

December 23, 2024

U.S. Forest Service Swan Lake Ranger District Attn: Christopher Dowling
200 Ranger Station Road
Bigfork, MT 59911
Re: Rumbling Owl proposed project

Dear Ranger Dowling,

Please accept the following public comments from relating to the Rumbling Owl EA (EA) on behalf of the Council on Wildlife and Fish, Alliance for the Wild Rockies, and Native Ecosystems Council, hereinafter “Alliance,” in response to the EA’s Legal Notice of November 22, 2024.

What Emergency?

Despite raising the issue in NEPA Scoping, the U.S. Forest Service has failed to demonstrate that there is an actual emergency, making the presumption of a legitimate “Purpose and Need” illegitimate and in violation of the NEPA. Without data, analysis, and disclosure to the public of specific criteria, or conditions and/or situations being presented in a common English with clear intent, there is no foundation upon which this project can rest.

The EA never asks, or answers (fails basic NEPA), the critical question: Why is this special emergency status is just, right, or reasonable basis. Please cite specific statute, rule or any other legal authority that demonstrates with evidence what on earth justifies this emergency category.

And why has the Flathead National Forest failed to follow its own Forest Plan standards and guidelines. Nothing disclosed in the EA can be linked directly to compliance with the Flathead National Forest Plan. Therefore, the Project cannot be tiered to the Forest Plan. No compliance = no tiering, which raises other serious questions about the adequacy of the site-specific analysis required.

Please incorporate Swan View Coalition’s and Friends of the Wild Swan’s comments by reference.

WUI: Where is it?

The EA fails to adequately demonstrate how the Project complies with the most basic definition of a wildland-urban interface (WUI) as defined in the Healthy Forest Restoration Act of 2003 (HFRA).

By definition, a wildland - urban interface exists within 1 1/2 miles from a community. This does not meet the criteria.

A WUI, by definition, can also be a “municipal watershed,” or primary source of drinking water for the community.

The EA has not mapped the WUI properly and has not met the basic criteria that defines a WUI as per the provisions provided in the HFRA. demonstrate that the entire project area is a drinking water source area for the community.

Cumulative Effects/NEPA

Past, current, and future logging by the Forest Service, Montana Dept. of State Lands, and private logging in the area, or in other words, “significant impacts,” demands that the Forest Service complete a full environmental impact statement (EIS) for the Project.

Cumulative impacts must be analyzed and disclosed in the EIS. The EA/FONSI fails to adequately assess and disclose the Project’s true level of ecological destruction.

The significance of habitat destruction and fragmentation discussed in the biological assessment for the candidate, threatened, or endangered species is wholly inadequate. This alone demonstrates a lack of candor and seriousness that is warranted, and a need to reconsider the “significance” of the direct, indirect and cumulative impacts to species that should have been given ‘priority’ over all other commercial, recreational and aesthetic desires.

The Forest Service is required to conduct an EIS for the Rumbling Owl project.

Thank you for the opportunity to comment before a Decision is made.

Sincerely,

Steve Kelly, President

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Sara Johnson, Director

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