

District Ranger Amy Haas
Beartooth Ranger District
6811 HWY 212
Red Lodge, MT 59068

August 5, 2025

Dear Ranger Haas:

Thank you for the opportunity to comment on the Categorical Exclusion document for Burnt Mountain Project proposed for the Beartooth Ranger District of the Custer-Gallatin National Forest. We have several concerns regarding this project proposal as listed below:

Lynx Habitat

We were surprised to see that the Custer-Gallatin is once again proposing logging activities in lynx habitat. The Custer-Gallatin has twice proposed logging projects in this area. The first time they withdrew the project before going to court because it was obvious they would lose due to lack of consideration for lynx habitat. The second time they lost in court over the same issue. So what has changed?

Other Wildlife

Appendix A of the CE identifies several 'design features' for Wildlife. Nothing is noted for endangered species or other species of concern, of which there are several in the project area: grizzly bear, lynx, northern goshawk, possible west-slope cutthroat and western snapping turtle, wolves, among others. Forest fisheries biologists were not included on the analysis team, so that input is currently missing.

The Forest admits it is unable to ensure #21, as is noted elsewhere in this letter – limitation of temporary roads to administrative purposes only. This area is an important production area for deer, elk and moose. Features #22 and 23 are critical, with the existing landscape offering high quality range. The CE inadequately maps these areas as they currently exist. The CE states "units will be identified during analysis or implementation". Since nothing is reported in the CE, the plan must be to do so during implementation. This needs to be done now, particularly as there are insufficient staff currently, and staffing is planned to be reduced, leaving the ability to assess and monitor actual impact, and ensure compliance during implementation highly in-doubt.

The CE does not address any issues related to the Endangered Species Act or any management plans for Canada Lynx, Grizzly Bear, Wolves, all three species of which have habitat within the project area, with known occupancy by the latter two.

Criteria to Qualify for a CE

We do not see how the project meets either the WUI or the non-WUI criteria as outlined in Section 605 of HFRA. It fails to meet the WUI definition as well as not being in Fire Regime Classes I, II or III.

Wildland Urban Interface

We have an issue with the Wildland Urban Interface (WUI) designation for the project area. The Project uses the 2012 Carbon County Pre-Disaster Mitigation and Community Wildfire Protection Plan (PDM/CWPP) to define the WUI. The earlier Greater Red Lodge Creek Vegetation and Habitat Management Proposal documents stated that the PDM/CWPP "...was developed through a collaborative approach ...public involvement was facilitated through a series of public meetings that presented the plan, answered questions, and encouraged public comment." This is not true. Page II-4 of the 2012 PDM/CWPP indicates that while there was public involvement in the PDM, there was no public involvement in the CWPP. The 2012 CWPP was only reviewed by the county commissioners and the County Fire Chiefs Council.

We have checked with some of neighbors and neither they nor ourselves received notice directly or indirectly that the CWPP was being revised in 2012. Isn't it USFS policy to require public involvement in important actions? If so, shouldn't a key element to the need and purpose of a project be reviewed by the public before it is used to justify a significant undertaking such as the Burnt Mountain Project?

Furthermore, the minimum structure density as defined in the January 4, 2001 Federal Register (Vol. 66, No.3) is 1 or more structures per 40 acres to qualify as an intermix community: the lowest threshold for of WUI community. The Carbon County Community Wildfire Protection Plan on page 5-23 states that "...the WUI situation in Carbon County most closely resembles the Intermix Community category although most areas have a structure density less than one per 40 acres...." The Red Lodge Creek area, where most of this project's activity will occur, is one of those areas where the structure density does not meet the Intermix Community Category of greater than 1 structure per 40 acres. This means that the WUI for the area around Red Lodge Creek does not exist and the need for action in this area to reduce the possibility of high-intensity wildfire is moot.

This project is intended to reduce the impact of wildland fire on the community of Red Lodge. The Red Lodge Creek area of this proposed project is approximately 10 air miles from Red Lodge. A wildland fire in this area would have to cross numerous natural fuel breaks consisting of open areas, streams and roads before reaching Red Lodge. This area remains in Condition Class 1. To say that logging is this area is critical to the protection of Red Lodge is a stretch of credibility.

