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Comments: On January 21, 2018, SVC submitted written comments on the Bug Creek Forest Health and Fuels Reduction Proposal (Attachment A). On February 6, SVC attended the Proposal Open House and submitted follow-up comments on February 15, 2018 (Attachment B).

On December 14, 2020, SVC submitted comments on the initial Project EA and the request for comments on Exceeding Maximum Opening Size Limits (Attachment C), along with two DVDs of supporting documents. Our letter incorporated by reference the December 11, 2020 comments submitted by WildEarth Guardians Marla Fox (Attachment D). We did not attach that letter to our comments at that time because we could see it had already been submitted to the correct Forest Service email address in a timely manner (Attachment E).

On December 29, 2020, SVC submitted further comments on the Project EA and its lack of information regarding the illegal mountain bike trail network on Crane Mountain (Attachment F). On February 2, 2021, SVC submitted further comments on the request for comments on Exceeding Maximum Opening Size Limits (Attachment G), which attached a copy of Atchley et al 2021 (Attachment H).

The Response to Comments (RTC, at DDN Appendix B) fails to adequately address our concerns and fails to address the comments of WildEarth Guardians, whose timely comments we incorporated by reference. The RTC, DDN and revised EA fail to result in the substantive and procedural changes in the Project and analyses necessary to comply with laws, regulations and a reasonable code of ethics. We remain concerned that the BCP and DDN/FONSI will harm water quality, fish, wildlife, and our members' interests.

We ask that all the attachments to this Objection be read in their entirety as an integral part of this Objection as we will not repeat those concerns in full here. We submitted with our 12/14/20 comments two DVDs of supporting documents, numbered 1 and 2. Should we reference documents on those DVDs in this Objection, we will most often use the format DVD X, Folder XX, filename.

We incorporate by reference the Objections being filed by Friends of the Wild Swan and WildEarth Guardians.

Executive Summary

The BCP fails to adequately distinguish between and quantify the risks to grizzly bears and other wildlife by decommissioned, abandoned, temporary, open, gated, and barricaded roads, as well as non-motorized but

admittedly high-use trails. As a result, it draws arbitrary and capricious conclusions to support the building and rebuilding of more roads, culvert crossings and trails in areas already suffering from too many roads, culverts and trails. Moreover, the BCP builds and rebuilds roads in order to support specious logging and other [ldquo]vegetation management[rdquo] that will not protect neighboring private lands and structures from fire, will instead make the fire risk situation worse, and builds or adopts trails without a firm plan to decommission unwanted trails or account for the impacts of the trails retained. On the whole, the BCP does not [ldquo]maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,[rdquo] as required by the 2018 Forest Plan (see the

10/31/17 Biological Assessment on the revised Forest Plan, at 127). This is a violation of the Administrative Procedures Act, the National Environmental Policy Act, the National Forest Management Act, the Endangered Species Act, and the Clean Water Act.

The DDN[rsquo]s Response to Comments

The DDN[rsquo]s Response to Comments (RTC) is largely argumentative and often misrepresents our comments in order to have a [ldquo]straw man[rdquo] to argue against. The RTC essentially restates the Forest Service[rsquo]s position and fails to provide us any substantive relief at all and only very little procedural relief. We therefore see little merit in responding to each RTC. We will take the more productive route here of summarizing some of our key concerns in hopes that, in conjunction with a reading of all our attachments, our concerns will be better understood:

1. The BCP does not [ldquo]maintain the on-the-ground [2011] conditions that have contributed to the growth and expansion of the NCDE grizzly bear population,[rdquo] as required by the 2018 Forest Plan (see the 10/31/17 Biological Assessment on the revised Forest Plan, at 127). The biological premise of the Forest Plan and NCDE Conservation Strategy is that the 2011 [ldquo]on-the-ground conditions[rdquo] be maintained, not just the [ldquo]on- the-books[rdquo] baseline numbers. The RTC refuses to acknowledge this distinction while simultaneously making our case that maintaining the latter does not necessarily maintain the former, as promised.

a. [ldquo]The [lsquo]on-the-ground conditions[rsquo] you reference do not apply to cover . . .[rdquo] (RTC at 81). [ldquo]The project activities would decrease hiding cover by . . . 10% in the Crane Mountain subunit[rdquo] (PF Exhibit L096a at 36).

b. Linear miles of total roads and open roads can be increased without increasing OMAD or TMAD (RTC at 66 and 82-83, PF Exhibit L096a at 39, 2020 EA at 145; see also DVD2, Folder 07, 2020-11-20 Doc. 97-1 Decl_Keith Hammer.pdf, Exhibit 2).

c. [ldquo]The on-the-ground conditions you reference do not apply to non-motorized use . . .[rdquo] (RTC at 87).

d. The Flathead has included and learned to exploit loopholes in its Forest Plan in order to build roads, open roads, build or adopt high-use trails, and remove cover, among other things - without it appearing to change [ldquo]on-the-ground conditions[rdquo] and while reportedly maintaining [ldquo]on-the-books[rdquo] baseline numbers. The Flathead may view this as a testament to cleverness, but it fails to [ldquo]maintain the on-the-ground conditions that have contributed to the growth and expansion of the NCDE grizzly bear population.[rdquo]

