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September 12, 2023

USDA Forest Service

Attn: Gary Blazejewski- Flathead Fuel Break Project

PO Bx 190340

Hungry Horse, MT 59919

Hello,

Native Ecosystems Council, the Alliance for the Wild Rockies, Council for Wildlife and Fish, and the Center for Biological Diversity would like to submit the following scoping comments for the proposed Flathead Fuel Break Project. As a part of these comments, we have included 2 reports/publications: Suring et al. 1993, A proposed strategy for maintaining well-distributed, viable populations of wildlife associated with old-growth forests in Southeast Alaska; and Holbrook et al. 2018, Spatio-temporal responses of Canada lynx (*Lynx canadensis*) to silvicultural treatments in the Northern Rockies, U.S.

1. The agency is violating the National Environmental Policy Act (NEPA) by failing to provide public notice of this proposed project.

Native Ecosystems Council has been involved with vegetation treatment projects on the Flathead National Forest during recent years. We did not receive any notification that the Flathead Fuel Break Project was being released for public comment.

2. SEC 40806 – Establishment of Fuel Breaks in Forests and Other Wildland Vegetation is a violation of the NEPA and the National Forest Management Act (NFMA) because it has not undergone any programmatic analysis or public involvement.

The potential for significant impacts is high from the new program for fuel breaks, as these can be expansive without any actual acreage limitation for the number of projects allowed. Any area of the Flathead National Forest can be delineated for logging and road building for fuel break construction. These expansive vegetation, along with no limitation for cumulative landscape area of wildlife habitat impacted, are essentially permanent and essentially will remain on the landscape in perpetuity. This is outside any programmatic analysis in the Flathead Forest Plan. Also, for these fuel breaks, there is no limit on the amount of new roads that can be constructed; temporary roads are "forever roads" which will have impacts on wildlife for decades, or possibly permanently as fuel break treatments are maintained every 10 years or so. The cumulative impact of this essentially long-term logging program which permanently removes wildlife habitat and creates an unlimited mileage of new roads requires an analysis at the Forest Plan level with an Environmental Impact Statement (EIS) and public involvement. There may well be areas that the public has huge concerns about permanent fuels breaks up to almost a quarter of a mile wide. The public should be able to identify these concerns before, rather than after, fuels breaks are planned.

3. A Forest Plan amendment is required to develop some "sideboards" for fuel break projects.

As being implemented, the Section 40806 of the Bipartisan Infrastructure Law is a violation of the NFMA and the NEPA, because it is implementing an unlimited logging program without any required Forest Plan mitigation measures for wildlife and the habitat. There are many concerns for wildlife on the Flathead National Forest, including the threatened Canada lynx, grizzly bear, and proposed wolverine, as well as the threatened whitebark pine.

The Good Creek fuel break is located in the Salish Demographic Connectivity Area, which is also Zone 1 for grizzly bear management. The Ashley Lake fuel break is also located in Management Zone 1 for the grizzly bear, as well as is located in critical habitat for the Canada lynx. The Lion Hill fuel break area is located in the Primary Conservation Area for the grizzly bear. There are currently no specific restrictions for permanent fuel break and road creation on an unlimited mileage of roads and acreage of forest, as individual fuel break projects are not limited. These projects require a programmatic biological assessment (BA) for the grizzly bear, lynx, wolverine and whitebark pine.

As one example, there are no specific criteria as to how fuel breaks are required to maintain habitat connectivity for the lynx, which is Forest Plan direction. Holbrook et all. (2018) documented lynx avoid all vegetation treatment areas for decades; so fuel breaks almost a quarter of mile wide and with an unlimited length will clearly create barriers for the lynx. There is also no requirement in the Flathead Forest Plan for limitations of the removal of cover along roads to promote grizzly bear habitat safety and use, as well as to reduce human-caused mortality from poaching. Creating vast areas of non-cover along an unlimited mileage of roads is clearly an adverse impact on these threatened species. As well, the impact on whitebark pine will be severe, as seedling/sapling trees that provide recruitment will be destroyed with logging and prescribed burning. In effect, the Forest Service is implementing a new, vast program of fuel breaks that require direction to prevent significant adverse impacts on threatened wildlife and plants.

