Data Submitted (UTC 11): 10/13/2020 6:00:00 AM
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Title:
Comments: Thank you for the opportunity to comment on the Mid-Swan Landscape Restoration and Wildland Urban Interface Project. Please enter my comments into the official record and keep me advised of this project in the future. Also, please include by reference the comments of the swan View Coalition and Friends of the Wild Swan.

(1) NEPA and the Suppression of Informed Public Comments:

* Under NEPA, the Forest Service is required to take a "hard look" at all issues and topics that arise from a project, including those where information is uncertain or unknown. The Flathead is required to provide a full range of reasonable alternatives, not just the minimum number it thinks it can slip by the public. And most importantly, NEPA requires Forest Service to "encourage and facilitate public involvement in decisions which affect the quality of the human environment." 40 C.F.R. [sect] 1500.2(d). As noted in scoping comments, a critical part of this obligation is presenting data and analysis in a manner that will enable the public to thoroughly review and understand the analysis of environmental consequences. NEPAprocedures must insure that environmental information is available to public officials andcitizens before decisions are made and before actions are taken. (emphasis added).

Yet the Forest has failed in each of these requirements as follows:

(a) Although the Flathead repeatedly acknowledges that climate change is a significant problem that will dramatically increase fire danger and fire severity, its sole conclusion is that fuel loading is the problem, and more logging (the cutting of trees in all forms) is the solution - along with a bit of prescribed burning.

(b) There are 567 miles of system roads in the project area, and another 578 miles of State (DNRC) and private roads for a total of 1145 miles in a roaded landscape that rivals the canals on Mars. Yet Preferred Alternative B would only close about 44 miles - leaving 523 miles (92%) on an already road-fractured landscape. Under no circumstance can this be claimed as the minimum road system for FNF to do its job. Where is the Alternative that closes all or most of these roads? It's MIA.

(c) When the 500-page plus DEIS came out with only a 45-day comment period, I and a number of other citizens wrote requesting a 45-day extension given the sheer size and complexity of the Project area and the DEIS itself. These requests were summarily refused despite the claims from the Flathead that it sought informed, substantive comments from the public. In addition, it soon became clear that a number of key data sources contained in Appendices and Project Files were not included in the DEIS, and were only available by filing a Freedom of Information Act (FOIA) request which the Forest would answer on its timeline - not the public's. Clearly, the Flathead has been engaged in an effort to subvert the public process requirements of NEPA, and suppress the ability of the public to provide well-informed, substantive comments, while the too short 45-day clock continued to tick.

(d) The DEIS and its associated maps lay out broad, general areas in which the project elements will occur, with no site-specific details on where or when timber sales can be expected, leaving the public largely in the dark. In a September 2, 2020 report from Montana Public Radio, The Flathead's Joe Krueger says that this is normal practice and the Forest Service will provide more specifics to the public each year before work begins, adding that, "That will be after the NEPA process of course[hellip]It needs to be clearly understood that public engagement is not intended to 're-scope' or re-analyze potential environmental effects."

Translation - when the real, landscape-changing details come out sometime in the next 15 years, the public will be out of luck, and the public process will be thrown under the bus. Unfortunately for the Flathead, exactly that sort of broad-brush approach was thrown out as a violation of NEPA by the Anchorage District Court on a 1.8 million acre project in SE Alaska. (CITATION) It found that the Forest Service is required under federal law to let the public know where specific cuts are going to occur so they can provide informed comments. P: X of the Executive Summary says, "Public feedback periods associated with individual treatment proposals will be considered 'informal' in that there are no regulations requiring comment during Mid-Swan project implementation." Clearly, the Flathead's Mid-Swan Project is headed down that same dead end road as the Alaska project - with predictable results.

(2)The DEIS puts in place an artificially inflated Wildland Urban Interface with no basis in science or law:

* The Wildland Urban Interface (WUI) is based upon the 2013 Seeley-Swan Fire Plan as stipulated in the Healthy Forests Restoration Act of 2003 (HFRA) which defined WUI as, "An area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan[hellip]" (emphasis added).

* In addition, the Flathead County Wildfire Protection Plan, P: 31 says, "As detailed in HFRA, a commonly accepted definition of the Wildland-Urban Interface is the zone where structures and other human developments meet and intermingle with undeveloped wildland and vegetative fuel."(emphasis added). Similarly, P: 34 of the FCWPP, quoting the SILVIS Lab at the University of Wisconsin-Madison repeats the meet and intermingle language. Clearly, the original intent of WUI was to include lands touching or immediately adjacent to forested USFS property. Yet the DEIS artificially and improperly expands the WUI boundaries miles into NFS lands in many cases, as a way to justify the expansive level of "vegetative treatments" being pushed by the Forest Service.

