

Ms. Kathy Bushnell, District Ranger
Helena District Ranger
2880 Skyway Dr.
Helena, Montana 59602

July 31, 2024

Re: Proposed Larabee Hat Vegetation Project, Helena-Lewis and Clark National Forest

Transmitted via email—please acknowledge receipt!

Dear Ranger Bushnell,

Thank you for the opportunity to comment *Preliminary Analysis* relating to the Larabee Hat Vegetation Project proposal (hereafter, “Project”) on behalf of the Council on Wildlife and Fish, Alliance for the Wild Rockies, and Native Ecosystems Council (collectively “Alliance”).

The “Alliance” submitted Scoping Comments with the hope it might have some influence in the development of the environmental analysis (EA) for the proposed Project. Alliance comments suggested that the Forest Service must complete a full environmental impact statement (EIS) for this Project because the scope and intensity of the Project will likely have significant direct and indirect, and cumulative impacts on the human (natural) environment.

It is apparent that the Helena-Lewis and Clark National Forest (hereafter, “Forest”) chose to dismiss our suggestions/comments out of hand. Unfortunate, but not surprising. To save Alliance and Forest a lot of unnecessary work and consternation we suggest that the Forest discontinue/vacate/drop the Project.

There is no rational or legal legitimacy in continuing with the proposal to build (bulldoze) and re-build over 50 miles of new and reworked roads to access destructive logging, with logging units exceeding the normal limit of 40 acres, with impaired (“listed 303(d) waterbody segments”) waters occupied by ESA-listed bull trout.

Habitat for grizzly bears, elk, moose, deer, bull trout, white bark pine, lynx, wolverine, goshawk and the list goes on, and on, will be degraded/destroyed, and

displacement will be the result. Where will displaced wildlife and fish go to escape the onslaught?

The direct, indirect and cumulative environmental impacts, which include this Project added to impacts from the following known past, present and foreseeable actions, including, but not limited to:

Ten Mile Project; Telegraph Projects; State of Montana's Spotted Dog Wildlife Management Area Project; and various actions on adjacent and nearby private landholdings. Cumulative effects are significant when considered together. An EIS is required by NEPA.

Language

In the end, if all of legal fiction and language were to be destroyed, we must realize that nothing in Nature, nothing in Reality, and therefore no man would actually be harmed. The rabbit would carry on in its ambiguous substance as if the word rabbit never fictionally existed. And the Law of Nature would be untouched, for Its True, self-Existence never required anything of man, no names or titles, and certainly no language arts.

Clint Richardson, Strawman, p. 1140.

The Helena Ranger District has introduced the words *Preliminary Analysis* with no reference, no source, no definition, and consequently no meaning.

This term does not appear in the 658 pages of the Helena-Lewis and Clark National Forest Plan (Forest Plan). Not a single mention. No definition. Nada!

What does this mean? Please disclose this term of art, its origin, its definition, and its meaning in the context of the Forest Plan and proposed Project.

Legalese is the king's language. To the legal societies and Religious sects, illiteracy is merely a lack of juristic and scriptural knowledge, and this publicly imposed ignorance and trickery is the tool of their general control over we, the common people. Thus, the common or general language of the common people bounded and burdened by public citizen-ship is viciously twisted and turned into

a language of fraud and deceit in direct opposition to Life, Law, God, and Nature Itself. This magical spell (the spelling and construction of words) therefore must first be realized as a state of despotic dualism, where we are intentionally and unwittingly tripped up on our own false comprehension and wrongful understanding of the meaning of legal words, as our common everyday words in fact mean the opposite of the True intent under which we speak them, even while unwittingly acting in a legal capacity (in persona). We are in Rome, and so we must learn Rome's language or be helpless under its deception. This is the realm of legalese — the legal language — where fantasy and Reality collide to create the jurisdiction of legal law that so entraps all good men as one body politic under false names (nouns). Ibid, pps. 55,56.

Purpose and Need

The presumption that the forest requires 'help' from the USFS continues with no discussion.