As well, there are no requirements in the Flathead Revised Forest Plan to conduct any surveys for any of the low density forest raptors that likely occur in fuel break logging areas. These include the Montana Species of Concern the Northern Goshawk, Great Gray Owl, and Flammulated Owl, as well as the Northern Pygmy Owl, Northern Saw-whet Owl, Sharp-shinned Hawk, and Cooper's Hawk. There are no mitigation requirements in the fuel break allowances for logging. There are thus an unlimited, unknown number of forest raptor nests that will either be directly destroyed during the breeding season, or their nesting habitat will be

permanently removed. These are significant adverse impacts that have to be addressed with mitigation requirements.

The fuel break CEs also will result in an unlimited, unmeasured loss of western forest birds due to direct killing of nestlings both in the nest and on the ground from logging/slashing activities, and the direct killing of both adult and young birds from smoke toxicity. The programmatic amount of killing of western forest birds needs to be estimated and evaluated, as well as identified to the public in a Forest Plan amendment. The Forest Service also needs to obtain a "take" permit for the estimated number of neotropical migratory birds that will be killed during this fuel break program.

4. The Flathead National Forest implementation of a new, permanent fuel break program on an unlimited total acreage on the forest in lynx, grizzly bear, wolverine and whitebark pine habitat requires a biological opinion from the U.S. Fish and Wildlife Service for a "take permit" and to obtain recommendations to reduce impacts to these species.

The proposed fuel break program is a new program on the Flathead National Forest that is not only outside the current Forest Plan, as these are permanent changes on an unlimited acreage of wildlife habitat on this forest. It also requires consultation with the U.S. Fish and Wildlife Service (USFWS) who needs to provide a Biological Opinion for this program, since this new program will clearly have adverse impacts on the grizzly bear, lynx, wolverine and whitebark pine. Without a new BiOp, the Forest Service is violating the Endangered Species Act (ESA). Although there is currently some information on the distribution of lynx, grizzly bears and wolverine on the Flathead National Forest, the current distribution of whitebark pine has not been provided to the public. The impact of permanent fuel breaks on this threatened species are unknown, in violation of the NEPA as well as the ESA. How many whitebark pine habitats will be impacted by an unlimited number of fuel break projects?

5. The Forest Service needs to complete a Forest-wide analysis to define to the public specifically where "emergency fire conditions" have been identified on the Flathead National Forest.

Currently, the Forest Service appears to be randomly picking out areas that have been defined as "emergency fire potential areas," and these areas are then selected for fuel break construction. It is also no coincidence that most of the selected fuel breaks include commercial logging, which is removal of the least fire-prone trees. It is a violation of the NEPA for the agency to tell the public that certain areas have an "emergency" risk for wildland fire, without providing the supporting analysis of how these areas have been identified. Since these fuel breaks are mostly logging projects, it seems highly likely that fuel break areas are being selected because of commercial timber production, as well as some current road access. The agency needs to define to the public why these fuel break projects are not just logging projects. What is the difference between these 2 types of treatments? Do they have different effects on wildlife habitat? Unless the agency can clearly differentiate between fuel break projects that require commercial logging, which is the majority of the proposed fuel break treatments for this currently-proposed project, the agency cannot provide an honest description to the public that these projects are not just more logging.

The scoping notice in fact demonstrates that these fuel breaks are largely timber production/management areas. For example, the notice at an unnumbered page states that the objective of the treatments is to reduce fuel loads aby removing the overstory trees and creating space for new trees to be established (apparently these new trees are not capable of burning). Overstory tree retention would be variable by largely only scattered trees and brush would occur followed by pile burning and broadcast burning; mechanical fuels thinning and non-commercial mechanical/hand thinning will have increasing spacing for remaining trees and help maintain or improve current and future stand health, growth and species composition; both treatments will allow for the remaining trees to have more growing space, light, nutrients, and water to facilitate more rapid development into larger trees.