The origins of this Fake WUI may have also come from the Flathead County Wildfire Protection Plan (FCWPP) page 35 which says "As a first step, the WUI zone was defined as a 1.5 mile buffer extending out from lands that were actively managed as forests and, therefore, represented inhabited areas at potential risk from wildland fire." Unfortunately, the WUI goes off the scientific rails on P: 36 where the FCWPP says, "A buffer of 1.5 miles was created along the WUI boundary inside Glacier National Park as had been done previously with the USFS lands in the 2005 Flathead County CWPP." (emphasis added). So, in a single illogical move, Flathead County, willing followed by the Flathead National Forest, extended a 1.5 mile WUI standard meant to extend out from NFS lands and flipped it to extend Into Forest Service lands. But in this DEIS, as well as those for other recent projects, The Flathead Forest compounds the error by arbitrarily doubling the buffer. The reason is transparently obvious as DEIS P: xiv notes that 39,058 acres will be "treated" inside the WUI, with 66% being commercial, mechanized harvest.

As the Flathead Forest is well aware, the vast majority of state and federal wildfire education programs in the Rockies advise homeowners that the most effective "defensible space" around their homes involves the creation of a low flammability 100-150 foot buffer around their property - not one extending miles into public lands. (See Attachments below), and the 6/26/19 front-page article in the Kalispell Daily Interlake - "Now is the time to prepare for wildfires", page A1 reemphasizes this. A reasonable solution would be for the Forest Service to match this with a 150-foot buffer on public lands, or in the interest of being a good neighbor, perhaps a [frac14] mile. Unfortunately, in an effort to defend this bloated buffer, the DEIS (P: 5) states a Purpose and Need "[hellip]to reduce fire behavior in the WUI and in areas that have influence on fire behavior within the WUI"(emphasis added) - allowing them to artificially expand WUI boundaries virtually anywhere with no scientific grounding.

(3) Improper Reliance on a "Fuels Are the Enemy, More Logging is the Solution Scenario:

* Throughout the DEIS, the Flathead repeatedly acknowledges that the fragmented state of Mid-Swan forests and their resultant fractured connectivity is a result of many decades of logging - much of it by Clearcut (aka regeneration harvest) - roading of the landscape (1145 public and private miles), and fire suppression. The Forest then concludes this landscape is at increased danger of high-intensity fire and fragmentation, and that the primary problem is Fuels - which can only be solved with even more logging, roading and future fire suppression.

But in reality, fuels management of the type envisioned by the DEIS can dramatically influence on-site weather, and the factors that really drive stand-replacing fires - Heat, Drought, Low Humidity, and especially Wind. Dramatically opening up stands, particularly by even-aged regeneration, and regeneration openings, is likely to create exactly the conditions that FNF says it is trying to avoid, and in the process create a landscape ripe for Mega-fires. Increasingly, fire science is reaching the conclusion that in the changing world of Climate Change, a strategy based on fuel reduction is likely to fail, and in many cases already is (See Attachments). Conservation researcher and author George Wuerthner makes exactly that point in a 2016 Counterpunch article, as follows:

"Finally by current standards, even our best fuel reduction do not appear to be adequate to provide much assistance in the control of high intensity wind-driven fires. If fuel treatment is the answer, it will need to be done on a level that is far more extensive (area) and intensive (fuel reduction) than we are now accomplishing [mdash] even on our best fuel breaks." Source: Wildfire Cast Management "fuel treatments [hellip] cannot realistically be expected to eliminate large area burned in severe fire weather years." Source: Gedalof, Z., D.L. Peterson and N.J. Mantua (2005). Atmospheric, climatic and ecological controls on extreme wildfire years in the northwestern United States. Ecological Applications 15: 154-174.

"Extreme environmental conditions [hellip] overwhelmed most fuel treatment effects[hellip]. This included almost all treatment methods including prescribed burning and thinning[hellip]. Suppression efforts had little benefit from fuel modifications."

"It may not be necessary or effective to treat fuels in adjacent areas in order to suppress fires before they reach homes; rather, it is the treatment of the fuels immediately proximate to the residences, and the degree to which the residential structures themselves can ignite that determine if the residences are vulnerable."

"The majority of acreage burned by wildfire in the US occurs in a very few wildfires under extreme conditions (Strauss et al., 1989; Brookings Institution, 2005). Under these extreme conditions suppression efforts are largely ineffective."

Source: Objectives and considerations for wildland fuel treatment in forested ecosystems of the interior western United States Elizabeth D. Reinhardt *, Robert E. Keane, David E. Calkin, Jack D. Cohen.

We cannot halt large fires through fuel treatments - often miles from any real Wildland Urban Interface, but that's exactly what the DEIS proposes when it says, "... fuel conditions in the surrounding federal lands provide a high degree of threat to these WUI lands and also require treatment." The best way to save homes is not by logging more of the forest, but by implementing fire-wise policies in communities that reduces the flammability of homes, and closing the maze of forest roads that increase the likelihood of human-caused fires in the backcountry.

* In addition, a 9/28/20 analysis of two Swan Valley fires by the Swan View Coalition - "Condon Mountain and Crazy Horse Fire Areas Overlaid on Google Earth Satelitte Images" - clearly shows that these heavily logged and roaded landscapes did nothing to stop the spread of fire into unlogged areas. That's because heat, drought, and wind drove those fires - not fuels as FNF asserts in this DEIS. See the Swan View comments for these images.

