



January 16, 2025

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Kootenai National Forest
Attn: Nathan Gassman
District Ranger
Libby Ranger District
12557 US HWY 37
Libby, MT 59923

RE: Pine Phlats Fuels Reduction Project Scoping Document

Ranger Gassman,

We are writing on behalf of the Yaak Valley Forest Council to comment on the Pine Phlats Fuels Reduction Project outlined in the Pine Phlats Fuels Reduction Project Scoping Document.

The Yaak Valley Forest Council, established in 1997, is a non-profit organization based in Montana. We focus on implementing conservation and restoration programs that protect and preserve critical wildlife habitats for sensitive, threatened, and endangered species residing in the wild Yaak Valley.

We take seriously the risks of wildfire within the Wildland Urban Interface (WUI) and are aware of Libby's designation as an at-risk community.¹ We continue our longstanding support of the Firewise Program of "hardening" residences and other buildings against wildfire, which has been proven to be the most effective approach to saving those structures from burning. However, the project must adhere to the Wildland Urban Interface, defined as one-and-a-half miles surrounding a community outlined in 16 U.S. Code § 6511.²

¹ *Urban wildland interface communities within the vicinity of federal lands that are at high risk from wildfire.* (2001, January 4). Federal Register. <https://www.federalregister.gov/documents/2001/01/04/01-52/urban-wildland-interface-communities-within-the-vicinity-of-federal-lands-that-are-at-high-risk-from>

² *U.S. code § 6511 - Definitions.* (n.d.). LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/16/6511#1616>

On May 16, 2023, the United States Court of Appeals for the Ninth Circuit issued the Hannah Flats decision, clarifying that even actions planned under categorical exclusions must adhere to the definition of wildland-urban interface as outlined in the Healthy Forests Restoration Act (HFRA). This ruling emphasized that all actions taken on federal lands must comply with Congressionally authorized statutes. Therefore, federal actions on these lands must follow federal law. This finding is reinforced in a webinar on December 17, 2024, presented by the Montana Forest Collaboration Network, titled "Collaboration and Forest Litigation in Montana." During the webinar, two attorneys from the American Forest Resource Council, Sara Ghafouri and Sarah Melton, emphasized that county-developed Community Wildfire Protection Plans should not be used as guiding documents in forest project plans.³

Outside of the WUI defined in 16 U.S. Code § 6511, the Forest Service should recognize fire as a natural process, and that fire operates as an integral part of the ecosystem in which it occurs. Wildfires are a part of nature and play a key role in shaping ecosystems by serving as agents of renewal and change.⁴ We would draw your attention to the statement in the Scoping Document: *"The city of Libby and the greater community lie directly south and east of the Pine Phlats project area. Subsequently, these conditions influence potential fire behavior and could support a fast-moving, intense crown fire with increased resistance to control. Such a fire would threaten life and private property within Libby's wildland urban interface (WUI). Fire mitigation is necessary to keep the community safe and appropriately manage the project area's ecosystem processes by creating resilience from the effects of a rapidly changing climate."* If Libby lies upwind of the proposed project, with fires being driven upslope and away from Libby, and prevailing winds traveling away from Libby rather than toward, how does Libby's southeasterly location "support a fast-moving, intense crown fire"?

In response to the Lincoln County Board of Commissioners' declaration of a countywide emergency for forest health and wildland fire threat, "...the Kootenai National Forest offered **participation in all hazardous fuel projects within the WUI**, and specifically granted Lincoln County cooperating agency status for the Pine Phlats project, located in the project file." The KNF also accepted the County's illegal WUI definition, as described in paragraph 2 above. One might question who is running things here in the forests of Lincoln County: the Kootenai National Forest, whose responsibility it is to manage these federal lands, or Lincoln County, whose opinions and resolutions have no legal binding herein? Does conferring "agency status" somehow elevate the 2023 Lincoln County Community Wildfire Protection Plan to be on a par with federal laws such as the National Environmental Policy Act (NEPA) as a guiding document on this project?

To further muddy the waters, it should be noted that Lincoln County receives Payment in Lieu of Taxes (PILT) of 25% of timber receipts from National Forest lands within the county, so that the county has strong incentives to both expand its WUI definition beyond federal standards, and to push for maximum logging and volume within that WUI, no matter the cost.

³ Montana Forest Collaboration Network. (2024, December 17). *Collaboration and Forest Litigation in Montana* [Webinar]. Steve Kimball, Coordinator, Montana Forest Collaboration Network (MFCN). [https://urldefense.com/v3/https://mt.gov.zoom.us/rec/share/ZYo76H6fxCS1h_ijT96MmPmFN4eDx5J9fTpiGycMp_Bm-GSg7lC6_oRyfbdrSVLJ_-4IcuznYRwqZlQlc_!!GaaboA!u1EQJuUjKO-GJfDwPoGu_raljMeDu1EUcm6LmD6w2Oo65NoDLFTUcrzREZiq3BOpFyfJwZpMv-vt6Phhk-p37sY\\$](https://urldefense.com/v3/https://mt.gov.zoom.us/rec/share/ZYo76H6fxCS1h_ijT96MmPmFN4eDx5J9fTpiGycMp_Bm-GSg7lC6_oRyfbdrSVLJ_-4IcuznYRwqZlQlc_!!GaaboA!u1EQJuUjKO-GJfDwPoGu_raljMeDu1EUcm6LmD6w2Oo65NoDLFTUcrzREZiq3BOpFyfJwZpMv-vt6Phhk-p37sY$), at 40:55

⁴ *Fire effects on the environment* | Pacific Northwest research station | PNW. (n.d.). US Forest Service. <https://www.fs.usda.gov/pnw/page/fire-effects-environment>

This document informs us that *“The Pine Phlats project area is within a ‘priority area’ designated in the Montana Forest Action plan for high fire risk and forest health concerns.”* Can you describe these “forest health concerns”? The forest health issues most apparent to us in this heavily managed and degraded area include a paucity of old and mature forests, i.e., large diameter trees, lack of species diversity, and prevalence of noxious weeds. We do not see how the logging proposed in this project will remedy those problems.

