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Title:

Comments: Dear Supervisor Steele,

Please see the attached letter requesting an additional 45 days to provide meaningful comments on the Mid-Swan Landscape Restoration and Wildland Urban Interface Project Draft Environmental Impact Statement.

I look forward to your reply,

Thank you,

Dear Supervisor Steele,

We are writing to respectfully request an additional public comment opportunity for the Mid-Swan Landscape Restoration and Wildland Urban Interface Project Draft Environmental Impact Statement (DEIS). This publication has been several years in the making, and we appreciate the amount of time and effort to produce the DEIS. While there may be a strong desire to move the process forward quickly, this is an extremely difficult time for the public to engage in public lands management. The COVID-19 pandemic has created unprecedented challenges across all aspects of American life, in Montana and elsewhere. People are struggling to balance work and childcare, or care for sick family members. While at first glance it may appear that life is "back to normal", many people remain isolated at home, unable to participate in "normal" life because of the COVID-19 pandemic. We regret that you chose to release the DEIS for public review at this time given the project scoping occurred back in October, 2018 and there is no urgent rush to approve such a massive project. While providing 45 days for the public to submit comments is typically normal, these are not normal times. Further, as we explain below more time is necessary to provide meaningful DEIS comments.

As such, we request that you provide an additional 45-day public comment opportunity to accommodate the unusual disruptions associated with the COVID-19 pandemic, which compounds the challenges of providing meaningful comment for a project of this size and scope.

This request is in line with the COVID-19 Pandemic New Comment or Objection Filing Period Guidance provided to Regional Foresters by the Washington Office on April 3, 2020. This guidance was issued with the following recognition from the Forest Service:

Given the unprecedented nature of the disruptions occurring across the country and around the world, individuals, organizations, and governments normally engaged in National Forest management activities in many cases have their attention profoundly redirected due to the pandemic and the need to establish personal and community physical distancing and other health prevention efforts. These include but are not limited to:

- * Inability, legally or otherwise, to hold public meetings or field trips;
- * Lack of access to virtual technology for interested parties and stakeholders;
- * Lack of Personal Protective Equipment for Forest Service employees to manage public interactions/comments;
- * Closures of facilities where hardcopy documents are typically made available;
- * Physical distancing recommendations resulting in lack of access to postal facilities and Forest Service mailrooms;
- * Reductions or closures in tribal, state, county, or local government operations or services
- * Reductions in capacity within stakeholder organizations;

- * Reductions in Forest Service capacity due to self-quarantines, sick leave, or a redirection of resources to support government wide COVID-19 responses;
- * State, county, reservation, or city-wide stay-at-home orders;
- * A nation focused on economic hardship, loss of employment and wealth, risk to themselves, family and friends, and the strains placed on society generally.

Several of these disruptions are ongoing and affect the public's ability to engage in the current comment period. The April 3, 2020 guidance goes on to state that if "meaningful public engagement will be challenging or unachievable under the current circumstances, responsible officials should carefully consider the timing of beginning new public comment periods." Further, the guidance explains, "[f]or comment periods already underway, responsible officials should use factors described above and any other locally-applicable factors to consider extension of comment periods, especially for more complex documents such as EISs." Thus, you have the ability - and encouragement from the Washington Office - to issue a second comment period beginning immediately after the initial one ends, effectively extending this comment period by 45 (or more) days.

There are numerous reasons that a 45-day comment period is necessary and includes, but are not limited to:

The pandemic prevents the public from meeting with Forest Service officials, attending public meetings, or accessing a hard copy of the Plan documents. We understand that the Forest Service is offering two virtual open houses (Sept. 2 & 23). However, many people are struggling with stay-at-home remote learning for their children as the new school year begins and are unable to fully engage in these events. Furthermore, those who miss the events will be unable to participate in this public information sharing opportunity at a later date. While the Flathead NF provides the virtual open house materials to the Mid-Swan Project web page, they will require additional time and effort to review and utilize.

- * School-age children participating in remote-learning are often utilizing the only household computer, which limits the ability of parents to access the project documents.
- * The DEIS and its Appendices, including the Implementation Guide on Restoration, are lengthy and require the reader to essentially learn a whole new "condition-based management" approach of which they are unfamiliar.
- * The DEIS and its Appendices require the reader to become extensively knowledgeable about the revised Forest Plan, which likewise requires the reader to essentially learn a whole new "Forest Plan" language and vocabulary - even for those that have been involved since the beginning of Flathead Plan revision in 2013.
- * The DEIS and its Appendices do not include essential supportive documents, such as "The Assessment," nor are those documents or an index to Project File documents listed on the Mid-Swan Project web page. This requires readers to submit FOIA requests to the Flathead National Forest for these documents, which adds significant delay in being able to provide meaningful comment within the 45-day DEIS comment period even if the Flathead expedites its responses.
- * The size and scope of the Mid-Swan Project Area is massive covering 174,205 acres and includes land- and vegetation-disturbing management activities spanning at least 15 years on 68% of those acres.
- * The Mid-Swan Project stands to have significant effects on a host of at-risk species, including threatened grizzly bear, lynx and bull trout - and reportedly requires amendments to the Forest Plan due to excessive impacts. The current comment period is insufficient to evaluate the need for an amendment so soon after the release of the Revised Plan.

The initial 45 days is wholly inadequate for the public to read, research and provide informed public comment on the DEIS, proposed amendments to the Forest Plan, and management activities spanning decades on this huge chunk of landscape.

Our request that you provide an additional 45 days for the public to comment is not unusual. Rather, it is in line with a multitude of other requests submitted across the country since the start of the COVID-19 pandemic,

including requests from Members of Congress, attorneys general, and state and local governments to extend public comment periods for rulemaking efforts and other processes during the pandemic. While it is likely that many who requested federal agencies postpone or extend comment periods at the start of the pandemic in March did not anticipate we'd be facing a resurgence in September, this is the unfortunate truth.¹ And, for all the same reasons that it was necessary to extend or postpone comment periods in March, it is even more necessary to continue to do so today.

FOOTNOTE:

¹ E.g., Letter from fourteen House of Representatives Committee Chairs to Acting Director Russell Vought, submitted April 1, 2020: https://www.eenews.net/assets/2020/04/02/document_gw_08.pdf; Letter . from Senators Wyden, Merkley, and Udall to Secretary Bernhardt requesting a pause on comment periods, submitted April 3, 2020: [https://www.wyden.senate.gov/imo/media/doc/040320%20Letter%20on%20DOI%20comment%20periods .pdf](https://www.wyden.senate.gov/imo/media/doc/040320%20Letter%20on%20DOI%20comment%20periods.pdf); Letter from state attorneys general to Acting Director Russell Vought, submitted March 31, 2020: https://portal.ct.gov/-/media/AG/Press_Releases/2019/COVID-19-Rule-Delay-Letter---Final.pdf?la=en; Letter from various state and local government organizations requesting a pause on all public comment and rulemaking processes, submitted March 20, 2020: <https://www.nga.org/letters-nga/state-and-local-government-organizations-seek-pause-on-public-comments-on-rulemaking-processes/>.