* Those of us who have lived in the Flathead Valley for more than 25 years remember the 2001 Moose Fire that quickly moved through heavily logged and roaded landscapes in the North Fork before jumping the Outside North Fork Road and North Fork of the Flathead River and moving into unburned forest in Glacier National Park. When

asked if the roads and river didn't slow the fire down, the Incident Commander said, "No, the fire just stepped across."

* And as a Park Ranger who worked on 400+ wildland fires in Front Range Colorado, I can tell you that those that were backed up by wind, heat, and drought were the ones that shouted "Watch Out" every time. It was clear that fuels weren't the engine driving that train - then or now.

With Climate Change/Global Warming increasingly in the drivers seat where fire is concerned, the Mid-Swan Project provides the Flathead with a valuable opportunity to rethink long-held assumptions about what drives fires, and look at new, more ecologically sound ways of addressing the problem that don't involve large scale logging of admittedly over-logged landscapes.

(4) Grizzlies, Roads, and the Law:

Because the Flathead Forest has improperly chosen to ignore my previous comments on grizzlies, science, and law, the following reiterates those warnings from by Taylor-Hellroaring Project Objections:

"Both the Taylor-Hellroaring Project (THP), and the 2018 Flathead Forest Plan improperly, and illegally, act as though grizzly bears (and lynx) have been recovered; are no longer listed as Threatened under the Endangered Species Acts; no longer require adherence to the "Best Available Science"; and are no longer subject to ESA Section 9 protection from "Harm." None of the above is true.

All of the above is based on the following false assumptions:

(A) The Flathead (FNF) assumes that the Taylor-Hellroaring Project is valid because it is based upon the 2018 Flathead Forest Plan (FFP).

(B) The Flathead Forest Plan assumes that it is valid because it is based upon the NCDE Conservation Plan and associated Grizzly Bear Amendments.

(C) The NCDE Conservation Strategy and Grizzly Bear Amendments assume that they are valid based upon the arbitrary and capricious decision by the U.S. Fish and Wildlife Service (USFWS) that NCDE grizzlies were "recovered" in 2011; that 2011 would serve as a Baseline Year in terms of population and habitat protection; and that no further protections beyond the 2011 Baseline would be required.

(D) And the USFWS falsely assumes that NCDE grizzlies were recovered and no longer subject to ESA protection based upon grizzly population numbers, trend, and distribution.

Unfortunately for the Flathead Forest and the Taylor-Hellroaring Project, all of the above assumptions are demonstrably false and, therefore, have no basis in science or law. And, as I have repeatedly told the Flathead and USFWS, this is because in a 1997 federal court ruling, Judge Friedman found the following:

'The FWS has not explained how minimum bear population and grizzly distribution goals consider how much habitat and of what quality is necessary for recovery, or how the answers to these questions can be derived from the 'females with cubs' and 'occupancy' criteria. Nor does the Recovery Plan's requirement that a Conservation Strategy (that will include minimum habitat values and additional monitoring methods) be implemented before any delisting process is commenced address this deficiency. The promise of habitat based recovery criteria sometime in the future is simply not good enough. The purpose of the habitat recovery criteria is to measure the effect of habitat quality and quantity on grizzly recovery See FWS Recovery Guidelines, A.R. Tab 78 at I-5. Such monitoring is not possible if there is no scale against which to gauge the status of the habitat." (Fund for Animals v. Babbitt, Civil Act. No. 94-1021 (PLF) and National Audubon Society v. Babbitt, Civil Act No. 94-1106 (PLF)

(Consolidated) 1997.)"'

* Therefore, with NCDE grizzlies still listed as Threatened, the Forest Service is still required to employ the "Best Available Science" on road management, and that best science is still the 19/19/68 standard of Amendment 19 (A19) to the Flathead Forest Plan of 1986 - not the make believe "science" of the 2018 Forest Plan (FP).

* Unfortunately, the 2018 FP illegally leaves 518 miles of system roads on the landscape whose closure/decommissioning is required by A19 and the 19/19/68 standard still considered a "benchmark" by USFWS; The Mid-Swan Project acknowledges that there 567 miles of NFS roads in the project area as well as 578 miles of State and private roads for a total of 1145 miles; only proposes to close 44 miles of the 567 miles; and proposes to open even more "temporary" and permanent miles. A project more tone deaf to both science and law is hard to imagine.

* The DEIS on P: 249 attempts to substitute "Spin Control" for science to argue that high road densities are no big deal for grizzlies. You cite Ruby (2014) saying that grizzlies didn't select against high or low densities of restricted roads without mentioning that this is just a non-peer reviewed master's thesis, and the Report to the NCDE Grizzly Subcommittee by Dr. Rick Mace that most of the study's grizzlies were dead due to their close association with roads. The Flathead then seeks to misuse McLellan (2105) to say that grizzlies are fine with industrial activity and roads, when the study actually found that population growth was driven by abundant huckleberries both during and after industrial activity. The study also found that 84% of deaths were caused by humans and that 84% of those were <120m from a road. This mirrors research from the NCDE's Rocky Mountain Front showing that 63% of grizzly deaths occurred within 1km of roads - including 10 of 11 female deaths (Aune and Kasworm 1989).

