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Title:
Comments: MId-Swan DEIS comments

Please accept the following (attached) comments on the Mid-Swan development proposal.

I'd appreciate confirmation or receipt when you have a chance. Thank you.
Dear Mid-Swan ID Team and Supervisor Steele:

Please accept the following comments relating to the proposed "Mid-Swan Project" (M-SP) on behalf of the Montana Ecosystems Defense Council, Inc. (MEDC) and Friends of the Wild Swan, Inc. (FOWS). It is our hope and desire that our comments will help the agency develop more reasonable alternatives and a full and fair environmental analysis that actually protects the sacred values and various forms of life "on the chopping block" as a direct result of the proposed major federal action (the M-SP).

The M-SP DEIS has failed to fully evaluate the effects of the proposal to ecosystem function, water, wetlands, wildlife and fisheries. The two action alternatives, Alternative B and Alternative C will both result in unacceptable levels of habitat fragmentation and permanent displacement to various wildlife species in the 174,205-acre analysis area. The DEIS failed to analyze a wide range of reasonable alternatives as required by NEPA (National Environmental Policy Act of 1969.

MEDC and FOWS respectfully requests that the Forest Service withdraw the DEIS so it can reconsider critical issues and concerns more thoughtfully, more fully and fairly, and disclose and analyze in depth - "take a hard look" - at the following issues and concerns before issuing a Record of Decision (ROD):

Program, Not Project

The NFMA (National Forest Management Act of 1976) is the product of a bitterly fought congressional battle to reign in Forest Service timber sales, especially the expanded use of clearcutting. The NFMA established an uneasy "compromise" between national ("top-down") and "local" (bottom-up, or forest unit/district) management theories, policy goals, and funding priorities for managing national forests.

The second round of forest planning, which resulted in the revised Flathead Forest Plan, has significantly weakened that compromise/balance in favor of top-down RPA (Resource Planning Act of 1974) Program objectives, or in other words "targets." This is the practical result of the 2012 (2015 Amended) Planning Rule, which guided the current forest-planning revision process, and in turn this 15-year program within a program. There is no site-specific project here.

The 2012 Rule has eliminated most "standards" that had any "teeth" when non-commodity-production objectives were confronted with other multiple-use objectives, like logging, grazing, mining, and other commercial uses.

It's money that matters to Congress. Who writes the checks? The Forest Service, which depends on executive-branch annual budgeting and annual congressional appropriations to fund every activity from road-building to the janitorial service that mops the floors and cleans the restrooms has clearly chosen the top-down approach to the management of national forests today.

Most Forest Plans do not make budget decisions. No budget assurance exists for this 15-year program. Without secure funding, no project exists.

The Forest Service lacks a clear and unambiguous mission in the management of the National Forest System. Objectives are unclear. Paying lip service to the core tenet(s) of "sustainability" and "resilience" is fundamentally in opposition to the concept of management for the "sustainable production of multiple outputs," which is encapsulated the legislation - the RPA and NFMA - which governs the management of National Forest System lands.

The Forest Service and the American people deserve clearly focused overall standards and guidelines that define the agency's mission and overall management objectives of the National Forest System.

This is not possible as long as management structure attempts to serve two independent planning processes: 1) forest planning as called for in the (RPA/NFMA) legislation; and 2) in the congressional (national) budgeting process, which budgets on a projected program and project-by-project basis, which involves annually-authorized appropriations for the Forest Service. Congress funds programs and projects, not Forest Plans. There is scarcely any direct relation between the Forest Plans generated by the 2015 Planning Rule process and budgets being formulated and funded annually.

Congress is typically appropriating less than what is required to finance Forest Plans. This tends to negate the "balance" across competing uses and levels of activities promised in Forest Plans. The Flathead is no exception. Without balance, plans are rendered meaningless. Plans without projected funding cannot be implemented. Given these truths, how can the Forest Service or the American public have any degree of confidence in what is written in Forest Plans?

The Flathead NF Plan Revision failed to "form one integrated plan," as required by the National Forest Management Act of 1976 (NFMA).

NFMA Sec. 6

"(f) Plans developed in accordance with this section shall-

"(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, available to the public at convenient locations, all of the features required by this section;

One, unified Plan. This simple, legal mandate has been breached in the DEIS and Revised Flathead Forest Plan. What does "one integrated plan" mean? Why are exceptions and exclusions made for the following issues/uses: 1) livestock grazing; 2) oil and gas; 3) "travel planning;" and 4) climate risk assessment. This is not a complete list, but prime examples of major areas of public interest and controversy that are not adequately analyzed and disclosed in the plan revision process. Each example has its own direct and cumulative impacts that have not been "integrated" into the forest-wide environmental impacts analysis.

