

July 8, 2025
Amy Hass, District Ranger
Beartooth Ranger District
6811 Highway 212
Red Lodge, Montana 59068

Dear District Ranger Hass:

Please accept these additional comments on the proposed Burnt Mountain Project (Project) (Custer Gallatin National Forest) from me, representing the Council on Wildlife and Fish, and on behalf of the Alliance for the Wild Rockies, Native Ecosystems Council, and the Center for Biological Diversity.

The Custer-Gallatin N.F. must take a “hard look” (NEPA) and accept meaningful public comments. This applies in this instance. A Forest Plan amendment is necessary when finding that a proposed Project, or significant portion of a site-specific project, is found to be “non-conforming” to the information, assumptions, analysis, standards, or guidelines, and/or non-disclosure of substantive required Plan components.

Categorical Exclusion (NEPA)/Scoping

Scoping is required for all Forest Service proposed (programmatic and site-specific) actions, including those that would appear to be categorically excluded from further analysis and documentation in an EA or an EIS. A critical first step in the NEPA’s “hard-look” process is to: “Determine the scope and the significant issues to be analyzed in depth in the environmental impact statement.” See: §1508.25.

Roadless Inventory/IRA boundaries

We consider the accuracy and legitimacy of Roadless Area boundaries and wilderness characteristics to be a significant issue that should “...be analyzed in depth in the environmental impact statement.”

The most recent inventory of roadless areas appears to be from 2001, as expressed in maps prepared for the 2001 Roadless Rule.

Fast forward 11 years. These maps and map boundaries were apparently used without significant changes or modifications to delineate inventoried roadless areas (IRAs) in the 2012/2015 U.S.F.S.-U.S.D.A. Planning Rule, which replaced the 1982 Regulation, nationwide.

Inventoried roadless areas — Areas identified in a set of inventoried roadless area maps, contained in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000, and any subsequent update or revision of those maps through the land management planning process. See: 36 CFR § 294.11 Definition.

No significant changes were made (apparently) when the Custer Gallatin N.F. revised its Forest Plan in 2022. So, here we are, implementing a new Plan with a Project area that includes two (2) IRAs whose maps have not been validated since 2001(apparently).

We have looked at the maps provided for the Project. According to what can be seen on the Project maps, the “North” and “South” maps have what appears to be roadless territory that is contiguous to IRAs.

These contiguous areas should be evaluated **now** for wilderness characteristics to determine if they qualify as additions to existing IRAs, or if they have qualifying characteristics, might deserve to have a new IRA with new boundaries established as a result to NEPA’s “hard-look” and the project level during sites-specific analysis and disclosure procedures. Emphasis added. If not now, when?

This is precisely why site-specific analysis is necessary – to make corrections and modifications to the programmatic environmental review done at the “course-filter (programmatic)” level. It is highly unlikely that today’s wilderness characteristics baseline (current condition) is unchanged in the past 25 years or so. Time to update the Inventoried Roadless Area (IRA) baseline condition and include any areas that were overlooked or may have changed due to past management action/inaction.

It is significant that the proposed Project indicates proposed logging in unroaded lands that seem to meet all the criteria (qualify) for IRA status, as additions to existing IRAs or as a stand-alone new IRA (>5,000 acres) adjacent to existing IRAs. The maps show substantial evidence that logging should not happen before this controversy is resolved. The inventoried roadless area boundaries are 25 years old. Boundaries should have been reviewed in the (revised) 2022 Plan but were not.

Boundaries are often mapped roughly and adjusted later. Now, there is no excuse for ignoring the situation at the site-specific analysis (“fine filter”) level. This is how “Adaptive Management” is supposed to work.

Please take a “hard look” at the following defined wilderness characteristics individually and cumulatively in the Project analysis of roadless baseline conditions and foreseeable changes, primarily due to man’s logging obsession:

- 1) Wilderness character: Untrammeled, undeveloped, natural, outstanding opportunities for solitude or a primitive and unconfined type of recreation and other features and values.*
- 2) Untrammeled: The wilderness is essentially unhindered and free from modern human control or manipulation.*
- 3) Naturalness: The wilderness ecological systems are substantially free from the effects of modern civilization.*
- 4) Undeveloped: The wilderness is essentially without permanent improvements or modern human occupation.*
- 5) Outstanding opportunities for solitude or a primitive and unconfined type of recreation: The wilderness provides outstanding opportunities for people to experience solitude or primitive and unconfined recreation, including the values of inspiration and physical and mental challenge.*
- 6) Other features of value: The wilderness may contain ecological, geological, or other features of scientific educational, scenic, or historical value. wilderness characteristics: Undeveloped, natural, outstanding opportunities for solitude or a primitive and unconfined type of recreation and other features and values.*

