



Protecting Montana's wildlife, land, waters, and  
hunting & fishing heritage for future generations.

November 22, 2022

Ron Hecker, District Ranger  
Ashland Ranger District  
United States Forest Service  
2378 Highway 212  
Ashland, Montana 59003

**Re: Environmental Assessment for the South Otter Landscape Restoration and Resiliency Project**

*Comments submitted electronically via:*  
<https://cara.fs2c.usda.gov/Public//CommentInput?Project=58396>

Dear Mr. Hecker:

I write to you on behalf of the Montana Wildlife Federation (MWF). We are Montana's oldest and largest statewide conservation organization, founded in 1936 by dedicated hunters, anglers, conservationists, and landowners. Today we represent a diverse group of public land users and advocates who regularly and actively use the lands encompassed by the Custer Gallatin National Forest. We appreciate the opportunity to comment on the proposed Environmental Assessment for the South Otter Landscape Restoration and Resiliency Project. MWF's key priorities are the protection of wildlife, wildlife habitat, wildlife habitat security, and public access to public lands. Our comments are aimed at finding a balanced approach that encompasses scientifically based land and wildlife management, access to quality recreation, and the maintenance of healthy landscape

We express our profound and deep concern about, and current opposition to, the South Otter Landscape Restoration and Resiliency Project slated for the next 10 to 20 years and involving commercial harvest, commercial thinning, road building, road reconstruction, temporary roads, conversion of motorized trails for timber haul, prescribed fire and reforestation on approximately 318,000 acres of the Ashland Ranger District.

We recognize the approximately 500,000-acre Ranger District as the largest block of public land in eastern Montana and many of our members frequent the area for public land hunting or live in the area. Thus, projects such as this project level Environmental Assessment (EA) using a *new authority* found at CFR 218, subpart B, Provisions specific to Project Level Proposals Not authorized Under Healthy Forests Restoration Act, which includes all of the entire southern portion of the Ashland District is of interest to us.

The proposed treatment acreage, although described differently in various documents, includes 11,165 acres of non-commercial thinning, 36,350 acres of commercial harvest, 39,940 acres of reforestation by planting or natural regeneration, 184,150 acres of prescribed burning and a

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phenomenal 545 miles of roads or trails that will need to be reconstructed, realigned, or have significant maintenance to meet FS haul standards. In addition, 168 miles of temporary road would be constructed for the project for a total of upwards of 713 miles of road work.

Given challenging timeframes and limited review opportunity, our concerns are presented in ‘capstone’ topic areas but do not reflect all the issues and concerns we have with this behemoth of a proposal. The project is difficult to understand and the latitude of activities complex, making comment difficult.

## **I. Public Involvement**

Our concerns include the astonishing lack of any form of public involvement and engagement outside of two letters: a January 13, 2021, project proposal letter asking for comment and a October 26, 2022 letter soliciting objections. The typical and expected public engagement on the Custer Gallatin as observed with other similar vegetation projects, is noted by robust public engagement processes including public meetings, informational zoom calls, availability of large-scale maps, field trips and so on. We cannot conclude that this lack of public involvement meets the intent of NEPA including CEQ regulations and policies, as well as Forest Service policies intending to ensure public engagement. Further, a project this size, that covers over half of the Ranger District, with activities that are spatially not defined nor are implementation schemes provided or coincident activities revealed, and the duration which has been stated in various documents as 10 years, 10 to 15 years, 20 years and even 40 years, requires disclosure through clarity, consistency and meaningful discussion and feedback.

This lack of bona fide public engagement does not meet basic NEPA requirements and is a grave flaw that requires opportunities for the public to fully understand the proposal including public meetings, field trips, and at a minimum, large scale maps that show activity areas, harvest units and roads. It is disturbing to realize that these details, including presumably, Opportunity Area Maps, must have been available to project specialist. This conclusion is made from observing pre-decisional tree marking completed this past summer and the fact that mileage and type of roads necessary for haul routes could not have been generated without this basic information. Nor would have Economic, Wildlife, Heritage or Fuels analysis been produced without maps and more in-depth information needed to produce environmental consequences including cumulative and connected actions. This information, not made available to the public fails the disclosure requirements of NEPA.