Stand Condition

We dispute the language indicating 'only 4% of the area has been treated since 1980'. Much of forest in the Red Lodge Cr area has been open for post and pole, teepee pole and firewood harvesting for at least the last 30 years (Stands: 9AF, 11F, 12F, 13 T, 13 F, 13 BT, 14F, 15T, 16BT, 17T), thus subject to continuous management to remove dead, dying and stressed overstory trees. Sufficient canopy cover remains in these stands to retard significant ground fuels. Commercial thinning will *increase* fire risk due to increasing ground fuels, hotter, drier and windier conditions adjacent to motorized roadways. These stands are in Fire Regime IV Condition Class I.

Proposed treatments including stand replacement do not seem to meet the criteria outlined in Section 605 that treatments retain old growth. Proposed treatments to coppice Aspen make no ecological, economic sense. Aspen are an excellent decelerator of fire, if not a barrier. They provide significant wildlife cover, particularly if all available hiding cover is removed. Young aspen are a favored forage

species, while older, dying and dead trees provide habitat for primary and secondary cavity nesting birds, making it potentially imperative for the FS to fence regenerating stands to ensure they survive cows and wild ungulates.

Proposed treatments do not maintain structure or function of the current ecosystem, particularly hiding and thermal cover, nor will it maintain species composition. Where do Appendix A 27 and 28 come from and what is their purpose? Neither are appropriate for 'large tree' conservation in these habitat types.

Best Available Science

Another issue concerns the use of best available science. The WUI for this project relies on outdated wildfire risk analysis for the area. The State of Montana's Quantitative Wildfire Analysis 2020 shows that the Burnt Mountain Project area, in particular the western area near Red Lodge Creek, falls into the lowest area of risk of loss, diminishing the priority and relevancy of devoting scarce and critical funding into an area of high ecosystem health, low deviation from historical conditions, low human population density and low quantitative fire risk relative to other areas. Isn't it USFS policy to use the best available science for its projects?

Riparian Areas

We are particularly concerned that Vernetti Creek, a permanent stream and tributary to the West Fork of Red Lodge Creek that parallels Vernetti Road (FS Road 2141), is not identified as a Category 1 Riparian Management Zone in its entirety on Figure 2 'Map of the Burnt Mountain Project Units' on the north end of the project area. This is a fish bearing stream both above and below the pond. It appears there is a buffer designated around Stand 9F; however, the entire drainage from confluence with the West Fork at the north end up to the Wilderness Boundary is a riparian zone. Boundaries of 13 T encroach on not only the identified, but also the unidentified sections of this creek. The Vernetti Creek riparian area is permanent home to numerous aquatic species including fish, turtles, frogs and salamanders. The area provides nest, roost and feeding areas for Canadian geese, grouse, ravens, sandhill cranes, great blue herons, green winged teals, mallards, snipes, spotted sandpipers, red wing black birds, tree swallows, ospreys, kingfishers, goshawks, great grey owls, beavers, marmots, muskrats and little brown bats to name a few. The area serves as a wildlife corridor for bear, moose, deer, elk, mountain lion and wolves. This important riparian area should be protected as a category 1 riparian management zone as described in the Custer-Gallatin Land Management Plan (Forest Plan) FW-STD-RMZ-01, Table 4 (page 28).

In addition, we have consumptive and non-consumptive water rights to Vernetti Creek and are concerned that logging activities especially in units 9AF, 9BF, 9F, 11AT, 11T and 13T will adversely impact our rights. We are also concerned that your map shows a road and a crossing of Vernetti Creek between units 16BT and 11AT. This "road" currently exists as only a trail with a mud hole where the trail crosses the creek. Earlier plans for this "road" were to realign and install an all-weather crossing of the stream. This type of activity would have a huge impact on the riparian area and the water quantity and quality of the stream.

We would also like to point out that there is a large, perennial spring that feeds Vernetti Creek located in Unit 11T or 11AT (it is hard to tell from your map which). This spring is a significant riparian feature and should be protected along with Vernetti Creek.