Now, under the authority of the revised Forest Plan, another program, a 15-year program called the "Mid-Swan" project, is being implemented without proper cumulative effect analysis, and without any knowledge of the future events affecting the forest environment in the next decade and a half.

The USFS-USDA has offered no reasonable explanation for why "replacing tactical, prescriptive language with strategic language is needed to provide more efficient project planning." What does that even mean? There should be more than a passing mention of a total overhaul of the language being spoken, and what consequences to the various values and lifeforms may ensue. This is a totally unacceptable, sub-par level of analysis and disclosure (NEPA).

With no programmatic analysis, and very little specific information about the various locations, timing and

objectives of specific development actions withing the boundary of the program area, the DEIS is insufficient. Further programmatic NEPA analysis is required. Specific NEPA analysis is required for site-specific (if that is ever determined or disclosed) projects within the Mid-Swan programmatic analysis area.

Risk Assessment

Risk assessment is a process of analyzing potential losses from a given hazard or threat using a fairly well-established process. First, it is important to understand what information is known about the current situation. Second, knowledge of the underlying process is needed. And third, some assumptions or suppositions must be made about the information that is not known or fully understood. The DEIS has not even done the most basic foundational work necessary to determine if proposed development activities are successful at increasing protection from wildfire, drought and other natural phenomena that may cause risk to homes, structures other human values.

Proper risk management can be accomplished more effectively if we can successfully identify who must manage the problem. Who "owns" the risk? This is where the Forest Service is simply wrong in its initial ID of the proper (risk owner). Who are the real stakeholders? Getting this wrong causes cascading problems and huge unnecessary expense and effort.

Performing a proper risk analysis includes evaluating the risks in order to: 1) Asses/estimate the likelihood of recurrence, and 2) address any uncertainties in those estimates.

One commonly used methodology called "probabilistic risk assessment" (PRA) is a process that identifies and assesses risk characterized by measuring two quantities: 1) the magnitude (severity) of the possible adverse consequence(s), and 2) the likelihood (probability) of occurrence of each consequence.

Total risk is expressed as the sum of the consequences multiplied by their probabilities. Probabilistic Risk Assessment usually answers three basic questions:

1) What can go wrong with the studied entity (forested landscape in this instance); or what are the initiating events (or "triggers") that lead to adverse consequence(s)?

2) What and how severe are the potential adverse consequences that the forest may be eventually subjected to as a result of the occurrence of the initiator, or trigger event(s)?

3) How likely to occur are these undesirable consequences, or what are their probabilities or frequencies?

The DEIS has failed to properly assess risk. There is no way to measure "success" against current levels of undisclosed risk.

Risk assessment is the systematic determination of risk management priorities by evaluating and comparing the level of risk against predetermined standards. The DEIS sets out no baseline risk and has no standards by which to compare risk reduction after the implementation of the development activities proposed.

Climate change/Cumulative effects.

The NEPA requires a "hard look" at climate issues, including cumulative effects of the "treatments" in the proposed development area when added to the heat, drought, wind and other impacts associated with increased climate risk. Regeneration/Restocking failure following wildfire, prescribed fire and/or mechanical tree-killing has not been analyzed or disclosed. There is a considerable body of science that suggests that regeneration following fire is increasingly problematic.

NEPA requires disclosure of impact on "the human environment." Climate risk presents important adverse impacts on cultural, economic, environmental, and social aspects of the human environment. - people, jobs, and the economy - adjacent to and near the project area.

Stands are at risk of going from forest to non-forest, even without the added risk of "management" as proposed in the project area.

The Flathead National Forest has not yet accepted that the effects of climate risk represent a significant issue, and eminent loss of forest resilience already, and a significant and growing risk into the "foreseeable future?"

It is now time to speak honestly about unrealistic expectations relating to desired future condition. Forest managers have failed to disclose that at least five common tree species, including aspens and four conifers, are at great risk unless atmospheric greenhouse gases and associated temperatures can be contained at today's levels of concentration in the atmosphere. This cumulative ("reasonably foreseeable") risk must not continue to be ignored at the project-level, or at the programmatic level.

NFMA (National Forest Management Act) requires, in the face of increasing climate risk, growing impacts of wildfire and insect activity, plus scientific research findings, that the FS must disclose the significant trend in post-fire regeneration failure. The forest has already experienced considerable difficulty restocking on areas that have been subjected to prescribed fire, clear-cut logging, post-fire salvage logging and other even-aged management "systems."