Private meetings with County Commissioners or the Custer Gallatin Working Group are not a panacea or replacement for public engagement. It is truly unfathomable that you agreed to meet with members of the Custer Gallatin Working Group, which works as a presumed sounding board for Forest activities, while members of the local public, including those living within the project area, were not noticed, offered opportunity to participate or in any way included.

Because of these numerous public involvement faults, the district must reinitiate this process with full and effective communication, public meetings and field trips and must be open to other points of view as there is little evidence any changes were made between the initial proposal and

the completed EA. It would also be helpful if the new NEPA authority which amongst other parameters allows large scale analysis, uses an objection process instead of appeal but apparently does not allow for extension of public comments had been presented and explained with the initial scoping.

## **II. General Analysis Deficiencies**

The lack of site specificity, implementation areas, timing, duration or coincident, connected or cumulative actions and consequences are not disclosed to the public, and like the public, the decision maker is left uninformed and has insufficient information to sign a FONSI.

A deficiency that appears in most of the analysis is an understanding of the basis of the resource area. Current site conditions are either not known or presented or are grossly speculative resulting in erroneous conclusions. For example, simply listing roads in the Transportation section is inadequate; the actual condition of roads or motorized trails is not portrayed. The lack of description belies the true need and extent for road improvement including road segment details for reconstruction and realignment, masks connected and significant changes to wildlife hiding cover from road upgrades, or downplays conclusions in noxious weeds from additional road disturbance. Similar projects on the Custer Gallatin describe current road condition and provide a description of the activity needed to bring them up to standard. The systematic lack of disclosure based on current conditions, skews much of the analyses in this proposal rendering conclusions misguided at best.

As previously mentioned, the lack of maps showing detailed proposed activity areas and sequence on this 318,000-acre proposal leaves the reviewer unable to understand the project or its consequences. This is a significant flaw and should be corrected.

## **III. Impacts to recreation and public land hunting opportunities**

Public lands within the Ashland Ranger District provide high quality hunting opportunities for a variety of species including turkey, elk, antelope, mule deer and white-tailed deer. Many of MWF's members along with public land hunters frequent this landscape each year to enjoy these sporting pursuits. We are concerned around the potential effects and consequences to public land hunters from the multiple coinciding activities proposed on 318,000 acres of the southern portion of the Ashland Ranger District.

Specifically, MWF is concerned about commercial timber harvest proposed on the last remaining 'green islands' of timber, that provide both thermal and hiding cover and refuge for ungulates, following multiple significant fires in the last 10 years. Road construction activities sufficient to bring 545 miles of roads, travel-ways and motorized trails along with 168 miles of temporary roads to a standard for commercial haul will minimize and marginalize opportunities for public hunting on the largest block of public land in Eastern Montana. Further road and travel way introduction including 168 miles of temporary roads into areas that have remained essentially roadless not only changes wildlife hiding cover but significantly diminishes the few remaining

areas of timbered “back county” where recreationists can enjoy the discovery and sense of quiet and environment of an undisturbed eastern Montana Ponderosa Pine Forest.

Unfortunately, significant large portions, approximately one third of the Ashland Ranger District, has already been consumed by massive fires eliminating use by most hunters and recreationists. With this proposal, further displacement of hunters and recreationists would likely occur and likely cause abandonment of hunting and recreational pursuits. The effective of this will be direct to the local businesses in and around Ashland and Broadus who depend on a fall boost to revenues from hunters and recreationists. Additionally, with this level of activity it would be expected that elk would move off the Forest entirely in some areas and onto adjacent private land not available to most public land hunters. Private land owners will have to deal with this dispersal as elk that should find sufficient forage, cover and security on Forest lands will be displaced from this proposal.

