August 25, 2025

Matthew Jedra
Custer-Gallatin National Forest Forest Supervisor,
Objection Reviewing Officer,
P.O. Box 130
10 East Babcock Street
Bozeman, MT 59715

Re: Council on Wildlife and Fish's Objection vs. the Cook City Fuels Reduction and "Forest Health" Project (Project)

Names of Objectors

Primary Objector,
Steve Kelly, Director
Council on Wildlife and Fish
P.O. Box 4641, Bozeman, MT 59772;
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Sara Johnson, Director
Native Ecosystems Council
P.O. Box 125, Willow Creek, MT 59760;
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Mike Garrity, Director
Alliance for the Wild Rockies
P.O. Box 505, Helena, MT 59624;
Phone 406-410-3373; wildrockies@gmail.com.

Signed for Objectors this 25th day of August, 2025
___Steve Kelly_____

Name and location the proposed project.

Cooke City Fuels and Forest Health Project, Gardiner Ranger District, Custer-Gallatin National Forest, Northern Region (R-1).

Responsible Official

Kathy Minor, Deputy Forest Supervisor, Custer-Gallatin National Forest.

Attached Documents

Objectors have submitted three (3) attachments.
Attachment #1: Pfister et al. (1977)

Attachment #2 *:* *https://www.firelab.org/sites/default/files/2021-05/finney_quantitative_risk_analysis_wildlandfire_FEM_2005.pdf*

Attachment #*3 Distribution of Ectomycorrhiza in a Douglas-fir/Larch Forest Soil in Western Montana*, A.E. Harvey, et al. (1978).

Connection between previous public involvement and this Objection

On August 2, 2024, Council on Wildlife and Fish submitted written scoping comments on the proposed Cooke City Fuels and Forest Health Project.

Since our original comments were largely ignored in the EA, we will restate several important issues and add some supplemental context in hopes that those agents implementing the Project might gain an understanding of the significance of the issues and concerns we tried to raise before taking irreversible and irretrievable action that harms wildlife habitat and violates the NFMA statute at § 6(g) et seq. which require regulations:

(3) Specifying guidelines for land management plans developed to achieve the goals of the program which—

(B) …provide for diversity of plant and animal communities…

To provide for and maintain diversity **a minimum programmatic requirement** must be implemented in all site-specific, project-level action decisions. (Emphasis added.)

The Forest Plan and Project have both failed to maintain and protect diversity.

Old Growth, Old-growth Habitat and Diversity

Old growth is an ecosystem, a community of complex relationships that created the old growth condition characterized by diverse stand structure and composition, along with a significant showing of decadence. Conditions include a variety of tree sizes and ages ranging from small groups of seedlings and saplings to trees of large diameters exhibiting a wide range of defect and breakage both live and dead, standing and down.

The time it takes for a forest stand to develop into old growth condition depends on many local variables:
Forest type
Habitat type

Climate…
And natural chance events (stochastic events) such as:
Weather
Insects
Disease
Fire
And the actions of man also affect the rate of development of old growth stand conditions and affecting the complex relationships among diverse plant and animal species (diversity).

The Forest Plan is wholly inadequate in considering the variables that develop old growth conditions. Old growth is not a name/definition that describes a static condition, or a quantitative number of trees per acre, or a numeric representation of "basil area." Old growth is a process (verb) that takes time to develop.

Old growth habitat is dependent on ever-changing old growth ecosystems which are primarily dependent on old growth characteristics. rather than the presence of large trees.
Put another way, 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. Old growth is essential to biodiversity.

The Project is further evidence that the revised Forest Plan fails to ensure preservation of sufficient old growth to provide for diversity, in violation of NFMA (g)(3)(B).

Mycorrhizal fungi/Old growth

Mycorrhizal fungi are an essential element, produced in old growth trees and may be transported by rodents, that is often referred to as "the engine that drives the forest." Mycorrhiza generally does not survive after clearcutting (*See:* Harvey, et al., 1976).

The Custer-Gallatin NF has no old growth management standard and no plan for old growth recruitment where old growth is already depleted below biological minimums. No analysis of the mutualistic relationship between old growth and the fungus that helps trees absorb nutrients and water. Clearcutting huge swaths of mature forest without a detailed discussion and analysis and disclosure to the public of the loss of mycorrhizal fungi is highly irresponsible and in violation of the NFMA, APA and NEPA.