Clearly, the objective of these fuel breaks is to improve growth of remaining trees, which is timber management. The agency needs to define why these projects are not timber management, and why big fire-resistant trees are being removed.

6. Please evaluate through a programmatic assessment how these fuel breaks, which are unlimited as per total projects, will impact climate change.

The Forest Service needs to do a programmatic analysis of how many acres of permanent fuel break treatments will eventually occur on the Flathead National Forest, and how these logging/fuels projects will contribute to climate change.

The agency is required to address the cumulative impacts of implementing a new, unlimited logging program to the public in Forest Plan amendment on climate change. What will be the estimated cost to the public in the loss of carbon sequestration? Also, what is the agency's responsibility for addressing climate change, given that public forest lands have a significant role in absorbing carbon dioxide.

7. Please include an analysis for specific fuel break locations of the cumulative impact of other adjacent logging projects within the affected watershed.

There are many past and ongoing logging projects on the Flathead National Forest where both the currently-proposed fuel break project, as well as an unlimited future acreage of fuel break projects, are going to be located. Please evaluate the effect of all these cumulative logging projects on wildlife habitat, including habitat for western forest birds, fragmentation impacts for the lynx, and mortality/displacement impacts on the grizzly bear. The amount of vegetation treatments within a given watershed, roughly 10,000 acres, is an established basis for measuring logging impacts on wildlife (Suring et al. 1993). This type of analysis is required so that both the agency and the public can understand how many

acres of wildlife habitat are being degraded/removed within a given area of the landscape. If each fuel break project can permanently reduce/remove 3,000 acres of wildlife habitat, this could easily include at least 30% of a given watershed, which when added to other logging projects, can result in a significant local loss of wildlife habitat. The public needs to know how all these various projects are being coordinated to ensure persistent wildlife populations, including western forest birds and forest raptors, are being maintained within each watershed, and are thus "well distributed" across the Flathead National Forest.

8. Please define the Wildland Urban Interface as per the Healthy Forest Restoration Act (HFRA).

The scoping notice states that the WUI is being defined by the Flathead County Community Wildlife Protection Plan (2021). Thus the WUIs mapped in the scoping notice are not limited to 1.5 miles from communities at risk, as is required by the HFRA. Please use the correct WUI definition in your project evaluations.

9. Please include in the required programmatic analysis of the proposed unlimited fuel break/logging/roads program that is being implemented on the Flathead National Forest as to the scientific, documented effectiveness of fuel breaks.

Although the agency is implementing an unlimited fuel break program, there has been no programmatic assessment as to the validity of fuel breaks of various sizes to stop fires or make them more controllable. Although fuel breaks may help contain fires when there is no severe weather, these breaks have no documented ability to slow or stop fires in severe conditions. In this assessment, the agency needs to address conflicting science regarding the value of fuel breaks in protecting forests and communities from wildland fire, as is required by the NEPA.

10. The scoping notice claims that fuel breaks are needed to protect "values at risk," but the value of wildlife habitat and wildlife are apparently not included in these values.

The effect of logging on wildlife is well documented, as well as wildland fire. There are no benefits to wildlife from either logging or trying to reduce wildland fire. So it is not clear what the agency is addressing when the claim is presented that fuel breaks are needed to protect "values at risk." Wildlife and their habitat is "at risk" from the fuel breaks. Why isn't this effect of fuel breaks identified in the scoping notice. As per "purpose and need," wildlife management is also a requirement. In addition, there is no actual benefit to protecting communities from destruction from fire by logging, instead of hardening the communities. Why aren't the dollars being spend for logging instead being spent on hardening communities and homes in the WUI? Where is this alternative considered?

Regards,

Sara Johnson

Sara Johnson, Director, Native Ecosystems Council, Personally identifiable Information (PII) 6-5

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