#### **IV. Impacts to Wildlife Habitat**

##### **Hiding Cover**

The analyses speak to hiding cover for elk and deer and how it is available across the project area. While we agree that hiding cover does occur, it is at a greatly reduced quantity due to past large fires. The quality and spatial distribution of hiding cover is crucial to use of the landscape by elk and deer and in the distribution of hunters. The analyses states that since proposed treatments have not yet occurred, post treatment hiding cover cannot be modeled or mapped. We find this to be troubling in that hiding cover is extremely important in keeping elk on the landscape during the hunting season. Further statements like ‘topography would continue to provide hiding cover throughout the South Otter project area’ is simply untrue and not science based. Large portions of the project area are significantly burned and a statement like this needs to be quantified. Without some measure of how the proposed action will impact the availability and distribution of hiding cover, the assumption of no negative impact cannot be supported.

##### **Thermal Cover**

The analyses do not evaluate the impact of the proposed treatments on thermal regulatory cover. With both elk and deer utilizing the project area year-round, the availability of thermal regulatory cover for both winter and summer is critical. The proposed treatments in most cases would render the existing stands currently providing thermal cover ineffective by reducing crown density below recommended levels. The conclusion that cover will return in 10 to 40 years when trees have regenerated is not supportable nor meets any threshold for effects disclosed in this analysis including the finding that these activities will benefit big game species over the long term. Thermal cover needs to be maintained in the project area.

##### **Secure Habitat**

While the analyses address the availability of secure habitat it only utilizes block size and distance from open roads as factors in identifying secure habitat. Does not vegetative cover have

some influence on use of secure habitat particularly by elk? Use of the landscape by elk particularly during hunting season is dependent on having secure habitat and part of that habitat is the vegetative component, particularly hiding cover. Secure habitat currently averages 29 % across the entire project area, ranging from 12-43 % depending on subunit.

With a stated goal of 30 %, we cannot support proposed treatments that significantly reduce or eliminate the level of secure habitat such as: Reanus Creek that goes from 37% to 0%, Tooley Creek from 12% to 0%, and Wild Hog 33% to 10%. Further concerning is the fact that most of Reanus, Tooley and parts of Wild Hog are bordered by miles and miles and miles of fire scarred land with virtually no remaining secure habitat.

The impact of the proposed action will most likely move elk onto adjacent private lands where secure habitat and hiding cover are readily available and where hunter access is restricted. This will lead to less hunter opportunity on public lands and potentially will lead to game damage complaints from private landowners.

With roads being a critical factor in availability of secure habitat the ability to adequately restore and rehab temporary and currently closed roads is of concern. With 168 of miles of temporary roads being proposed along with the temporary opening of currently closed roads the restoration and rehab workload will be significant. While the analyses address that this work will be done, it is has been our observation and experience that this work is difficult to accomplish in this open and generally flat landscape. Our observation is that currently, many closures are not observed and haven't been for years, as commitment to signage, effective barriers, monitoring and enforcement is lacking. A significant emphasis and funding will be needed to assure that this crucial work is completed and effective. Stating it as an effective objective does not make it so.

## **V. Other Concerns and Considerations**

### **Reforestation**

We find it troubling that reforestation of the landscape after the significant wildfire events of the last decade has hardly been addressed. While a focus on thinning and commercial harvest in a manner to make stands more resilient can be supported to some locations, the lack of any apparent effort on reforesting the thousands of acres of the landscape that have little or no regeneration is unacceptable. An effort to reforest north facing slopes, draws that where once forested should be considered. This reforestation does not and should not take on a tree farm type of management but should strive to replicate what would be found on a landscape where fire is the dominant disturbance factor. Upwards of 20 years have been lost by not considering reforestation that mimics fire dominant disturbance conditions in these burned acres, acres that could now provide some level of hiding cover along with early seral stages of vegetation for many wildlife species.

