species, all with specific needs, all facing homelessness as a result of Forest Service misidentification of the habitat type, asking the wrong questions. The Forest Service cannot “...emulate the scale, intensity, frequency and vegetative responses of natural disturbances...” Even-aged timber management replicates industrial production and extraction, solely man-made simulations of nature by destroying any resemblance to forest conditions similar to those estimated historical conditions. This is co-created ecocide for a wide range of native species that aren’t even mentioned in the EA/DDN/FONSI.

The cumulative effects on the flora and fauna that lives in the project area was scarcely mentioned, except a very few mammals and tree species. This is a violation of NEPA and NFMA. This was raised in comments at pps. 5-6, with no response by the FS, in violation of NEPA.

Example: Months ago, the U.S. Fish and Wildlife Service added the monarch butterfly to the **candidate list** and assigned it a **listing** priority number of eight. No mention in the EA/DDN/FONSI. This is a clear violation of NEPA and the ESA.

Remedy: Select the No Action alternative or prepare an EIS and include the above concerns.

RELIGIOUS (SPIRITUAL) FREEDOM/U.S.CONSTITUTION

On page 4 of our comments I stated the following:

My religious beliefs take issue with this highly prejudicial pattern of religious oppression in the context of public-land management. I seek nothing less than an inclusive, “full and free” expression of religious freedom under the First Amendment.

The Bug Creek Project violates Nature’s Law 1st Amendment to the U.S. Constitution by denying/ my constitutional right to fully exercise my personal religious beliefs. This was an issue/concern raised at page 3 of our comments that elicited no response from the FS, in violation of NEPA and the 1st Amendment to the U.S. Constitution.

The remaining fragments of untrammelled forest are being destroyed. Bulldozing roads into the forest to clearcut all the merchantable timber is diametrically opposed to the Laws of Nature and the source of all life in the Universe.

The Forest Service’s compulsion to control everything treats living things as mechanisms. By neglecting the complexity and interconnectedness of the various lifeforms in the project area as being irrelevant and concentrating on those features that are amenable to measurement and mechanistic manipulation, reality becomes hallucination. The Forest Service’s favorite form of such manipulation of nature is the indiscriminate practice of killing “things.” Treating living things as machines never works well – life is destroyed.

What accounts for this extreme hubris (belief that the natural world just isn’t quite up to snuff) and abstract teleology of total control – and the predictable abundance of unintended consequences at every turn?

I seek nothing less than an inclusive, “full and free” expression of religious freedom under the First Amendment. The Bug Creek Project represents a rare opportunity to break the historical judicial pattern and embark on a new, more enlightened embrace of the self-evident sacredness of public lands.

Remedy: Select the No Action alternative or initiate an EIS process and include the above concerns.

ROADS and GRIZZLIES

On page 5 of our Bug Creek (openings exception over 150 acres) comments, we cited statements made by the FNF which I believe grossly mischaracterized the forested landscape in the project area. I asked a simple question: “Is that so?” No response was given to my question, in violation of NEPA...

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with the following statement: “The Bug Creek EA creates one of those fictional “narratives” to whitewash the true reasons for massive clearcuts and “spaghetti” roads.”

The DDN/FONSI fails to properly analyze the effects of the increase in road use, especially unauthorized use by motorized recreationalists that routinely breach gates, berms rocks and humps designed to maintain secure habitat for grizzly bears. The actual road density on the landscape in the project area far exceeds the terms and conditions of the Forest Plan Biological Opinion, rendered by the U.S. Fish and Wildlife Service.

The analysis of road treatments and analysis of the Project is vague and unclear. The “narrative” fails to demonstrate and disclose how the road density of the project complies with the grizzly bear recovery standards. This road density far exceeds the maximum road density (open, closed and total) that promotes the recovery of grizzly bears in the project area and on the greater, surrounding landscape.

This violates NEPA and NFMA because the ineffective road closures may change the habitat security calculations used to derive Forest Plan standards, as expressed in the BO for grizzlies and roads.

Remedy: Select the No Action alternative or initiate an EIS process and include the above concerns.

One final note: This EA, DDN/FONSI is analogous to the Eisenhower Dollar, or “Ike Dollar. Ike Dollars commemorate President Dwight D. Eisenhower, the success of the Apollo XI moon landing and are the last of the large sized dollar coins. They shine like a silver dollar, but these coins contain .750 Copper and .250 Nickel bonded to a Copper core.

The face design is a profile of President Eisenhower with "Liberty" above his head and "In God We Trust" and the date below. Mint marks appear below Eisenhower's neck.

The reverse side design depicts the Apollo XI insignia showing an eagle flying over the surface of the moon with Earth in the distance, all surrounded by 13 small stars. "United States of America.”

All that work, all that branding, “framing” and narrative, but these coins contain no Silver. Sad, really.

The Bug Creek EA, DDN/FONSI have that same disappointing punch line: “sad but true.” It looks like a real NEPA disclosure and analysis, but it just has no substance, nothing backing up its feeble, unsubstantiated claims; no “silver.”

MEDC and AWR request that the FS either select the no action alternative or prepare an EIS and address the issues identified in this objection.

Sincerely submitted,

Primary objector:

/s/ Steve Kelly, Co-Director

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