Please give a detailed accounting of the deficiency, ill-health, or other inadequacy present in the Project area. Is there a real problem here? Or, is this a Project looking for a problem?

Please clearly state, and fully disclose the correlation or association – if any exists – being assumed between the current (deficient) condition – presumably 'outside' the Historic Range of Variability (HRV) and the proposed remedy as "treatments" listed below. I'm looking for scientific evidence of a problem here. Please cite/disclosew all scientific literature, papers and other supporting documentation to support the presumptions/assumptions driving this proposed Project.

The stated, purported primary purposes – presumably to remedy a problem -- of the Larabee Hat Vegetation Project are:

- Forested Resiliency, Diversity, and Restoration
- Modify fuels within the Wildland Urban Interface
- Wood Products
- Watershed Improvements

So, to repeat our scoping comment: For each proposed remedy, please analyze and disclose the scientific observation and link (utilizing peer-reviewed, 'best-available' science) to 'the problem.'

It is certainly debatable whether most forest ecosystems need any restoration. Nearly all higher elevation mixed conifer and subalpine forests (See: *Pfister et al.*) grew in dense stands that tended to burn at medium to long intervals (often hundreds of years) with large patches of mixed to high mortality -- so they are well **within historic conditions**. Emphasis added.

Roads/Road Densities

Current Open Road Densities (ORD) and Total Road Densities (TRD) exceeding 1 mi./sq. mile violate well-established grizzly bear (“best available”) science and must be brought into compliance, or the Project does not “contribute to grizzly bear recovery,” in violation of the Endangered Species Act (ESA).

How will adding this many new roads in the Project area maintain compliance with the road density standards in the Forest Plan?

How will the new open and total road density calculations effect big game habitat effectiveness and movement/migration, and winter range security?

Please analyze and disclose the current condition of open and total road densities in the Project area, including all jurisdictions. What are the cumulative road densities on federal, state, private, corporate and ‘other?’ Please include all ‘passable’ two-tracks and ATV trails used for recreation, and/or to service livestock infrastructure (pipelines, stock tanks, fences, etc.).

Please quantify and disclose the estimated miles of roads impacted by “ineffective closures,” and disclose what percentage of the total and closed road density that number represents in the Project area.

Please estimate and disclose the ORD and TRD in the Project area during and upon Project completion, including the “newly constructed temporary road and temporary use over existing road or trail templates.”

Please commit to, and disclose, a final date when “[A]ll new temporary roads would be Obliterated.” All culverts must be removed on ‘obliterated’ roads after Project completion.

This Project, like all the others on ‘public lands’ today is an example of American settler-colonialism that began on this continent in the late 1490s and continues, uninterrupted.

We urge you to stop.

To colonize is to plant or establish a colony in; to plant or settle subjects of a native territory in a remote location, for the purpose of cultivation, commerce, defense -- and for permanent residence – conversion of native, natural forest into a computer-model, forest simulation, i.e. “virtual tree plantation.”

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ESA: Threatened and Endangered Species/Critical Habitat

Please provide the current best science that shows that logging will contribute to grizzly bear recovery.

How will the Project aid in recovery of all listed species in the Project area?
Disclose the BA and BO.

Please provide the current best science that logging, thinning and burning will benefit white bark pine forests and its recovery.

Please provide the current best science that logging will sustain and enhance the mutually beneficial interrelationship between grizzly bear, white bark pine, pine squirrels and the Clark's nutcracker.

Please define the specific ecosystem problems in IRAs that are harming grizzly bears and Canada lynx, and what the solutions will be, as per the current best science.

Please provide a valid analysis of Project's fragmentation impacts on lynx.

How much wolverine and lynx winter habitat will be eliminated?

How long are harvest units expected to provide travel barriers for grizzlies, wolverine, and lynx as per the current best science?

Please address lynx winter habitat and how this is being managed to promote persistence and recovery of lynx in the Project area.