### **Economics**

The millions of dollars of economic value attributed to the proposal seems to be overstated. They benefitting Counties include Rosebud and Powder River County within the

project area and Crook County Wyoming which is 160 miles from the project area. With the nearest mill at Huelett, Crook County WY, the poor quality of the trees being removed in the proposal and significant road package that will accompany the timber harvest, the restoration and other costs associated with the project, it is hard to accept that this project will have a positive economic impact on local communities. The projected 139 jobs and \$7.0 million in annual total labor for this project is simply not believable but more importantly most of any revenue generated from this proposal will not be attributed to Powder River or Rosebud Counties Montana but to the location of the mill in Crook County Wyoming. Other activities proposed will likely result in contracted services like thinning and reforestation crews typically from Oregon and a few local contractors who will likely receive the economic benefit of road improvement contracts.

Timber harvest on the Ashland District, which is the largest grazing unit in Region-1 of the FS, has never been a significant program and when it has been proposed, lack of public support, limited interest from mills and poor economic values have resulted in limited activity. What causes this proposal to be different?

### **Noxious Weeds**

The noxious weed analysis, has deficiencies, as it underestimates or totally misses existing conditions. The analysis presumes a modest noxious weed infestation in the project area and that the district weed program has been effective in containment to current locations. Neither is true. Massive increases in acres of Leafy Spurge followed the 2012 fires and very limited work is being done to control or minimize increases. Further only two weed species were evaluated, Leafy Spurge and Spotted Knapweed, when Hounds Tongue, Canada Thistle and cheat grass are relatively common in in the project area and other very aggressive species like Ventana are known to be in Powder River and Rosebud Counties. Many of the proposed activities are well known weed accelerators including prescribed burning, road building, increases in road use and timber harvest activities. Long term conclusions for noxious weeds cannot be supported because they are not reflective of current conditions and nor is an accurate portrayal in the long term provided.

### **Transportation**

We do not support the idea that the “minor modification” to the route designations made to the Ashland Travel Management Plan Record of Decision is minor. The proposed modification to route designations made in the Ashland Travel Management Record of Decision is significant and alters the effects analysis of that decision. As such, the current practice for review of a decision made in an EIS where effects will be changed or altered needs to be completed. While this proposed change would not alter the display of routes on the Motor Vehicle Use Map, it will change how the routes are used by the public. Providing a better travel way will change use patterns particularly on routes that were user created with no engineering design, surfacing, appropriate grades, or line of sight. With reconstruction to meet standards suitable for timber haul and in places, realignment due to grade or other issues, they will receive increased use particularly during hunting season. Currently many of these trails are avoided in any inclement weather.

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We have many other concerns regarding roads but overall the massive amount of road reconstruction including opening 18 miles of previously closed routes, realignment, heavy maintenance and the need for 168 miles of temporary roads is just beyond belief, and doesn't pass any accord of sound management practices. The fact is that unlike most western FS units, FS roads and travel ways on the Ashland Ranger District are uniformly in terrible condition and in inclement weather, frequently impassable. Currently, roads we observe in the project area would not meet basic BMP's because of a lack of maintenance including simple blading or ditch work. Further surfacing improvements have been abandoned for years on many Level 3 roads while roads below that standard have not been addressed at all.

## **VI. Conclusion**

We do not believe, based on this EA and supporting documents, a FONSI can be signed. We have suggested remedies in our responses, but we believe first and foremost generally accepted practices for Public Involvement must occur and meet the intent of NEPA.

We think a modified proposal that eliminates some of the timber harvest areas particularly where multiple connected and cumulative effects are found and in areas where there are currently minimal roads or trails, should be dropped from the project. Areas that include remnant "green islands" essentially surrounded by wild fire scars should be eliminated from commercial harvest and road building activities. We also are adamant implementation strategies and timing must be shared along with a definitive duration of this project NEPA and how it is envisioned the public will be notified of project implementation.

We look forward to working with you on this project and continuing to forward comments from our members into the future as discussed with Mary Erickson via phone on November 18, 2022.

Sincerely,



Frank Szollosi  
Executive Director  
Montana Wildlife Federation

cc: Mary Erickson, U.S. Forest Service, Forest Supervisor, Custer Gallatin National Forest