The Flathead even cites purely anecdotal evidence from a district biologist who "[hellip]has frequently observed grizzly bears using restricted (gated or bermed) roads for travel suggesting that displacement is not occurring as a result of restricted-use roads[hellip]" And finally, The Flathead cites three more Canadian research teams one of which documented "bear movement" "near" open forest roads during periods of "low" human activity without defining what those words mean, and another that "traffic patterns drove grizzly bear behavior to a greater degree than road density" - again without providing specifics.

All of this "research shopping" in a foreign country suggests that the Flathead Forest is desperately searching for anything they can find that might justify the massive system road network on the Forest generally, or the Mid-Swan specifically. Unfortunately, the reality is that the "Best Available Science" is still the research of Mace and Waller (1997) and the resultant 19/19/68 standard for motorized route density that is still the standard benchmark recognized by the U.S. Fish and Wildlife Service (USFWS) to determine whether "harm" to grizzlies or their habitat is occurring.

Mace and Waller (1997) found that "most grizzly bears exhibited either neutral or positive selection for buffers surrounding closed roads and roads receiving <10 vehicles per day but avoided buffers surrounding roads having >10 vehicles per day[hellip]grizzly bears can persist in areas with roads, but spatial avoidance will increase, and survival will decrease as traffic levels, road densities, and human settlement increases[hellip]A properly implemented program would minimize road densities and traffic volumes in highly preferred habitats." Unfortunately, the Mid-Swan Project does nothing to lessen either of these factors, and a good deal to increase them. It should be obvious that the Project will dramatically increase the vehicles per day across a wide landscape.

* DEIS P: 249, Table 162 shows that 100% of the 9 BMU Subunits in the Project currently Fail the 68% Core Standard; 100% of the Subunits currently fail the 19% TMRD Standard; and 4 of 9 Subunits (44.4%) fail the 19% OMRD Standard.

* DEIS P: 251, Table 163 shows that Post-Project, 100% of Subunits Still fail the 68% Core Standard. Table 164 shows that 100% of Subunits still fail the 19% TMRD Standard. And while P: 251 claims that there would be "no long-term changes" to the OMRD numbers (44.4% Failing), that "Implementation may require the 'temporary' opening of closed roads" - suggesting that further deterioration of security is actually likely.

Given the dismal security conditions of all 9 subunits, it's imperative that FNF move immediately as part of this project to bring them into full compliance with the 19/19/68 standard. And, since 6 of the 9 already are more than 75% NFS-controlled, there's no excuse for delay.

* DEIS P: 252, Table 165 shows that Alternative B would create 10.6 miles of "temporary" road and open 390.4 miles of restricted roads, for a total of 401 miles. Alternative C would open 387.2 miles of restricted roads. Both would occur over 3-9 years - hardly temporary to a grizzly. Since roads are buffered by 500m per side, each mile of road would displace grizzlies from 397.6 acres of habitat. Therefore, Alternative B at 401 miles would displace grizzlies from 159,437 acres (91.5% of the Project), while Alternative C at 387.2 miles would displace grizzlies from 153,950 acres (88.4% of the Project). In a Mid-Swan area currently failing grizzly security requirements on all cylinders, neither of these scenarios is remotely acceptable.

NOTE: DEIS P: 257 inexplicably says that the Cold Jim and Mid-Swan Projects combined would "require the temporary opening of approximately 95 miles of currently restricted roads." If for some reason this lower number of miles is correct, grizzlies would only be displaced from 37,772 acres or 21.6% of the Project.

Nor does this Project do anything to address this damaging maze of roads. DEIS P: Xii tells us that under proposed aquatic habitat restoration actions, 242.5 miles of the project areas 567 miles of roads would be "stormproofed", but only 44.1 miles of that would actually be Decommissioned (7.7%) with the remaining 92.3% merely "rehabilitated." And DEIS P: xiv shows that there would be 56.8 miles of New Road Construction - 38.7 Permanent, 10.6 "Temporary" and 7.5 under Aquatic Restoration. Seventy Seven percent of these new roads would be "stored" (kept on the system), while the remainder would be "closed" with ineffective gates.

* DEIS P: 35.2 makes the False claim that "Because the Project does not change public access, there is no long-term effect on open road density[hellip]" IGBC Guidelines (1998) require that all gated roads be considered "Open" for purposes of grizzly bear security, regardless of who uses them.

The DEIS makes the claim that from 2005-2010 their monitoring showed that 90%+ of their gate closures were effective, and through 2016 an astounding 93%+ were effective - both numbers claimed nowhere else in the northern recovery areas - perhaps because they simply don't pass the straight face test.