Watershed/Bull Trout Habitat Conditions

What current (identifiable specific) conditions exist today that trigger the following statement in the scoping solicitation:

There is a need to restore bull trout habitat as well as other important riparian and rangeland habitat. The project area includes several streams that are listed by Montana Department of Environmental Quality as impaired, due to historic and current land use practices. Watershed improvement activities would be designed to improve water quality, aquatic habitat, aquatic organism passage, and the hydrologic capacity of stream crossings. They would also move streams toward meeting or exceeding state and federal water quality standards.

Do WQLS (impaired waterbodies) in the Project area have TMDLs (cleanup plans, or total maximum daily load)? If not, why not? If yes, please fully implement and meet standards a.s.a.p.

Beneficial uses of the water bodies in the analysis area must not be degraded.

What has been the effectiveness of proposed BMPs in preventing sediment from reaching watercourses in or near the analysis area?

What BMP failures have been noted (monitoring) for past projects with similar land-types?

We would like to see a thorough discussion of the BMPs and mitigation measures you would propose. This discussion must go beyond a mere listing and include their relative effectiveness in achieving their intended goal(s), based upon experience in the Project area and affected watersheds.

Please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects of Project activities on these sensitive areas. We further request that you refrain from harvesting in riparian areas altogether and we recommend that no stream crossings be constructed in any of the drainages.

We request a careful analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature.

Cumulative effects analysis should address the condition of the streams in relation to all past management activities as well as considering the present proposal.

Disclose all redd count data, and trend analysis, for westslope cutthroat trout and bull trout.

Please consult with U.S. Fish and Wildlife Service (USFWS) on bull trout before proceeding with ground-disturbing action.

Inventoried Roadless Areas (IRA)

The scoping notice says: “Approximately 50% percent (21,594 acres) of the project area is located within inventoried roadless areas.” Does this not represent an extreme outlier when compared to most previous projects on the Helena-Lewis and Clark NF in recent decades?

Disclose how the Project complies with the letter and intent of the 2001 Roadless Rule.

The ecological sensitivity and significance of roadless landscapes cannot be overstated.

The adverse ecological impacts of fuels reduction, vegetation manipulation or prescribed burning – all characteristics of ongoing “colonization” adventures – in roadless areas should be fully analyzed and disclosed.

The importance of roadless areas:

Roadless areas are a remnant of our pioneer heritage, a dwindling portion of our increasingly developed American landscape. They serve as a biological refuge for native plant and animal species and a bulwark against the spread of nonnative invasive species. As a baseline for natural habitats and ecosystems, roadless areas offer rare opportunities for study, research and education. In addition, they provide unique opportunities for dispersed recreation, sources of clean drinking water and large undisturbed landscapes for privacy and seclusion.

Former USFS Chief Mike Dombeck, January 8, 2001.

Roadless Areas are essentially irreplaceable, an irreconcilable loss if altered so as to lose wilderness characteristics, i.e. “domesticated” or converted into failed “tree plantations” and/or financially marginal pastureland for livestock.

We are particularly concerned about the impact of proposed management activities on wildlife and wildlife habitat, biological communities, native plants, aquatic species, watersheds, wilderness characteristics, non-motorized dispersed recreational values, aesthetic quality, and cultural resources in roadless areas being manhandled for absolutely no legitimate, rational reason.

Treatments in the Electric Peak Inventoried Roadless Area, and Electric Peak Recommended Wilderness Area, should be suspended indefinitely.

Apparently, the “Responsible Official” pre-determined that logging small diameter timber is needed. § 294.13(b)(1)(ii). Please cite the site-specific stand exams and/or other supporting research that documents the reasons for ground-disturbing action needed to “restore the characteristics of ecosystem composition and structure.”

Please cite the “habitat type” of each individual stand or area being targeted for “treatment.” Please quantify the current risk of “uncharacteristic wildfire effects” by location, and ecological conditions specific to the treatments being employed.

Please identify all stands and/or areas that currently exist in the Project area that fall outside the range of variability. Please document and disclose reasons for these presumed determinations.

Please identify, quantify, locate on a map, and disclose to the public impacts to watersheds and westslope cutthroat trout and bull trout causes by livestock use and livestock infrastructure maintenance, including wallows, fords, diversions, and areas known to be impacted by livestock congregating in riparian ‘hot spots.’

