

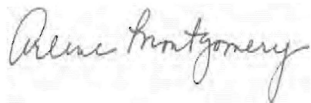
BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer

FRIENDS OF THE WILD SWAN)	
)	
)	
)	NOTICE OF
v.)	OBJECTION
)	PURSUANT TO
)	36 CFR 218
WILLIAM MULHOLLAND)	
DISTRICT RANGER)	
)	
Responsible Official)	

OBJECTION DECISION:

Draft Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Round Star Project dated August 18, 2022. William Mulholland, Tally Lake District Ranger responsible official.

OBJECTORS:



Arlene Montgomery
Lead Objector
Program Director
Friends of the Wild Swan
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406-886-2011

For

Keith Hammer
Objector
Chair
Swan View Coalition
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October 6, 2022

STANDING:

Members of Friends of the Wild Swan and Swan View Coalition visit the Project Area to recreate, forage, camp, cross country ski, as well as other activities. Friends of the Wild Swan submitted scoping comments on January 6, 2022 and Swan View Coalition submitted scoping comments on December 29, 2021. We submitted joint comments on the Environmental Assessment on July 15, 2022.

OBJECTION STATEMENT

The Round Star Project fails to protect water quality in violation of the Clean Water Act, Administrative Procedures Act and National Environmental Policy Act.

We raised this issue in our comments.

The area proposed for logging in the Sheppard and Logan watersheds has been heavily logged, burned, and then salvage logged in the recent past. The results of this heavy past logging have placed Sheppard and Logan creeks on the Montana 303(d) list of impaired waters. The aquatic assessments done in 2020 concluded that these watersheds have not recovered and have not met the parameters of the Flathead-Stillwater Planning Area Nutrient, Sediment and Temperature TMDLs and Water Quality Improvement Plan 2014.

Sheppard Creek's impairments from headwaters to mouth of Griffin Creek are Alteration in stream-side or littoral vegetative covers with sources identified as Forest Roads (road construction and use) and Grazing in Riparian or Shoreline Zones. It is also impaired by Sedimentation/Siltation with sources identified as Silviculture Harvesting and Crop Production (crop land or dry land). It is not fully supporting aquatic life.

Logan Creek's impairments from headwaters to Tally Lake are Flow Regime Modification from Forest Roads (Road Construction and Use), Physical substrate habitat alterations from silviculture activities and sedimentation siltation from streambank modifications/destabilization. It is also not fully supporting aquatic life.

Rather than trim back the project and develop an alternative that does not construct new roads the EA concludes that implementation of the proposed action (or no-action alternative) individually or cumulatively would not alter the current findings for watershed condition framework and would not impair water quality beneficial uses.

First the watershed condition framework rating for aquatic biota condition in Evers, Lower Logan, Middle Logan, Sheppard and Tobie Creek is poor indicating that these streams are functioning at unacceptable risk. This rating will not change post project so the project will maintain degraded habitat conditions that is impairing aquatic life.

Second, water quality beneficial uses are already impaired and this project does nothing to improve them. The Forest Service is violating the Clean Water Act by maintaining degraded water quality that is impairing beneficial uses for aquatic life. It is likely that Evers and Tobie Creeks should also be on the 303(d) list since they are also functioning at unacceptable risk for aquatic biota.

The response to comments attempts to parse out the difference between aquatic biological and aquatic physical conditions. However, the two are inextricably linked. The aquatic physical environment is impaired as evidenced by the listing on the 303(d) list due to logging and roads. The aquatic biological condition is functioning at unacceptable risk due to the impaired physical condition. These streams are not fully supporting aquatic life.

The EA states, "emphasizing the most important factor in sediment load reduction for both Logan and Sheppard Creek may simply be time." This could possibly be true (although road decommissioning would hasten improvement) but this project builds over 20 miles of new roads with 13 new stream crossings, clearcut logs 85 acres in the RMZs (593 total logged acres in the outer and 52.1 in the inner RMZs) in addition to the 5,731 acres of commercial logging, 2,866 acres of prescribed fire and non-commercial logging. These are compounding, cumulative impacts that will not allow the streams to heal and water quality to improve.

The EA did not develop an alternative that did not log in riparian areas nor build new roads in impaired streams or their tributaries.

REMEDY

Do not proceed with this project until water quality beneficial uses are fully restored to impaired and functioning at unacceptable risk streams and they are fully supporting aquatic life.