Kuennen (2019) reports that under the USFWS Term & Condition #5 from their 2013 Biological Opinion on Amendment 19, "The first restriction device on any road shall be inspected annually and kept in good repair" (emphasis added). The first problem is that this only requires one inspection of a gate per year. If the gate is fine during a June inspection but is bypassed, ripped out or the lock cut in July - October, the Flathead is unlikely to know about and repair it. The second problem, is the requirement that only the first gate on a road must be inspected under the unwarranted assumption that this means gates 2-10 are just fine with zero inspections. On a Flathead Forest with a maze of roads - 3552 mile in 2016 - and 567 miles in the Mid-Swan alone, it's entirely possible for rogue riders to enter a road at numerous points beyond the first gate via illegally constructed trails - but the Flathead simply isn't bothering to check. Therefore, the wildly optimistic claim of 90-93% effectiveness needs to be taken with a grain of salt - or perhaps an entire bag.

* DEIS P: 254, Table 167 reports that Alternative B would decrease grizzly hiding cover by 20,700 acres (13%); that "Numerous openings will be created in upland and riparian habitats, however in accordance with Flathead Forest Plan standard FW-STD-Timb-076, the maximum opening size will be 80 acres in the warm/dry PVG, 150 acres in the cool/moist PVG, 90 acres in the cold PVG, and 40 acres in all other vegetation types." The table

shows reductions in every Subunit, with declines of 5-15% in 7 of them. Since no scientific justification is given for these dramatic departures from the 40-acre standard in grizzly habitat, I'm assuming that there is none, and it's simply "manager preference" taking precedence over grizzly survival in an already fractured landscape.

Alternative C (P: 256, Table 169) shows declines in hiding cover on 6871 acres (4%) but continues with the same radical departures from the 40-acre opening size seen in Alt. B, with 8 of 9 Subunits showing declines.

(5) Failure to Protect Lynx and their Critical Habitat:

* As with grizzly bears, it's not at all clear that the Flathead Forest understands and accepts the restrictions placed on it under Section 7 of the Endangered Species Act (1988) when it is operating in Critical Habitat, as follows:

"Each federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded or carried out by such agency[hellip]is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to subsection (h) of this section."

Yet nowhere in the DEIS do we see that the Flathead has applied for, much less been granted, an exemption for its Mid-Swan actions by the Endangered Species Committee - actions which appear to be extensive.

* One of the primary Purposes & Needs of the Project is to lower the danger of large, stand-replacing fires, yet DEIS P: 207 says "Historically, the dominant disturbance in Northern Rockies lynx habitat was stand replacing fire, however this regime was intermixed with numerous low-severity fires occurring between high-severity events", and Ayers (XXXX) reported that many of the stand replacing fires were large. Thus FNF seems to be operating at cross-purposes to the ecological history of the area. In large part this appears to be in defense of an artificially inflated Wildland Urban Interface (WUI) developed by the Seeley-Swan community and the Forest Service.

* DEIS P: 208 reports that "Kosterman (2014) found that 50% mature forest and 10-15% young regenerating forest was optimal for a female lynx raising kits. Kosterman (2018) reported that increased denning success was associated with abundant and connected mature forest and intermediate amounts of small-diameter regenerating forest. Holbrook (2019) found that core denning areas of the most fecund female lynx contained 17% more mature forest, arranged in 2.25-times larger patches, than did less fecund females.

DEIS P: 209, Table 134 shows that 8 of 12 Lynx Analysis Units (LAU's) have more than 50% multistory habitat, but only 4 have moderately good connectivity, and the amount of core reproductive habitat is virtually nil. The obvious solution would seem to be to increase Mature multistory habitat in the remaining 4 LAU's, improve habitat connectivity across all LAU's to a Good level, and begin work immediately to significantly increase core reproductive areas/size. Unfortunately, the Mid-Swan project appears to head in the opposite direction. In fact, Slide 20 from the September 2nd Virtual Open House shows a "Desired Condition" where large blocks of habitat and connectivity are fractured into barely connected postage stamps.

* DEIS P: 211 indicates that there will be 48,113 acres of vegetation management in lynx habitat (27.6%) of the project; that 24,428 acres (51%), will be in multistory habitat and another 7754 acres (16%) in stand initiation habitat for a total of 67% in lynx critical habitat. However, this doesn't appear to concern the Forest that worries on P: 210 that, "Increased multistory connectivity at these larger spatial scales results in reduced forest heterogeneity and greater probability that a severe disturbance, such as wildfire or insect outbreak, will spread rapidly and create the type of large-scale habitat loss that was observed in the 2017 Rice Ridge Fire." So, to

prevent habitat loss that might happen due to wildfire, the Flathead wants to guarantee habitat loss due to vegetation management now. And Table 135, P: 212-213 indicates that significant acreage will be "treated" under Alternative B by even-aged regeneration and regeneration openings/variable density thinning - functional Clearcuts for species like grizzlies, lynx, and even elk.