With regard to the weed situation, presumably, the measures to be undertaken are included in the design features for the project, which we are told have yet to be identified but will likely consist of the standard design features that have been shown in the project after project to be insufficient in mitigating the damages caused by logging and road building that set the stage for weed infestation. The Pine Phlats Project will undoubtedly rely on what are termed Best Management Practices although virtually every unit of every logging project undertaken on the Kootenai is worse off after harvest than before, including some that, pre-harvest, had no weeds at all and are now heavily infested. But how would the Forest Service even know that, since no monitoring plan is included in this and many other project proposals--especially those designated as Categorical Exclusions in response to panic about potential wildfire? Or if a monitoring plan is specified, it is for 10% of the logged acreage, and we have yet to see a corresponding plan for conducting follow-up weed eradication. This is hardly adaptive management.

Similarly, with regard to soils, we are aware of no baseline data for this project’s area of compaction and other values, including mycorrhizal activity. Such baseline data is necessary to give value to any data collected after logging. We are assured that under section 603 of the Healthy Forest Restoration Act, the project will be conducted using the “best available science,” but we see no sign of this proposal being informed by science. The proposal consists almost solely of descriptions of various “vegetation treatments” -- mainly different forms of logging. The project area still suffers from the aftereffects of previous logging, yet the Forest Service intends to remedy that situation with more logging.

But the heart of our concern with the Pine Phlats Project is with the following statements: *“Overall residual tree retention would range between 6-30 trees per acre”* and *“Within each group selection unit, openings of one to five acres would be harvested with the intent of regenerating openings and establishing a second cohort of ponderosa pine. The remainder of the stand outside of the group openings would be thinned to reduce stand densities.”* Six trees per acre is not a forest, it’s a clearcut. “Thinning” in this proposal is actually another form of clearcutting. This does not make the forest healthier. The forest disappears. Instead of recovering tree size and diversity of flora and fauna, this project as described will result in vast nearly treeless acreages open to harsh sunlight and drying winds, where native ground covers unused to such exposure have yielded to invasive weeds, and the survival rate of reforested seedlings will be low

We would bring to your attention that the creation of large openings where forest used to be will reduce winter range and thermal cover for ungulates, particularly deer, and have the effect of concentrating them in increasingly crowded sites close to human habitations. Has the agency examined a survey of chronic wasting disease in the area, and considered how this proposed project might contribute to the spread of that disease?

Another issue with this project is the probable presence of asbestos in the area. Can the District provide us with sampling data regarding asbestos content in the bark and biomass of trees in the proposed

project area at all ages, elevations, and aspects? Please describe the plans for sampling/monitoring asbestos presence/concentrations in commercial and noncommercial harvest units and areas of disturbed soil.

As with previous projects, the Forest Service describes the purpose of the Pine Phlats Project as replacing the existing forest with one the Forest Service believes will better withstand the effects of climate change. But nowhere do we find mention of the role played by this and other projects involving massive tree removal by carbon-spewing machinery, in exacerbating climate change itself.

That this document was hastily assembled and poorly written is exemplified in the baffling statement, “The Flower Creek watershed, Libby’s only municipal source of drinking water, shows risk at various levels due to recent forest treatments in portions of the watershed.” We don’t doubt that is true, but question its relevance to the Pine Phlats Project, since the Flower Creek watershed is nowhere to be found in this proposed project area.

Our comments are submitted within the requested 30 days, beginning on December 18, the date of public notification of the project. However, it should be noted that this contradicts earlier information warranting that the public has 60 days⁵ to respond to the proposed violation of the Kootenai National Forest Plan’s 40-acre maximum for clearcuts. (Two units slated for clearcutting in Pine Phlats exceed 40 acres.) We recommend that for compliance, the agency honor the law here, as well, so that other parties may participate. Clearcuts, particularly large ones, are a major factor in assessing immediate and cumulative impacts on all species. The implicit message here is that the Forest Supervisor can countermand a requirement of the Forest Plan without explanation or justification and intends to.

Because of the potential ecological impacts of the Pine Phlats Project, such as the wholesale destruction of wildlife habitat, the proliferation of invasive weeds, the spread of chronic wasting disease, elevated carbon emissions, and more, we request an Environmental Assessment of this project.

Thank you for the opportunity to comment on this project.

Respectfully,



Chris Bachman
Conservation Director
Yaak Valley Forest Council

⁵ 36 CFR 219.11 -- Timber requirements based on the NFMA. (n.d.). Code of Federal Regulations. [https://www.ecfr.gov/current/title-36/chapter-II/part-219/subpart-A/section-219.11\(d\)\(4\)\(ii\)](https://www.ecfr.gov/current/title-36/chapter-II/part-219/subpart-A/section-219.11(d)(4)(ii)) last amended 1/13/2025.