

BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer

FRIENDS OF THE WILD SWAN)	
	Objector)
) NOTICE OF
) OBJECTION
v.) PURSUANT TO
) 36 CFR 218
SCOTT SNELSON)	
SPOTTED BEAR DISTRICT RANGER)	
	Responsible Official)

OBJECTION DECISION:

Draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Spotted Bear Mountain Project dated July 5, 2022. Scott Snelson, Spotted Bear District Ranger, responsible official.

OBJECTOR:



Arlene Montgomery
Lead Objector
Program Director
Friends of the Wild Swan
PO Box 103
Bigfork, MT 59911
406-886-2011

August 25, 2022

STANDING:

Members of Friends of the Wild Swan visit the Project Area to recreate, forage, view and photograph wildlife, as well as other activities. We submitted scoping comments on December 9, 2021 and commented on the Environmental Assessment on May 31, 2022. We incorporate by reference the objection submitted by Swan View Coalition.

The Spotted Bear Mountain Project Environmental Assessment violates the National Environmental Policy Act, Endangered Species Act, National Forest Management Act and Administrative Procedures Act.

- **OBJECTION STATEMENT**

The Spotted Bear Mountain Project Environmental Assessment failed to analyze the impacts to wildlife.

We raised this issue in our scoping and Environmental Assessment comments.

1) The EA estimates that old growth forest habitat is only 2% of the project area at only 79 acres. In addition, there are only 18 acres dominated by very large trees. This is well below any accounting of historic old growth on the Flathead.

The EA discloses that six logging units: 3 (42 acre seedtree), 6 (17 acre seedtree), 11 (42 acre commercial thin), 14 (45 acre seedtree), 17 (28 acre seedtree) and 208 (55 acre precommercial thin) are adjacent to old-growth stands. There is no analysis in the EA regarding how seedtree logging adjacent to old growth will impact these small 7 to 25 acre fragmented stands of important wildlife habitat.

The EA does not disclose where old growth forest habitat is located, what the individual patch sizes are, whether the patch sizes are sufficient to provide habitat for old growth associated species, and whether it is already adjacent to existing openings. Furthermore, the EA does not analyze impacts to old growth associated wildlife.

The EA does disclose that 160 acres of potential marten habitat (out of 543 acres) will be logged which will fragment existing habitat but there is no impacts analysis in the one paragraph devoted to marten. The EA does not disclose exactly where the 830 acres of potential habitat is located but at least some of it is near Spotted Bear Lake which is south of units 1, 2, 3 and 203. Unit 3 is adjacent to an undisclosed sized old growth stand. Logging will impact 160 acres but the EA does not disclose where these 160 acres are located, is it the units near Spotted Bear Lake? What is the quality of the habitat that will be logged? Will connectivity be severed? No analysis.

The Goshawk analysis is similarly sparse. How many potential acres of habitat will be seedtree logged? Are the >40 acre units in goshawk habitat? How big are the nesting patches before and after logging? Will connectivity be severed? No analysis.

Old growth forests are not just trees, they are habitat for many species. Since the revised Forest Plan has no Management Indicator Species for old growth associated wildlife then an Environmental Impact Statement must analyze how the needs of a suite of wildlife dependent on old growth habitat will be impacted.

Is the project area currently meeting the needs of old-growth associated species? Will the proposed action impact old-growth forests by either building roads in or adjacent to old-growth forest and/or placing cutting units in or adjacent to old-growth forest? No analysis.

NEPA requires that the Forest Service analyze direct, indirect and cumulative impacts. This was not done. The Flathead can't arbitrarily declare that it doesn't have to analyze wildlife impacts.

2) The project results in openings greater than 40 acres in size. There is no analysis of impacts to wetlands even though Units 1, 2, 3 and 203 surround wetlands and are directly north of Spotted Bear Lake and its adjacent wetlands. Units 1, 2, and 3 are identified as creating openings of greater than 40 acres (by our calculation they equal 102 acres) yet the EA does not disclose how large clearcuts will affect wetland hydrology, plants, amphibians and other wildlife that use this unique habitat. The EA does not analyze the impacts to wildlife of exceeding the 40 acre opening size, it instead tiers to a generic Forest Plan standard that states that exceptions "may" occur. The impacts to wildlife must be analyzed on a site-specific level and not rely on *aspirational* desired conditions.

3) The EA contains no analysis of the impacts to fisher or other Region 1 sensitive wildlife.

4) The EA did not provide any survey results for sensitive species including (but not limited to) the goshawk, flammulated owl, black backed woodpecker and fisher, even though there will be extensive and intensive vegetation treatment activity that could displace them from important habitat. In fact, the EA didn't analyze the impacts to most wildlife species.