There needs to be riparian zone designated along the stream west of the western side of the 2141 Loop Road adjacent to stands 4F, 3F, 3AF, 5F and 6F. This area has significant current and historic beaver activity, and is a significant wildlife use area in all seasons.

Roads

Section 605 of the Healthy Forest Restoration Act concerning Categorical Exclusions states the following:

(3) ROADS.—

(A) PERMANENT ROADS.—

(i) PROHIBITION ON ESTABLISHMENT.—A project under this section shall not include the establishment of permanent roads.

(ii) EXISTING ROADS.—The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(B) TEMPORARY ROADS.—The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

The Burnt Mountain Project map shows everything in the travel management plan as an existing 'road.' There are several issues with this:

- 1) In fact, only the existing 2141 loop road (~3.5 m) is actually open to and used by the public – permanent. There will need to be significant new road building to achieve what is shown on the map as 'existing'. Without significant new road construction, most of the existing "roads" shown are not travel worthy, particularly for trucks and logging equipment. How is the Forest Service intending to utilize these roads without road building (illegal under the categorical exclusion) or significant maintenance needed for heavy traffic, which the CE states they will not do (p9)?
 - a. The circular 'road' shown at the N end of 9T does not exist on the ground.
- 2) As mentioned in the previous section the "road" that crosses Vernetti Creek between units 16BT and 11AT is in fact *not* an established road, but a fantasy in the minds of the Forest Service. It was flagged for reconstruction in prior planning documents, that were thrown out in Court. It is but a single track trail that crosses two permanent streams. Moreover, the pathway of the route flagged during the previous planning effort does not align with the single track trail, but at two places deviates by hundreds of yards into old growth forest and creates two new creek crossings that will require significant culvert and overpass building. Not only does such work not constitute 'maintenance', the proposal states 'there will be no road maintenance'.
 - a. Although this area is the focus of recent easement exchange between the State of Montana and the USFS, the USFS still has to comply with the Healthy Forest Restoration Act, the Forest Plan and the Travel Plan, no matter who handles the new road construction. How is the Forest Service intending to utilize these roads without road building (illegal under the categorical exclusion), significant maintenance (which the CE states will not occur), or significant ecological degradation?
- 3) All of this unacknowledged road work will put sediment into Vernetti Creek that feeds our pond, detrimentally impacting water and aquatic resources. We've seen turtles in our pond, possibly western snapping turtle, which is listed as sensitive in the State. Should this not be determined, and addressed clearly in the planning documents prior to a decision?
- 4) Proceeding to consider everything in the travel management plan as 'existing' increases calculated road density, potentially allowing the argument that there are currently grizzly bears using the area, so the existing density restrictions aren't applicable. This is incorrect. As noted in

1) above, only the 2141 'loop' road is used consistently by the motorized public. All other spurs are legally closed to motorized public use. Any calculations of road density need to reflect this.

**Riparian Zone Management –
Custer-Gallatin Land Management Plan**

The 2022 Land Management Plan articulates guidelines, definitions and standards for 4 classes of Riparian zones. The CE Appendix indicates Riparian Zone Surveys will be completed prior to implementation; however, the current CE is insufficient. Map 2 does not identify and buffer all riparian areas. Identification and accurate mapping is necessary to assess potential impacts and enable accurate monitoring and compliance.

Stands 9BF, 23T, 25T, 22F, 10T, 9T, 20F 16T and 20T all identified as some level of Stand Clearcut appear to violate Guideline 7 "clear-cut harvest should not occur in the riparian management zone" and Suitability 01 "riparian management zones are not suitable for timber production".

Stands 13T, 3F and 3AF which are identified as 'commercial thinning' at least all appear to violate Suitability 01 "riparian management zones are not suitable for timber production".

How does #12 Appendix A – Design Features – acknowledges that vegetation treatments within RMZ's are allowable only "if conducted for public safety". Thus the proposed treatments seem to violate *both* the Land Management Plan and the CE's own design features.

Overall, this project fails to meet the criteria for a Categorical Exclusion and fails to meet or ensure compliance with the Forest Plan, Travel Management Plan, and Healthy Forest Restoration Acts. Existing project need, environmental review and impact mitigations are insufficient.

Thank you for your time in considering our comments.

Sincerely,

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