Snags/Old Growth

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

Neither the revised Forest Plan, nor the Project EA provide any mandatory duty to maintain or protect a sufficient amount and proper distribution of minimum (diameter) snag size, especially on clearcuts. The number of snags after a project is not adequate to meet biological minimums (diversity). Large, cavity-nesting birds cannot survive in small diameter snags.

The Project misuses Green et al. Logging high quality old growth habitat deliberately ignores the full definition and intent of Green. Managing for "minimum" habitat quality, uniformly applied, destroys old growth conditions that contribute to diversity.

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."

No survey of old growth stands scheduled for logging ("treatment") occurred. Why not?

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-truthed for old growth attributes. The relationship old growth stands to the landscape scale network (connectivity) of old growth were never inventoried or mapped or fully considered. mpacts of the Project on old growth should be fully disclosed to prevent an irrevocable loss which exceeds biological minimums.

Old growth surveys must be completed in the Project area, and specifically on treatment units before implementation. Project "treatments" in old growth fail to comply simultaneously with *Green et al.* and with the Forest Plan (FW-VEGF-GDL-04).

The revised forest Plan fails to define actual minimum amounts, patch size or connectivity in old growth stands.

The Custer-Gallatin NF has reduced/diminished the meaning of old growth to a minimum number of trees as identified in the Plan's misinterpretation of Green et al. (1991). With these few trees per acre, even a clearcut (with a small number of 'seed trees' remaining, highly susceptible to windthrow) can meet forest-wide old growth guidelines. This is a sick and twisted joke, and 100% incompatible with habitat needs of most old growth associated wildlife species.

Risk/Risk Assessment

The EA failed to provide neither documentation for the record of "risk assessment," nor a layman's explanation of the methodology used to determine the current level of risk.

In addition, the Project EA also failed to estimate, and disclose, what the percentage of risk will be reduced to (as expressed in a percentage change/reduction) after the Project has been completed. We asked, and were never given the time of day.

Assuming risk is never 0% (zero), the statistical estimate for the Project area should fall in a range somewhere between 0% and 1%. Failing to analyze risk or disclose any findings whatsoever in the NEPA analysis/disclosure document is a clear violation of NEPA's "hard look" requirement.

Moreover, the record and EA failed to answer the primary question: Is "risk" more or less, consistent with <1%, which is found in USFS-USDA risk literature (pps. 100-101) linked below. *See: https://www.firelab.org/sites/default/files/2021-05/finney_quantitative_risk_analysis_wildlandfire_FEM_2005.pdf*

"Assessing wildfire risk is a crucial component of wildfire management and risk mitigation planning." *A wildfire risk assessment framework for land and resource management*, Scott, Joe H.; Thompson, Matthew P.; Calkin, David E. (2013) Gen. Tech. Rep. RMRS-GTR-315. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 83 p. , p.73. https://www.fs.usda.gov/rm/pubs/rmrs_gtr315.pdf

We asked the following: Please disclose your best estimated answer of the following question: Is this proposed Project a "cost-effective" prescription/methodology given what is known in the literature cited above? No response in the Record.

Please cite all models/software, and methodology used to answer these risk/cost-effectiveness questions of interest and importance to the public and Congress.

When was it first determined that the public health, safety, and welfare may be at sufficient risk to warrant "treatment?" No answer in the Record.

Have any members of the public, or any public interest group communicated to the District or Forest of a real, or perceived, a need to log, thin, burn and road the Project area before issuing this scoping notice? No answer in the Record.

At this time, is this wildfire danger/risk considered "imminent?" Is the public at any greater risk than it has been for the past 10 years, for example? How about 20 years? No answer provided in the Record.

NEPA/Tiering

The Forest Service appears to be "tiering" (NEPA) to the *National Fire Plan*, USDA/USDI, (2000) cited in the Scoping Notice. Scoping Notice, p.1. I am unaware of any legitimate NEPA analysis or disclosure conducted for the Project.

Likewise, tiering to the 10-year "wildfire crisis strategy" is a 50-million-acres "Plan" involving multiple ownerships. See: *Confronting the Wildfire Crisis,* U. S. Forest Service (usda.gov). *Ibid.* The Scoping Notice offers no clues as to whether NEPA (EA or EIS) has been conducted, or not.

National plans, strategies, etc. where no NEPA has been conducted, like the *National Fire Plan*, or the *Wildfire Crisis Strategy* (Plan), tiering is not permitted. Unlawful tiering is in violation of NEPA, NFMA, and the APA.