* DEIS P: 214, Table 136 under Indicator 5 for Alt. B, Multistory Habitat shows that of 24,428 acres of management in multistory habitat, only 8400 acres (34.4%) will retain multistory characteristics when FNF is done with them, while 14,895 acres (61%) would "temporarily" transition into Early Stand Initiation (ESI) habitat unsuitable for lynx for 20 or more years, while 1133 acres (4.6%) would transition to Permanently Unsuitable[hellip] Nine of the 12 LAU's would lose 31-50% of their multistory habitat, and the other three would lose 23, 25, and 29%. I'm pretty sure this is what ESA Section 7 means when it refers to "harm" to Critical Habitat as something that's prohibited.

* Table 137 shows how The Flathead would compound the damage of Alt. B with 8 of 12 LAU's having treatments underway for 6-9 years, and 12 of 15 years having treatments taking place in 6-9 LAU's at a time.

* DEIS P: 217, Table 138 Impacts to Stand Initiation Habitat - Despite it being part of lynx critical habitat, FNF intends to lower SI habitat in 6 LAU's by 5-15%, and in 8 LAU's would treat 42-93% of the LAU.

* DEIS P: 220, Table 140, Indicator 7 & 8: Multistory/Stand Initiation Edge Density, and Multistory Habitat Connectivity: MS/SI edge density drops in 11 of 12 LAU's post -treatment , and multistory habitat connectivity drops in 8 of 12 LAU's. The DEIS claims that MS/SI numbers improve in 7 LAU's 10 years after treatment, but since this, like most of the Flathead's "estimates" is based upon models, there's no assurance that this rebound will actually happen.

* DEIS P: 220, Table 141, Indicator 9, Lynx Core Habitat would increase from the current 989 acres to 5636 acres 10 years post-treatment - although FNF claims it would be 6500 acres. Of course, this is all dependent on, "IF the post project early stand initiation habitat matures into stand initiation habitat over 10-20 years following project implementation, and that enough small-scale disturbances occur to create additional early stand initiation habitat, the availability of reproductive core habitat will rise to over 6500 acres."(emphasis added). The public should be rightfully skeptical of this "Trust us, we're with the Forest Service and we promise to create core reproductive habitat - in 20 years - Maybe."

* DEIS P: 224, Alternative C says that it's designed to comply with the existing Forest Plan by minimizing impacts to MS & SI habitat, but still shows 326 acres of management in MS, and 148 acres in SI - all within the artificially inflated WUI. If the Flathead can reduce these impacts this significantly from Alternative B, it would seem reasonable to zero them out completely and avoid ESA Section 7 entanglements. These same comments apply for Indicators 5-8, where it would make sense to simple not meddle with lynx critical habitat.

* DEIS P: 229, Table 148, Indicator #9, Lynx Core Reproductive Habitat claims that the current 989 acres of reproductive core would increase to 1535 acres post-treatment, and 8389 acres after 10 years. Once again, this comes with the giant Loophole Language of, "IF the post-project early stand initiation habitat matures into stand initiation habitat over 10-20 years following project implementation, and that enough small scale disturbances occur to create additional early stand initiation habitat, the availability of reproductive core habitat will rise to over 8300 acres." Once more, the Project's damage to critical habitat is front-end loaded, while the benefits are largely speculative. To paraphrase, "Habitat delayed, is habitat denied."

* DEIS P: 233 makes the demonstrably false claim that "Under both action alternatives, the Mid-Swan Project would remove 255.6 miles of roads from the project area through a combination of storage, decommissioning, and access limitations while creating only 7.5 miles of new roads."(emphasis added). To be clear, the only thing that "removes" roads from the FNF system roads inventory is Decommissioning, which renders them no longer

functional as a road or a trail. Anything other than decommissioning leaves them on the road network and Requires that they be counted under Total Motorized Route Density (TMRD) - Period!

Under Alternative B, the Flathead would require a project-specific amendment to the recently completed 2018 Forest Plan to allow for some of the damage it would do to lynx critical habitat. There should be no such exemption, and no such habitat intrusions should occur.

* DEIS P: 236 lists the "Primary Constituent Elements" of lynx critical habitat as:

(1) PCE1a - Presence of snowshoe hares and their preferred habitat conditions.

(2) PCE1b - Deep and fluffy snow for extended periods of time.

(3) PCE1c - Suitable sites for denning.

(4) PCE1d - Matrix habitat that occurs between patches of boreal forest and facilitates movement between patches.

Table 151, P: 238 indicates that there are 127,645 acres of critical habitat in the project area, and that 107,561 acres of PCE habitat (84.2%) would be treated. Table 152, P: 239 shows that Alternative B treatments would reduce PCE1a by 35.7%, reduce PCE1c by 53.7%, increase unsuitable stem exclusion habitat by 88.9%, and increase PCE1d by 3.3%. The first two habitat reductions, coupled with the steep rise in unsuitable stem exclusion, would seem to be exactly the sort of "Harm" prohibited by ESA Section 7. The Flathead justifies this harm by saying that they're OK because Alt. B would address the Forests all consuming passion - "risk of large-scale, high intensity wildfire would be reduced[hellip]"

* DEIS P: 241-243, Alternative C:

* While Alternative C would do considerably less damage to critical habitat, Table 156 shows that Alt. C would reduce PCE1a by 1454 acres; reduce PCE1c by 1783 acres; reduce PCE1d by 369 acres; and increase unsuitable stem exclusion habitat by 85 acres. Unless the Forest Service can ecologically justify harming critical habitat in real time to prevent possible fire damage down the road, it needs to completely rethink this project, its rationale and assumptions.