The impact of this project cannot be claimed to be insignificant if there will be no protection of habitat for any of these species. Unless complete valid wildlife surveys are done for these species, the agency cannot claim that no significant impacts will result from this project.

The Environmental Assessment is therefore a violation of the National Environmental Policy Act, National Forest Management Act and Administrative Procedures Act.

REMEDY

Include a thorough analysis of the impacts to wildlife in an Environmental Impact Statement.

• OBJECTION STATEMENT

The Spotted Bear Mountain Project does not comply with the Forest Plan that requires maintaining the 2011 baseline for roads.

We raised the issue of permanent and temporary road construction in our comments.

The project constructs 3.4 miles of new roads that are added to the road system. Grizzly bear secure core will gain 0.54 miles of roads with only 0.03 miles that are temporary. In 2011 there were no roads in grizzly bear secure core in the Spotted Bear Mountain area, after this project there will be; this results in an on the ground increase in road density over the 2011 baseline.

The Environmental Assessment is therefore a violation of the National Forest Management Act, Endangered Species Act, National Environmental Policy Act and Administrative Procedures Act.

REMEDY

An alternative should be developed in an Environmental Impact Statement that complies with the Forest Plan requirement to maintain 2011 baseline on the ground conditions.

- **OBJECTION STATEMENT**

The Spotted Bear Mountain Project does not comply with the Forest Plan's Northern Rockies Lynx Management Direction (NRLMD).

We raised this issue in our scoping and draft environmental impact statement comments.

The EA does not differentiate between young and mature/old multi story structure but instead lumps them altogether even though they have different functions for lynx habitat. The NRLMD Veg-S6 standard limits vegetation management projects that reduce snowshoe hare habitat in multi-story mature or late successional forests.

The EA is confusing because it uses the term multi story which is not the NRLMD/Forest Plan's "multi story mature or late successional forest" in VEG-S6. The EA's definition of multi story is "structural stage with many age classes and vegetation layers with sufficient density to provide winter foraging habitat; may provide denning habitat." Contrast this to the NRLMD definitions: "Multi-story mature or late successional forest – This stage is similar to the old multistory structural stage (see below). However, trees are generally not as old, and decaying trees may be somewhat less abundant." And "Old multistory structural stage – Many age classes and vegetation layers mark the old forest, multistoried stage. It usually contains large old trees. Decaying fallen trees may be present that leave a discontinuous overstory canopy. On cold or moist sites without frequent fires or other disturbance, multi-layer stands with large trees in the uppermost layer develop. (Oliver and Larson, 1996)"

The EA does not describe how multi story differs from multi story mature habitat. Furthermore, the EA essentially ignores the large openings that will be created. There is no analysis of lynx avoiding these large openings, there is no analysis of roads running through or adjacent to old-growth forest habitat, there is no analysis of logging in or adjacent to late successional forest and there is no analysis of lynx being displaced from key habitat.

The EA concludes that forest patterns and cover conditions in RMZs would continue to contribute to habitat connectivity for lynx movement within and between home ranges and dispersal between populations but does not disclose where RMZ logging will occur and how it will impact lynx and other wildlife.

The Environmental Assessment is therefore a violation of the National Forest Management Act, Endangered Species Act, National Environmental Policy Act and Administrative Procedures Act.

REMEDY

Conduct a thorough lynx analysis in an Environmental Impact Statement using the proper definition of mature/multi story that is in the Northern Rockies Lynx Management Direction, and the impacts to lynx from fragmentation and large openings.

- **OBJECTION STATEMENT**

The Spotted Bear Mountain Environmental Assessment fails to analyze impacts of logging and road construction on native and sensitive plant species.

We raised this issue in our Environmental Assessment comments.

The EA contains no analysis of impacts to native and sensitive plants, no identification of what native plants are in the project area, where they are located and how logging and increased weed infestations will affect them.

The EA describes the risk of non-native weed spread from logging and roads, both existing and new. "The project would have a moderate to high risk of spread throughout the project area due to the number of existing weed infestations along haul routes and in the project area, the amount of potential soil disturbance, existing roads, timing of activities, and the use of equipment in those areas moving between sites." (EA page 68) "The risk of persistence would be high in the areas such as regeneration harvests, road construction, and other areas with canopy cover removal." (EA page 69)

Yet, the design criteria for the project are the same old methods that have not worked to curtail or eradicate weeds elsewhere on the Forest. The best way to prevent weeds from spreading out of control is not to disturb the native vegetation. This project will spread weeds, not reduce them adding another impact that will reduce forage for wildlife and increase competition with native plants. This was not analyzed in the Environmental Assessment.

The Environmental Assessment is therefore a violation of the National Environmental Policy Act and Administrative Procedures Act.

REMEDY

Analyze the impacts to native and sensitive plant species in an Environmental Impact Statement.