NFMA statute requires restocking in five years. Forest managers must analyze and disclose the fact that the Flathead National Forest can no longer "insure that timber will be harvested from the National Forest system lands only where[hellip]there is assurance that such lands can be restocked within five years of harvest?" (NFMA[sect]6(g)(3)(E)(ii)).

Forests are already experiencing climate-change-driven deforestation on both the post-fire and post-logging acreage. Areas where the cumulative effects of wildfire, followed by salvage logging on the same piece of ground are error upon error, with decades of a routine that can rightfully be described as willful ignorance and coverup. Where in the DEIS is the reference to restocking? Monitoring data and analysis? If monitoring has been done there is no disclosure documenting the scope and probability of post-fire regeneration failures in the proposed development area. NFMA requires documentation and analysis that accurately estimates climate risks driving regeneration failure and deforestation - all characteristic of a less "resilient" forest.

The revised Forest Plan is based on assumptions largely drawn from our past that no longer hold true. Assumptions made decades ago must now be challenged, and amended, where overwhelming evidence demonstrates a change of course is critical. It is time to take a step back, assess the present and future and make the necessary adjustments, all in full public disclosure to the Congress and the American people. Many acres of (conifers) In many areas, conifers haven't shown "resilience" enough to spring back from disturbance. Regeneration is already a big problem. (Emphasis added).

Both RPA and NFMA mandate long-range planning which impose numerous limitations on commodity production, including grazing, timber harvesting practices and the amount of timber sold annually. These long-range plans are based on assumptions, which are based on data, expert opinion, public participation and other factors that all, well almost all, view from a historical perspective. Assumptions that drove forest planning guidance decades ago, when climate risk was not known as it is today, are obsolete today. Present and future climate risk realities demand new assumptions and new guidance.

A proper reexamination of the assumptions relating to resilience and sustainability contained in the Forest Plan is

necessary. The Forest Service must analyze all of the cumulative impacts of the proposed development actions. Emphasis added.

The project is in violation of NEPA, NFMA, the Forest Plan and the APA.

Sec. 6. of the National Forest Management Act states:

(g) As soon as practicable, [hellip] the Secretary shall [hellip] promulgate regulations, under the principles of the Multiple-Use, Sustained-Yield Act of 1960[hellip]

The regulations shall include, but not be limited to-

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which-

(E) insure that timber will be harvested from National Forest System lands only where- (i) soil, slope, or other watershed conditions will not be irreversibly damaged;

According to best available science, implementing the project will most likely accomplish the opposite of the desired future condition. We can adjust as we monitor and find out more. However, to willfully ignore what we do know and fail to disclose it to the public is a serious breach of public trust and an unconscionable act. Climate risk is upon us. A viable alternative to the proposal is not only reasonable and prudent, but it is the right thing to do.

Cumulative Impacts

Past, present, and reasonably foreseeable future development actions (logging, roadbuilding, grazing, etc.) have already severely impacted the natural forest environment in the proposed action areas and on the Flathead National Forest (LNF) at a broader scale. There are development activities planned on neighboring lands (Lolo NF, Montana DNRC, Tribal, and private). Cumulatively these activities adversely impact wildlife habitat effectiveness, water quality, wetlands, and fisheries.

It is not sufficient to merely issue some vague statement acknowledging that wildlife will be displaced, especially when that's exactly what the DNRC says about its increasingly aggressive logging and roadbuilding development. Where is wildlife to go? More specific analysis and disclosure is required.

Past Forest Service timber sales and Plum Creek Timber Co. have raped these lands for decades with very little time allowed for recovery. Old growth and old-growth habitat have taken a tremendous hit, leaving current levels substantially below the biological minimums needed for species survival.

It is critical that all of the roads and trails network is properly inventoried and mapped. What is the cumulative impact of this vast (567 miles of roads accounted for already) netrork of trails and roads to wildlife habitat effectiveness, water quality, native fisheries, wetlands and other important forest values? The DEIS is again non-committal and vague. That's not good enough, not nearly.

The revised Flathead National Forest Plan simply has no measurable those standards and guidelines, which places an additional burden on the agency to protect values most likely to be adversely impacted by more logging and more road miles.

Please reconsider your insufficient efforts to protect bull trout spawning habitat, and habitat for westslope cutthroat trout, mountain whitefish, Canada lynx, grizzly bear and wolves, just to name a few. Cumulative environmental effects are already making it almost impossible for the above-mentioned species to make a living

in the project area. This proposal could begin the trend downward toward local extinctions.