Wildland Urban Interface (WUI)

What is the risk today? What is the Mean Risk to Structures, and what is the Mean Probability of Ignition? This is the ‘baseline’ risk.

What percentage of risk will be reduced (net change), and/or, “protected” (post-Project) from fire impacts in the wildland urban interface (WUI)? What will be the net reduction in risk if everything goes according to plan?

Please provide the WUI definition, and the source of that definition, being used, specific to this Project.

Please cite examples of where, in similar habitat types, a “coordinated risk management approach to promote landscapes that are resilient to fire-related disturbances and preparing for and executing a safe, effective, and efficient response to fire” has produced the results you are expecting in this Project area.

See: A2.1 Mean Risk to Structures

The Mean Risk to Structures for counties and communities is displayed as a scatterplot of Mean Burn Probability versus Mean Conditional Risk to Structures (Figure A.2).

Montana Wildfire Risk Assessment: Methods and Results; Prepared by:

Julie W. Gilbertson-Day, Kevin C. Vogler, Jim Napoli,
April Brough, Chris J. Moran, Joe H. Scott

Prepared for: Montana Department of Natural Resources and Conservation
Forestry Division; May 8, 2020

What is the expected effective duration of the proposed ‘treatments.’ When do you expect re-treatment to begin? This is a ‘foreseeable’ action, no?

Old Growth and Old-Growth Habitat

Old growth is an ecosystem state rather than a state of individual trees. Those species that are dependent on old growth ecosystems are primarily dependent on old growth characteristics rather than the presence of large trees. These old growth characteristics include high levels of age class diversity and structural complexity, abundant snags, high levels of soil nutrients, and a rich understory of shade tolerant species. The presence of old trees generally signifies a relatively undisturbed ecosystem.

How does the Forest Service intend to maintain old growth in “timber compartments containing suitable timber” when it has no old growth management standard and no plan for old growth recruitment where old growth is already depleted below biological minimums?

Large, cavity-nesting birds cannot survive in small diameter snags. No minimum snag size is maintained in harvested areas. The number of snags after a project is never adequate to meet biological minimums.

The misuse of Green et al. has been nothing short of a sham. Logging high quality old growth habitat yields low-quality, “Green minimum” habitat, uniformly applied. This is “high-grading” of the worst kind.

Please add to the appendix the old growth report generated from “stand exam crew or silviculturist” surveys of treatment units. Please, in addition, add any and all documentation of old growth surveys and old growth analysis in the project area outside “treatment units.” Did you survey only the old growth stands scheduled for logging (“treatment”)?

Snags and down, whole trees, are essential elements in old growth stands.

An EIS should fully document in detail the logging that is proposed for both designated old growth and stands with old growth characteristics. All stands should be ground checked for old growth attributes. The relation of the stands to the landscape scale network of old growth stands should be mapped and fully

considered. Impacts of this project on old growth should be fully disclosed to prevent an irrevocable loss which exceeds biological minimums.

Old growth surveys would be completed in treatment units before implementation. How would treatment in old growth comply simultaneously with *Green* and with the Forest Plan (FW-VEGF-GDL-04)?

Pfister/Habitat Type/Historic Range of Variability (HRV)

Using Pfister, et al. (1977) please identify and disclose and map the various habitat types being treated?

Is the “desired condition” the same as the climax condition in each specific habitat type? If not, why not?

The FS should disclose site-specific examples where vegetative conditions are, or are not, within the Historical Range of Variability (HRV).

The NEPA document should describe how the HRV was determined.

Restoring the project area to the HRV appears to be a major component of the proposed project. Is this true?

Please disclose the methods used for estimating HRV. Please keep in mind that the interpretation of the structure and processes of ecosystems is scale dependent.

“The identification of spatial and temporal scales relevant to ecosystem patterns and processes are critical to the concept of historical range of variability.” (Morgan et al. 1994).

Scale consists of both spatial and temporal dimensions. Historical range of variability should be assessed over a period of multiple generations of trees, at least several centuries.