Glossary Land Management Plan – Custer Gallatin National Forest Plan, p. 242

A proper Cumulative Effects analysis will reveal what needs to be known. Let’s see it (cumulative effects analysis/adaptive management) in action, on this Project. Yes, on these particular, untrammeled lands. Years of neglect and indifference to wilderness values and characteristics is no excuse to ‘kick the wilderness can’ down the road any further.

Since the revised Forest Plan failed to analyze roadless areas in the project area to comply with NEPA and APA, it is now a NEPA mandate to do so now.

(Pfister et al.) Old Growth Habitat Types/ 2012/2015 NFMA Planning Rule

The 2012/2015 Planning Rule requires that: *Ecosystem diversity. The plan must include plan components, including standards or guidelines, to maintain or restore the diversity of ecosystems and habitat types throughout the plan area. In doing so,*

*the plan must include plan components to maintain or restore; ... (ii) Rare...terrestrial... animal communities...*¹ See also: 36 C.F.R. §219.9 (a)(2). Emphasis added.

Generally, compliance with this 36 C.F.R. §219.9...*is intended to... support the persistence of most native species in the plan area.* Old growth is the ecosystem upon which the rarest “terrestrial animal community” on the Forest is found.

Mandatory, non-discretionary growth forest standards in the 1982 (Regs) Forest Plans protected old growth associated/co-dependent wildlife species.

The 2022 Revised Forest Plan removed these quantifiable standards, replaced them with ***nothing*** or a plethora of vague, meaningless narratives defined as “desired (future) condition” and a suite of “squishy” highly subjective (arbitrary), unenforceable guidelines that give priority to commercial values over all other multiple-use values. This new hierarchy of forest values is incredibly biased in favor of increasing clearcut logging, thinning and prescribed burning, or in other words, a radical expansion/inflation of “active management” for commerce, over against wildlife, water, wilderness and other non-commercial values.

Revised Forest Plan Desired Condition FW-VEGF-DC-05 states:

1) Forest conditions support an abundance and distribution of old growth that is dynamic over time. All vegetation desired conditions help ensure that an appropriate array of conditions is present to provide old growth.

2) The location and condition of old growth is dynamic over time. Development and maintenance of old growth stands is influenced by succession, natural disturbance regimes, ***silvicultural treatments***, and climate. (Emphasis added). Landscape-level resiliency is ***provided by promoting*** a mosaic of younger forests to replace old growth when it is killed by stand-replacing events. (Emphasis added.)

Nothing kills (murders) old growth forest faster than heavy machinery looking for sawlogs to liquidate into cash. Logging in old growth is totally unnecessary. Succession and natural disturbance perpetuate old growth, it seldom replicates the industrial exploitation that has reduced old growth to its present “rare” status. It is rare due to logging, not natural processes.

¹ *Forest Habitat Types of Montana*, Pfister et al. (1977).

This Project is no exception. Management has never “provided” for an increase in old growth quantity or quality, it has consistently destroyed it.

Old growth is naturally resilient to impacts that might result in the loss of old growth characteristics, such as insect infestations, wildfire, and drought. And let us not forget loss associated with logging, thinning and prescribed burning.

Old growth contains *dynamic* components that contribute to high quality habitat, including large or very large live trees with rot or broken tops, snags, downed woody material, and a diversity of tree size classes and multi-layered canopies. Emphasis added. Old growth is not a thing, it is a series of interdependent relationships, of in other words, an ever-changing ecological process. Old growth is not static.

Each of these components which contribute to old-growth habitat must be analyzed for past, present and foreseeable future actions, and natural events. Each component must be subjected to a “hard look” (NEPA) of habitat quality and quantity will continue to decline. Baseline conditions for very large live trees, rot, broken tops, snags, downed woody material and size and age classes and canopy condition are needed to properly assess and analyze the old-growth patch size, connectivity, and habitat capability now and in the foreseeable future (post-project).

Please list plant and animal species present in old growth in the Project area. Please map habitat areas and estimate population size, health and connectivity within individual stands, and between old growth stands.