The Forest Service must conduct a proper NEPA review in the form of an Environmental Impact Statement (EIS) or an Environmental Assessment (EA).

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

The Project EA failed to analyze and disclose and map, using Pfister, et al. (1977), the various habitat types being treated?

We asked the following:
Is the "desired condition" the same as the climax condition in each specific habitat type? If not, why not? No response given in the Record.

The FS should disclose site-specific examples where vegetative conditions are, or are not, within the Historical Range of Variability (HRV). No response given in the Record.

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?

We also asked the USFS to "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) reminds us that "(S)cale 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." Obviously this was overlooked and/or denied with no discussion.

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. (Ibid.)

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).

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 use of computer models has oversimplified forest composition, function and successional processes as outlined in Pfister et al. (1977) to the extent that we are no longer even looking at a real forest, but a simulation – a copy without an original.

The SIMulating Patterns and Processes at Landscape scaLEs (SIMPPLLE) model was used to generate the natural range of variation analysis for forested vegetation. This model was developed in Region 1 to answer landscape level management questions. It is a spatially-explicit, dynamic landscape model used for projecting temporal changes in the spatial distribution of vegetation in response to insects, disease, wildland fire, and other disturbances (Chew et al. 2012). The model is designed to provide a balance between incorporating enough complexity to provide an acceptable level of realism while making enough simplifications to be a useful management tool in planning processes. The model and its results are a simplified portrayal of complex ecosystem dynamics. As such, the results should not be considered an exact representation of a historical landscape, but are a good attempt at approximating

vegetation change over time in response to various disturbances and stressors, including historic climate and fire and insect regimes. The model provides useful insight into the complicated dynamics of our ecosystem over time and space, and strengthens our scientific understanding. It provides insight and a frame of reference for the evaluation of ecological integrity and conditions that have sustained the current complement of wildlife and plan species on the Custer Gallatin NF. Appendix F: Vegetation Classifications and Development of Vegetation Plan Components, Custer-Gallatin NF (revised) Plan, p.7.

Pure fiction and insufficient data is being used to make Project-level decisions. The use of FIA date for a Project-level analysis is insane and insufficient.

The best available data for forested vegetation on the Custer Gallatin NF are Forest Inventory and Analysis and Forest and Inventory and Analysis intensified grid plots (USDA 2015). SIMPPLLE also requires a spatial depiction of conditions across the landscape. The best available spatial vegetation data is the Region 1 Vegetation Map version 2014 (USDA 2015). The plot data is used to inform the population of all of the attributes required by SIMPPLLE into the Region 1 Vegetation Map, resulting in a complete spatial dataset across all lands in the planning area. The starting SIMPPLLE spatial dataset was built to reflect the condition measured with Forest Inventory and Analysis data as closely as possible, but minor differences are inherent due to the process of associating grid data to mapped polygons. All existing condition classifications used are consistent with the Region 1 Classification System (Barber et al 2011) and Region 1 Existing and Potential Vegetation Groupings Used for Broad-level Analysis and Monitoring (Milburn et al 2015). As needed, SIMPPLLE classifications and labels are cross-walked to be as consistent as possible with these concepts. (Ibid, p. 8)

The Project-level NEPA EA failed to thoroughly address the current conditions and the perceived need for prescribed burning, logging and thinning. The project should emphasize the facilitation of natural process rather than the emulation of static forest conditions and *virtual* forest speculaitons with no basis, whatsoever, in science. 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 willy-nilly, post-hoc rationalizations for 100% fire suppression policy.

ESA

The Project violates the findings and Purpose of the ESA.

§1531. Congressional findings and declaration of purposes and policy

(a) Findings

The Congress finds and declares that—

(1) various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;

(2) other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;

(3) these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;

(4) the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—

(A) migratory bird treaties with Canada and Mexico;

(B) the Migratory and Endangered Bird Treaty with Japan;

(C) the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;

(D) the International Convention for the Northwest Atlantic Fisheries;

(E) the International Convention for the High Seas Fisheries of the North Pacific Ocean;

(F) the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and

(G) other international agreements; and

(5) encouraging the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish, wildlife, and plants.

(b) Purposes

The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

The USFS does not have the discretion or the luxury of shifting the non-discretionary priority duty to recover ESA listed species to one of speculative actions to reduce wildfire risk, and/or produce a steady supply of below-cost (subsidized) logs to local sawmills. This failure to choose the correct priority violates the ESA.