HRV analyses must carefully disclose the quality and quantity of data that was used to evaluate historic range of variability. As it is important for HRV to include variables such as historical stream flow; the temperature, sediment content, or nutrient content of water; soil nutrient content or turnover rates; and the influence of many diseases and insects, any lack of historical data for these parameters must be disclosed (Morgan et al. 1994).

Proposed treatments to move ecosystems toward historic ranges of variability (HRVs) defined chiefly by vegetative composition often pose far greater threats to biodiversity than do fires and other natural events that might (or might not) be associated with the “undesired” changes in forest structure. (Frissell and Bayles, 1996; Henjum et al. 1994).

Hessberg and Lemkuhl (1999) suggest that prescribed burning alone can be utilized in many cases where managers typically assume mechanical fuel reductions must be used. The concept of historic range of variability (HRV) suffers from a failure to provide defensible criteria for determining what ecosystem factors’ ranges should be measured (Frissell and Bayles, 1996).

Tiedemann et al (2000) challenge the FS’s claim to understand the concept of “historic range of conditions” and seriously calls into question the whole notion that we can, or even should, try to replicate such conditions: “Nearly 100 years of fire exclusion, possible climate changes, and past management practices may have caused these communities to cross thresholds and to reside now in different steady states.”

Other authors support this assertion that efforts to strictly recreate past conditions may be neither desirable nor feasible (Hessburg et al. 1999, Landres et al. 1999, Swanson et al. 1994).

The NEPA document should thoroughly address the current conditions and the perceived need for prescribed burning and thinning. The project should emphasize the facilitation of natural process rather than the emulation of static forest conditions. Ultimately, restoration of natural process will entail allowing for natural wildfire. Facilitation of natural process should involve removal of management-induced inhibitors such as roads, culverts and fire suppression.

Livestock Grazing

The please analyze and disclose the cumulative effects of livestock grazing, combined with unregulated residential development, past logging activity, wildfire, insect activity, weed infestations, and now vegetation manipulation and clearcutting with new roadbuilding is cause for considerable concern.

The impacts are cumulatively significant, which requires and EIS (Environmental Impact Statement).

Please analyze and disclose the cumulative effects, including grazing impacts, on the following public land values:

- 1) Water quality and quantity.
- 2) Wildlife habitat for moose, mule deer, elk and other big game, and other non-game species that may occupy the project area.
- 3) Snags and snag-associated species.
- 4) Down woody material, especially larger diameter logs that provide habitat for small mammals, reptiles and amphibians.
- 5) Open road densities, total road densities and any new road construction or reconstruction.
- 6) Diversity and old growth.
- 7) Economics, including a full and fair evaluation of projected revenues and expenditures.
- 8) Visual quality.
- 9) Solitude and quiet and “slow” recreation
- 10) Effects of grazing on aspen regeneration

This Project, like all the others on ‘public lands’ today is an example of American settler-colonialism that began on this continent in the late 1490s and continues, uninterrupted.

We urge you to stop.

To colonize is to plant or establish a colony in; to plant or settle subjects of a native territory in a remote location, for the purpose of cultivation, commerce, defense -- and for permanent residence – conversion of native, natural forest into a computer-model, forest simulation, i.e. “virtual tree plantation.”

The term colonization is derived from the Latin words colere (cultivate; to till), colonia (a landed estate; a farm) and colonus (a tiller of the soil; a farmer); and then by extension, to inhabit.

Colonialism is land conquest. Colonialism is dominion. Colonialism is domestication. Conversion of native forest to tree farm is colonization. The Project is colonization.

Thank you for considering our comments.

Sincerely yours,

Steve Kelly, President Council on Wildlife and Fish P.O. Box 4641, Bozeman, MT 59772; 406-920-1381 and;

Sara Johnson, Director, Native Ecosystems Council, PO Box 125, Willow Creek, MT 59760; phone 406-579-3286; sjjohnsonkoa@yahoo.com. and;

Mike Garrity, Director, Alliance for the Wild Rockies, PO Box 505, Helena, MT 59624; phone 406-459-4936; wildrockies@gmail.com.