Please solicit and disclose comments from the Montana Department of Environmental Quality regarding impacts on water quality, especially the WQLS/TMDL "impaired" designations, including Swan Lake and in the wetlands complex that scarcely gets a mention in the DEIS. Again, this is poorly considered, and must be reconsidered to protect these values already at extreme risk from past logging and roadbuilding.

Please fully consider cumulative effects to threatened, and/or endangered species and important habitat in the project area.

Please publish the USFWS's biological evaluation for T & E species habitat and take a hard look at sensitive species habitat in the project area.

The failure to estimate, analyze and disclose the cumulative impacts of the Flathead National Forest's policy decisions that attempt to replace and/or alter natural fire with logging, roadbuilding (temporary and permanent) and prescribed burning has been a recurring problem. The DEIS must consider cumulative effects much more thoroughly, and thoughtfully, with a lot more consideration for forest values that have already been lost due to logging, roadbuilding, grazing, burning and all the natural events combined.
Roadless Areas
Please utilize the NEPA process to clarify and resolve any roadless boundary issues - and there are many in the development-activity areas scheduled to be destroyed. Eliminate all unroaded "cherry stems" that are contiguous to inventoried roadless areas. It is not adequate to merely accept previous, often arbitrary roadless inventories[mdash]unroaded areas adjacent to inventoried areas were often left out. Additionally, there is a lot of public support for adding unroaded areas as small as 1,000 acres in size to the FS's roadless-area inventory.

Old Growth

What is the historic amount of mature and old growth forest in the project area?What is the existing amount of old growth forest (per third order drainage) in the development area and on the Flathead National Forest? Please quantify, analyze and document the amount of mature and old growth forest that will remain after project completion.

How does the Flathead NF quantify (inventory method) old growth forest acreage estimates? What old growth definition is used? What percent of the project area is actually ground-truthed by real humans walking in the ground, not computer sumulations? Please disclose the methodology. How much is extrapolated from computer models? How accurate is this method?

Please disclose the level of mature and old growth forest necessary to sustain viable populations of dependent and associated wildlife species in the area.

What is the condition of big game (moose and elk) hiding cover, winter range, and security cover in the project area? How will the project, during and after implementation, adversely affect big game?

The DEIS fails to take the "hard look" required by NEPA.

The DEIS failed analyze the blowdown effects to old-growth forests, riparian areas, wetlands or other forest habitats. What is the blowdown acres estimated to be? The DEIS must also disclose whether blowdown will be salvage logged.

The northern goshawk and flammulated owl are old-growth sensitive and/or dependent species present in the destruction zone. What specific conservation strategies have been developed for these and other sensitive

species? Have forest-wide and range-wide conditions for old-growth species been established? Not in the DEIS.

Old-growth forests are scarce in this area due to the decades of checkerboard ownership, past logging and road building. How much old-growth forest habitat is there left in patches of any real use to species with habitat requirements needing old growth? Where is it? What is next to it? How connected is it? Where are mature stands that can be recruited as replacement old growth? What old-growth dependent wildlife currently use it? We believe there should be a cooperative effort by the Lolo NF and Flathead NF to connect rather than fragment old-growth forest habitat.

Please demonstrate how this project will leave enough snags to maintain viable populations of sensitive old growth species. We are aware of the contract requirement that loggers follow OSHA safety standards, and the conflict that creates with old growth retention, especially with dead-standing trees. Will these snags to be cut down for "logger safety?" After snags are cut down for safety for OSHA requirements will there still be enough snags left for old growth sensitive species?

Objectives of the proposed development areas conflicts with desirable habitat characteristics for flammulated owls which need an abundance of large snags and a relatively dense under-story.

Threatened and Endangered Species

Grizzly bear security is an important issue. Every year it seems that there are several illegally killed bears in the Swan Valley. The development area has long been considered a population sink for grizzly bears. Emphasis added. Logging decreases hiding cover and security. FOWS's survey of road closures in the Swan in 2004 found that only 48% of the closures were effective. Additionally, opening up the forest may increase the incidence of ORV use either to drive around road closure barriers or to drive through the forest. The goal should be to decommission roads, not build new ones, to provide secure habitat for wildlife. Current (total and open) road and trail density should be disclosed.

Since almost all of the proposed development area is occupied grizzly bear habitat, please show how this project will benefit grizzlies bears and how it will negatively impact them.