All this is site-specific analysis is necessary because the forest-wide existing condition(s) (baseline) shown is the mean percent of old growth (See: Forest Plan glossary) with the 90 percent confidence interval shown in parenthesis. Source is Northern Region Summary Database, Forest Inventory and Analysis (FIA) data, updated in 2015. Can you see the problem? FIA data is one plot per >6,000 acres and is over 10 years old. This is in serious need of an upgrade – greater resolution and more recent data.

Before this Project can proceed, and meet/’pass’ NEPA “muster,” a massive field survey effort must be conducted to evaluate all the characteristics of old growth, old-growth habitat and all the species co-dependent/associated with old growth stands of varying patch size, and varying security and connectivity. Migratory songbirds, the Northern Goshawk and Great Gray Owl would be a good place to

start. A failure to gather viable data and conduct credible is a failure to follow NEPA procedures, which will undoubtedly result in significant adverse ecological and biological impacts to the human environment.

Roads/Grizzlies, elk, mule deer, moose and other displaced wildlife

Among the chief threats to grizzly bears and other wildlife species in the sights of legal hunters and illegal poachers are roads (past, present and foreseeable) that have already encroached in their once-secure habitat, plus proposed roads in future management actions that have priorities other than wildlife security.

Let me help the USFS-USDA remember, right here, right now, the purpose of the Endangered Species Act (ESA) is to **protect and recover imperiled species of fish, wildlife, and plants, and the ecosystems upon which they depend. It aims to prevent extinction and promote the recovery of species facing threats to their survival. The ESA also includes provisions for interagency cooperation to avoid harming listed species and their habitats.** Emphasis added.

Roads and associated human use displace grizzly bears (and other ‘shootable’ wildlife) and increase grizzly mortality risk from poaching and conflicts with humans during the bears’ non-denning season.

Displacement occurs because wildlife, especially grizzly bears form negative association[s] with roads (adverse conditioning) aris[ing] from the fear of vehicles, vehicle noise, and other human-related activities around roads, as well as from human scent along roads and hunting and shooting along or from roads.

As a result, grizzly bears (elk, moose, etc.) avoid roads, adjusting their habitat use patterns in part according to **the density of open and closed roads** in an area. Emphasis added. Crucially, a well-documented and longstanding body of scientific evidence demonstrates that this impact extends to low-use (even ‘administrative-only use’) and even closed roads.

Given the preponderance of evidence that roads displace, harm, kill and ‘take’ wildlife, especially grizzly bears, it is critically important to properly inventory **all** roads, map **all** roads, and analyze and disclose; 1) total miles/square mile of roads and trails, 2) same for open roads and trails, and 3) analyze the results in the context of the best available science as described above. In other words, calculate the loss of habitat effectiveness, estimate the displacement effect, describe the loss

of connectivity within a project area, and looking at the loss of connectivity ecosystem-wide and between ecosystems.

Where “roads [are] closed to public travel, researchers have documented bear “avoidance of high total road densities areas.

The USFWS has acknowledged that grizzly bears learn quickly to avoid the disturbance generated by roads and may not choose to use these habitats even long after road closures. Once conditioned to avoid the disturbance and annoyance generated by roads, grizzlies may not change this resultant avoidance behavior for long periods after road closures and lack of negative reinforcement.

The impacts of high road density especially injure (“harm) female grizzly bears by significantly disrupting normal behavioral patterns, including breeding, feeding, and/or sheltering. In particular, high road density impairs female grizzly bears’ “inherent reproductive potential” because displacement and disturbance impact(s) mean females may fail to breed at their potential frequency or they would fail to complete gestation due to decreased fitness.

Thus, according to seminal research by biologists Richard Mace and Timothy Manley in the Flathead Forest in the 1990s, “if unroaded habitats are reduced in quantity or size, the number of adult females will eventually decline,” harming the grizzly bear population (Singular, Lower 48 population) as a whole.²

Conclusion

This Project requires an EIS. Without significant changes in favor of wildlife, especially grizzly bears and other T & E species the Project violates the Forest Plan; and the Project DEA violates NEPA, violates the NFMA planning regulations, and the APA regarding old growth and analysis of wilderness characteristics at the programmatic level.

Thank you for considering our issues and concerns.

Sincerely,

² See: *South Fork Flathead River Grizzly Bear Project: Progress Report for 1992*, Richard Mace and Timothy Manley, (1993).

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