



**VIA Email:** [appeals-northern-regional-office@usda.gov](mailto:appeals-northern-regional-office@usda.gov)

October 22, 2021

Objection Reviewing Officer  
USDA Forest Service  
Northern Region  
26 Fort Missoula Road  
Missoula, MT 59804

Dear Reviewing Officer:

Re: Mid-Swan Objection

Pursuant to 36 C.F.R. Part 218, the American Forest Resource Council (“AFRC”) files this objection to the proposed decision for Mid-Swan Project. The responsible official is Kurt Steele, Forest Supervisor. The Mid-Swan project occurs on the Flathead National Forest.

**Objector**

American Forest Resource Council  
700 NE Multnomah, Suite 320  
Portland, OR 97232  
(503) 222-9505

AFRC is an Oregon nonprofit corporation that represents the forest products industry throughout Oregon, Washington, Idaho, Montana, and California. AFRC represents over 50 forest product businesses and forest landowners. AFRC’s mission is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. We do this by promoting active management to attain productive public forests, protect adjoining private forests, and assure community stability. We work to improve federal and state laws, regulations, policies, and decisions regarding access to and management of public forest lands and protection of all forest lands. The Mid-Swan project will, if properly implemented, benefit AFRC’s members and help ensure a reliable supply of public timber in an area where the commodity is greatly needed.

**Objector’s Designated Representative**

Tom Partin

[REDACTED]

## Reasons for the Objection

The content of this objection below is based upon the prior specific written comments submitted by AFRC. We provided Draft EIS comments to this Project on October 5, 2020. In addition, we participated in the two virtual meetings that were conducted by Flathead Forest staff on September 2, 2020 and September 23, 2020 which are hereby incorporated by reference.

### 1. The reduced Alternative B does not meet the Project's purpose and need to its fullest extent. These reductions will diminish the scope and scale of terrestrial and aquatic restoration and diminish fire mitigation within the WUI.

The Purpose and Need of the Project is two-fold: to restore and maintain terrestrial and aquatic biodiversity in light of a changing climate, and to reduce fire behavior in the wildland-urban interface (WUI) and in areas that have influence on fire behavior within the WUI. The FEIS states that “Currently, existing conditions within the project area are not meeting desired conditions in the Forest Plan. This project serves to improve terrestrial, aquatic, and fire behavior conditions to meet and/or trend towards Forest Plan desired conditions.” To address these desired conditions the District proposed 48,435 acres of mechanical treatment in Alternative B.

The FEIS states that “**Alternative B** is the preferred alternative and proposes actions to restore aquatic and terrestrial habitats and WUI protection measures. Proposed actions presented in this alternative reflect treatment levels needed to move towards desired conditions in treatment units, while maintaining flexibility during implementation to adjust to conditions as found.” AFRC agreed with this outline and urged the Forest Service to implement this preferred alternative in our EIS comments. In particular, we agreed that the proposed actions described in Alternative B **reflected treatment levels needed to move towards desired conditions**. By drastically reducing treatment levels, the Draft ROD does not reflect the treatment levels needed to move towards desired conditions.

The tables below outline the changes from the FEIS Alternative B to the Draft ROD.

Action	FEIS Alternative B <sup>1</sup>	Record of Decision Selected Alternative <sup>1</sup>	FEIS Alternative C
Commercial harvest	37,792 acres	17,858 acres	20,124 acres
Other mechanized treatments with activity fuel treatments	10,643 acres	3,446 acres	6,722 acres
Non-Mechanized treatments with non-activity fuel treatments	49,420 acres	31,874 acres	21,587 acres
Commercial harvest in ORMZ	6,977 acres (footprint)	3,630 acres (footprint)	0 acres

Total new road construction	31.9 mi. perm 9.4 mi. temp	10.7 mi. perm 6.0 mi. temp	7 mi. perm 0 mi. temp
Mileage of FS roads improved to meet BMPs	491 mi.	225 mi.	429 mi.
Number of culverts removed <sup>2</sup>	285 (71 are on roads not used for com or mech treatment)	132	285 (71 are on roads not used for com or mech treatment)
Mileage of Roads decommission	44.9 (11 of these miles are not used for com or mech treat)	23.5	44.9 (11 of these miles are not used for com or mech treat)
Actions in designated wilderness (Mission Mountains)	8,638 acres of prescribed fire 1,987 acres of direct seeding whitebark pine	5,887 acres of prescribed fire 1,860 acres of direct seeding whitebark pine	0 acres of prescribed fire 0 acres of direct seeding whitebark pine
Actions in recommended wilderness (Swan Front)	7,788 acres prescribed fire and whitebark pine restoration	7,788 acres prescribed fire and whitebark pine restoration	5,800 acres prescribed fire and whitebark pine restoration

Reduced Alternative B drastically reduces the acres being commercially treated from 37,792 acres listed in the FEIS down to 17,858 acres in the Draft ROD. Those commercial harvests were identified in the FEIS as a tool to meet the desired conditions on the ground as determined by the purpose and need. Furthermore, other mechanized treatments to reduce fuels have also been reduced from 10,634 acres down to 3,446 acres. In total these 27,131 acres of fuels treatment will not occur under the reduced Alternative B and the Purpose and Need of reducing fire behavior in the WUI and in areas that have influence on fire behavior within the WUI will not be achieved to the fullest extent possible.