* DEIS P: 243, Critical Habitat Acres following Alternative C indicates that Stand Initiation Habitat would drop by 10%, Multistory by 31.5%, and Matrix by 39.5%. None of this complies with the ESA's prohibition on "Harm" to critical habitat, and it must be removed.

(6) Illegal Intrusions into Inventoried Roadless Areas:

* DEIS P: 313 says that "Road construction, road reconstruction, and timber harvest are prohibited in IRA's. However, limited harvest may be allowed if it meets exceptions in 36 CFR 294.13. Similarly, road construction and reconstruction may be allowed if it meets exceptions in 36 CFR 294.12."

The Mid-Swan Project meets none of these exceptions, including those allowing the "logging of generally small diameter trees to reduce the risk of unnaturally large or intense wildfires, since both this DEIS and Ayers (XXX) confirm that the area historically experienced large, intense, stand-replacing fires. Yet the DEIS proposes the following unauthorized intrusions:

"Alternative B proposes 3353 acres of mechanized treatments and 29,772 acres of non-mechanized treatments

within the IRA's. Alternative C proposes 1834 acres of mechanized treatments and 20,188 acres of non-mechanized treatments within the IRA's. No commercial harvest is proposed within IRA's in either alternative. There is no road construction proposed within IRA's under either alternative although there are two closed roads within the IRA that are proposed to be stored."

First, all of these acres that involve logging (The cutting of trees) are illegal, do not meet any exceptions, and must be removed from the Project. Second, whether the harvest is "commercial" or not is irrelevant to wildlife and to the 2001 RACR. It's not allowed. Third, if no roads will be constructed, how are the crews and their machinery getting to the 1834 or 3353 acres designated for "mechanized" treatments? Finally, the two closed roads are incompatible with IRA's and must be decommissioned and removed from the landscape.

* DEIS P: 312 notes that, "The three primary issues that stimulated development of the 2001 RACR were: (1) reducing the alteration and fragmentation of large, secure landscapes (through prohibitions on timber harvest and road construction, (2) reducing the size of the existing and future road system, and (3) reducing controversy associated with management of roadless areas." The proposed Project fails completely in all of these, but especially issue #2.

(7) Failure to protect Habitat Connectivity and Riparian Management Zones:

* DEIS P: 194 notes that "The Mid-Swan Project area includes many sections[hellip]of forest land that were historically managed for private timber production, frequently through regeneration harvest. This has created a patchwork landscape of cover and non-cover, with limited connectivity[hellip]Under both action alternatives, habitat connectivity would be improved over the long-term by actions intended to disrupt the patchwork pattern described above as well as restoration of the associated road network."(emphasis added). First, when FNF say "over the long-term" they mean at least 10-20 years before the landscape recovers from their "treatments." Second, you don't reconnect a fragmented landscape by further "disrupting" it. Third, the "restoration of the associated road network" when it's already 567 miles, does zero to restore the landscape. Quite the contrary, it perpetuates current fracture zones, and creates new ones.

Under Alternative B, "Additional impacts to fine-scale habitat connectivity would also occur due to management actions intended to break up the current, large patches of young multistory forest that have developed following years of fire suppression (emphasis added). Across watersheds, reductions in multistory habitat connectivity vary widely ranging from no loss to a 36% reduction." Here once more, the Forest Service would have us believe that the best way to improve connectivity - as directed in the 2012 Planning Rule - is by severing connectivity.

* The DEIS P: 195 reports that "15,238 acres were identified as cross-valley wildlife corridors[hellip]The analysis identified five habitat corridors that span the WUI region and Hwy. 83[hellip]The corridors roughly follow riparian areas[hellip]" We're then told that the American marten was chosen as a surrogate for interior, structure-dependent species. Since at least 4 of the 5 cross-valley corridors were identified to protect grizzly bear habitat connectivity & security in the mid-90's, it seems obvious that they - and not marten - should have been chosen. And a plan to really protect connectivity would have applied the 19/19/68 standard from Amendment 19 to ensure that the protection was/is scientifically sound.

* DEIS P: 196-197 sets forth how it intends to damage the connectivity in these always- critical Riparian Management Zones. We're told that, "[hellip]over 70% of the IRMZ acreage[hellip]occurs adjacent to upland areas that are ecologically departed following decades of fire suppression." The Forest then claims that although they have very little idea how much of the IRMZ would have burned, or at what intensity, it is logical to assume "that the fire suppression activities that have altered the characteristics of upland areas have also altered the characteristics of the imbedded riparian areas." This of course is absolute nonsense devoid of any scientific basis.