Please do the same for lynx. Please examine how this project will affect all ESA listed, and sensitive species.

How will lynx critical habitat will be affected by the project? What snowshoe hare habitat will be affected by this project? Where is the current lynx foraging and denning habitat located? How will it be maintained, how will it be improved, how is it connected or how will it be impacted by this project?

It is our understanding that the main criteria for lynx foraging habitat is the presence of snowshoe hares. Where is the important hare habitat in this project area, and what is the estimated population density (low, medium, high)? Where is current hare habitat in the cumulative effects area? Where is current red squirrel habitat in the project and cumulative effects area? How will the foraging habitat be affected by this project as well as logging and road building on other ownerships?

How will critical habitat for bull trout be protected from adverse modification? Analysis and disclosure of adverse habitat modification is required in a biological assessment (BA) and biological opinion (BO). What native fish spawning, rearing and foraging is occurring the development area? How will this project protect and restore native fish habitat? The DEIS fails on all counts.

Roads/Temporary Roads

No temporary roads should be built. Building roads, even temporary ones across wet areas and streams will

have significant effects on wetlands and watersheds.

The impacts of building them are the same as building permanent roads such as:
[bull] The greatest surface erosion from roads occurs during the construction phase and first year after.
[bull] Soil erosion and compaction (as always occurs with roads) causes long-term loss of soil productivity.
[bull] The loss of topsoil and attendant loss of soil productivity is permanent.
[bull] Road obliteration does not immediately stop severely elevated soil erosion from roads.

[bull] Temporary roads have enduring impacts on aquatic resources.

[bull] Roads and increased sedimentation cause long-term negative impacts on a variety of aquatic biota.

Roads also have negative effects on grizzly bears and other wildlife. The temporary roads proposed with this project will increase road densities and will decrease habitat security. The Forest Service cannot continue to build "temporary roads" and pretend that they have no impacts or in compliance with the Forest Plan. Logging not only decreases habitat security and will possibly increase grizzly bear deaths, but also opens up the forest understory contributing to illegal motorized use that is already a problem on this District. There are plenty of logged-over areas and roads in the area, but a severe shortage of secure habitat exists and will only get worse.

Water and Wetlands

This area is a unique wetlands complex. Any "dredge and fill" activity needs Federal Clean Water Act, Section 404 permitting and approval from the U.S. Army Corps of Engineers.

No logging should take place within 300 feet of streams, wetlands or ponds.

Are water howellia ponds in the project area? What other sensitive plants are in the project area? How will these be affected?

How will logging (and especially clearcut logging) adversely affect the hydrology of the area? How will logging affect water quality and quantity? How will logging affect soils and soil compaction?

Please provide estimates of current detrimental disturbance in all previously established activity areas in the watersheds affected by the proposal.

Our overall goals for the area include fully functioning aquatic ecosystems. Management actions in the project area should first remove impediments to natural recovery. We believe natural disturbance patterns are the best way to maintain and restore desired ecosystem values. To this end nature should be given a chance to function without unnecessary human intervention.

Monitoring

What monitoring will be done for wildlife? fish? old-growth dependent wildlife? sensitive plants? other? What past monitoring has been done to determine whether the proposed treatments actually achieve the desired results? How will it be funded?

Linkage Corridors

Corridors of interior forest habitat between old growth habitat with a minimum width of >100 meters have been recommended by scientists. Does the Flathead NF have any actual width criteria you are using to define corridors in the project area? All corridor habitat in the project area should be mapped and both current and long-

term objectives defined for maintaining these corridors over time.

All the wildlife species in the project area require corridors to move for foraging, denning, nesting and seasonal habitats. The EIS must analyze and disclose: Where are these corridors? What is the habitat quality in them? What size are they? Are they wide enough to protect from edge effects and provide security? Are they fragmented by roads or past logging units? How much canopy cover, thermal cover or hiding cover is in them? How much down woody debris and snags are in them? What type of habitat is considered suitable?

For all wildlife, the Flathead NF needs to quantify current habitat availability, local population monitoring, and current status of the species. What is the current population health in this landscape, or in other words, is there sufficient habitat to warrant further losses? Emphasis added. If your answer is "yes," how much more can you take (destroy) and still not trigger significant population losses, or local extinction? If there currently isn't enough habitat, how can you justify taking more? The DEIS fails to answer these critical wildlife questions.

Please keep us informed as program implementation progresses. We expect to see an EA (environmental assessment) for each site-specific project that is tiered to this inadequate programmatic DEIS.