In essence, the reduced Alternative B is a reflection of Alternative C. The FEIS states that “**Alternative C** retains the same large-scale objectives as alternative B: mitigating fuel within the WUI, moving the forest pattern toward more resilient conditions, protecting native biodiversity, and reducing risks to aquatic biodiversity through improved road management and other practices, ***but to a lesser extent than alternative B.***” We emphasize the fact that the FEIS recognizes that a reduction of treatment acres proposed in Alternative B represents an attainment of the purpose and need “to a lesser extent.”

The Forest Service manages approximately 39,626 acres that are classified as WUI by Lake and Missoula counties. This decision authorizes approximately 19,000 acres of vegetation management actions within the WUI as a focused landscape-scale strategy to reduce fuels in the wildland urban interface. Again, AFRC does not understand how the scale of this Project can be reduced when it is stated in the Draft ROD that: “*The wildland-urban interface and surrounding areas in this landscape are at a high risk of*

*uncharacteristic wildfire (similar conditions contributed to the Rice Ridge Fire that burned over 150,000 acres in 2017) and this decision begins addressing the backlog of vegetation management needs in the immediate areas around private property and other resource values (e.g., old growth habitat, riparian habitat, hiding cover) at risk. ”*

AFRC does not believe the Purpose and Need of restoring and maintaining terrestrial and aquatic biodiversity in light of a changing climate can be met with the reduced Alternative B. For example, the number of culverts to enhance aquatic species under the FEIS is 285 compared to 132 under reduced Alternative B. The number of miles of roads to be decommissioned is much less in the Draft ROD—in fact 21.4 less miles will be decommissioned. The Forest also scaled back the acres being planted for the now listed whitebark pine by 127 acres. These reductions will have huge impacts on listed species such as bull trout, Grizzly bear, and Canada lynx.

The Forest Service is too vague as to when they state they intend to eventually do the other work needed as described in the FEIS. The Draft ROD states: “*The purpose of this change is to respond to concerns that the implementation schedule was too long and didn’t adequately allow continued post-decision public involvement. By limiting the scope of this decision, the Agency is committed to further public involvement, allowing interested parties to be meaningfully involved in the remaining actions analyzed in the FEIS.*”

However, the language in the DEIS indicates the contrary. That document specifically describes that proposed actions will be implemented while “maintaining flexibility during implementation to adjust to conditions as found.”

Finally, AFRC disagrees with the Forest’s statement that based upon the NEPA laws and regulations guiding National Forest lands management, that a reduced Alternative B is the environmentally preferred alternative.

This is just not true or possible when addressing the goals of section 101 of NEPA which state that a project must:

- a. Fulfill the responsibilities of each generation as trustees of the environment for succeeding generations.
- b. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- c. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
- d. Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- e. Achieve a balance between population and resource use, which will permit high standards of living and a wide sharing of life’s amenities.

- f. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The FEIS provides an Alternative that best addresses all six of these goals. By reducing treatments in over half of the acres, these goals simply can't be met to the fullest extent possible.

### **Resolution Requested**

AFRC requests that Alternative B as described in the FEIS be implemented in full to achieve the two-fold Purpose and Need of the Project which is to restore and maintain terrestrial and aquatic biodiversity in light of a changing climate, and to reduce fire behavior in the WUI and in areas that have influence on fire behavior within the WUI. Currently, existing conditions within the project area are not meeting desired conditions in the Forest Plan.

### **Request for Resolution Meeting**

Pursuant to 36 C.F.R. § 218.11, the objectors request a meeting with the reviewing officer to discuss the issues raised in this objection and potential resolution.

In the event multiple objections are filed on this decision, AFRC respectfully requests that the resolution meeting be held as soon as possible with all objectors present. AFRC believes that having all objectors together at one time, though perhaps making for a longer meeting, in the long run will be a more expeditious process to either resolve appeal issues or move the process along. As you know, 36 C.F.R. § 218.11 gives the Reviewing Officer considerable discretion as to the form of resolution meetings. With that in mind, AFRC requests to participate to the maximum extent practicable, and specifically requests to be able to comment on points made by other objectors in the course of the objection resolution meeting.

Thank you for your efforts on this project and your consideration of this objection. AFRC looks forward to our initial resolution meeting. Please contact our representative, Tom Partin, at the address and phone number shown above, to arrange a date for the resolution meeting.

Sincerely,



Travis Joseph  
President