As someone who worked on wetland and riparian protection plans in Colorado, I can tell you that riparian zones are far more resistant to fire because they're cooler, more moist, have higher humidity, and break up wind currents. Nonetheless, based upon its totally false assumption, the Flathead proposes hand fuel reduction and prescribed fire in 3587 acres in the IRMZ.

The Forest also proposes under Alt. B 14,895 acres of vegetation management in lynx multistory habitat "for the purpose of breaking up the large patches of young, multistory forest that have developed following years of fire suppression[hellip]" (emphasis added). Goodbye connectivity, and lynx critical habitat gets thrown under the USFS bus. When we look at Table 129, P: 197, we see that 9 of 14 watersheds see reductions of multistory habitat connectivity ranging from 10-36%. "Under Alternative C, no management would occur within riparian zones" - restoring some level of rational thinking. However, as it does elsewhere, the DEIS warns that because Alt. C won't let them log, road, and fragment RMZ's now, fire will do so later.

Conclusion & Recommendations

* While the DEIS title is "Mid-Swan Landscape Restoration and Wildland Urban Interface Project" there's precious little Landscape Restoration to be found. After identifying logging, roading, and fire suppression as the causes of fragmentation in the Swan, the Forest Service proposes to solve these problems with more logging, the same or larger road base, and ongoing fire suppression separate from the Project. These solutions are common to both action alternatives.

* The DEIS says repeatedly that its goal is to restore a more historically and ecologically natural landscape, but we are presented with no alternative to do that. At a minimum, such an alternative needs to forego all "regeneration harvest" (functional Clearcuts); employ only light on the land selective thinning and prescribed burns; remove and Decommission all or most of the 567-mile road maze; absent a clear, demonstrated, ecological need - stay out of all RMZ's with harvest; no harvest of old growth; and no mechanized entry into Wilderness or Recommended Wilderness.

* The "Best Available Science" on grizzly bear habitat security is still the "benchmark standard" of 19/19/68 from Amendment 19, yet there is no alternative that seeks to fully implement this scientifically required standard. The Flathead Forest needs to move immediately to implement such an alternative and complete it during the 15-year Mid-Swan Project.

A companion to this is an alternative that fully protects lynx critical habitat - no exceptions - and complies with the Lynx Conservation Assessment and Strategy of 2000, and the Northern Rockies Lynx Management Direction of 2007.

* The Project's Wildland Urban Interface (WUI) is artificially inflated to meet the desire of the local community and the Forest Service to justify more logging miles from the actual WUI. There is no fire science that supports this expansive view of the Interface, and much that does not. The WUI maps must be completely redrawn to reflect a defensible space of 100-150' around homes and private structures, and a matching amount on USFS lands. As noted earlier, the Flathead might be able to justify a quarter mile buffer on NFS lands as part of a "Good Neighbor Policy", there's no scientific justification for extending the buffer miles into public lands - in fact it may make matters worse by increasing heat, drought, and wind.

* The DEIS adopts the prime directive that large, high-intensity fire is the Problem, and more logging (the cutting of trees) is the only Solution. This in turn drives the inflated size of the WUI, and a completely indefensible road network. The Flathead needs to thoroughly analyze the science indicating that Mature Single-story and Multistory forests and Old Growth Forests are naturally more fire resistant due to lower temperatures and humidity, more moist green growth, and significantly reduced wind. The same can be said for RMZ's. Both should be incorporate

into an additional alternative.

* Whether checking the DEIS for information on forest structure, composition, canopy cover, understory, fire & fuels, or old growth, it's clear that almost all Forest Service analysis, assumptions, and decisions are being driven by remote sensing and models by Forest employees sitting in an office in front of their computers and not out on the actual project site "ground-truthing" the data and their conclusions. For a project of any size that's a problem, but for one of 174,205 acres with major implications for a complex landscape for decades to come, it's simply unacceptable. Nowhere is this more serious than in the old growth section, where the Flathead admits that it has no idea how much old growth is on the landscape - but it's going to log some of it anyway. Both from this Project and the 2018 Forest Plan it's clear that after a century of logging, there isn't a lot of old growth left on the Forest, and without a clear, on-the-ground idea of how much old growth there is, where it is, and how connected it is, this Project has no business logging any of it - not one tree.

* As noted earlier, in a 1.8 million acre USFS project out of Alaska, the Anchorage District Court ruled that the project violated NEPA because the Forest Service relied on large general areas where it wanted to log without letting the public know more specifically where they were and giving them the required opportunity to provide comments and have them considered. The Mid-Swan is a carbon copy of that project, and unless it's withdrawn and this fatal error corrected, it's headed for a similar fate - all unnecessary, and all on the taxpayer's dime.

Sincerely,

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ATTACHMENTS:

Mid-Swan Project Comments.docx

Fire Fuel and Logging Myths.docx

FFP & Grizz Comments.docx