2. The EA and the BA (PF Exhibit L096a) utilize [ldquo]600[rsquo] to cover[rdquo] criteria, but do not explain why it is used or the science and impacts to grizzly bear it is based on. It does no good to tell us this criteria is not a Forest Plan standard when that is precisely why we asked for an explanation in the EA for why it is being used. (RTC at 81).

a. The RTC, at 80, says [ldquo]The updated EA discusses hiding cover and forest openings and discloses which units would create the largest distances to cover (p135).[rdquo] There is no such information on EA page 135.

b. The RTC, at 80, says [ldquo]The updated EA clarified impacts to grizzly bear movement because of the openings created (p135).[rdquo] There is no such information on EA page 135.

3. Gates, boulders and berms (the latter two are all that is required to render a road [ldquo]impassable[rdquo]) continue to be less effective at stopping use than physical re-contouring and re-vegetation (which are not required to render a road [ldquo]impassable[rdquo]). Project File Exhibit L12 undercounts ineffective closures prior to 2005 because they weren[rsquo]t considered ineffective if they could be repaired on the spot, no matter how long they had been allowing motor vehicle trespass. It appears PF Exhibit L4 also undercounts ineffective closures by not counting broken gates as ineffective if the road behind the gate was overgrown with vegetation (pdf page 18).

a. It is morally and intellectually dishonest to argue that gates and berms are good enough, but then rely on re-vegetation of the road behind them to make their closure actually effective. (e.g. RTC at 66-67).

b. Some 28 miles of currently overgrown roads will be cleared for log hauling under the BCP (RTC at 66). Gating or blocking these roads afterward as [ldquo]impassable[rdquo] will not make these roads as secure for wildlife protection as they are now - as noted in the two paragraphs immediately above.

c. RTC page 64 says the EA was updated to include details of the previous Crane Mountain Salvage Project, but provides no page number for the updated EA! Using a word search of the pdf, the only such information we could find is on pages 197-199. It shows how a long list roads to be decommissioned under the Salvage Project would instead in largest part simply be closed with a barrier or gate under the BCP. Pages 197- 199 don[rsquo]t indicate which of these roads are currently overgrown and would be cleared for log hauling, but it appears they are likely among the 28 miles of such roads discussed in the paragraph immediately above. If so, grizzly bear and other wildlife will not be nearly as secure as they are currently or were in 2011, let alone as secure as had the Salvage Project decommissioning been completed as promised. Clearly, the Flathead is more concerned about doing whatever it wants than following through on prior commitments.

4. The updated EA still has no alternative that would meet the 19/19/68 [ldquo]research benchmarks[rdquo] used in consultation with FWS to limit Incidental Take. The effects of such an alternative are not covered by the No Action alternative nor via Forest Plan consultation with FWS, as implied and claimed in the RTC at 62.

5. The updated EA still contains no Grizzly Bear Subunit map, no map of grizzly bear denning habitat, no map of road densities, and no map of grizzly bear Secure Core. The

public and decision maker must instead seek out PF Exhibit L-4, which once found is entirely inconsistent in labeling which maps are of Secure Core, OMRD and TMRD, among other things. The RTC, at 85, provides inadequate relief in simply pointing to PF Exhibit L-4. The updated EA remains inadequate in these regards.

6. The RTC, at 84-85, does not adequately address the question of timing and overlap of impacts from Bug Creek and Mid-Swan project activities. Perhaps at its most truthful, it simply states [ldquo]dates of implementation of the MidSwan and Bug Creek projects are not known. The Bug Creek project analysis for grizzly bears acknowledges that motorized use on restricted roads may overlap for an unknown period of time due to motorized use of restricted roads in the Porcupine Woodward subunit.[rdquo] Simply acknowledging impacts may occur is not the [ldquo]hard look[rdquo] required by NEPA. The RTC references PF Exhibit L-004 but we find it of little help and it mentions Mid-Swan not at all.

7. The RTC attempts to relieve the EA and DN of the responsibility to adequately describe the past actions that resulted in an extensive unauthorized mountain bike trail network on Crane Mountain and to clearly identify who in the past has promoted these trails, along with an indication of whether those persons will or will not be allowed to Partner with the Forest Service on Crane Mountain or elsewhere.

a. As noted on page 8 of our 12/14/20 comments, Ron Cron was cited for constructing an unauthorized bike trail on Crane Mountain via a 2011 Probable Cause Statement. Nowhere does the RTC, DDN or EA mention that Ron Cron is being rewarded for his efforts via the revised Flathead Forest Plan and BCP: [ldquo][Flathead Forest Planner Joe] Krueger singled out Ron Cron, a Kalispell mechanic and mountain bike enthusiast as [lsquo]one of the big winners[rsquo] who participated extensively in the planning process and offered constructive ideas. Cron

has for years been trying to establish a mountain biking trail system at Crane Mountain. The new revision incorporates portions of his project.[rdquo] (3/5/15 Daily Inter Lake, Attachment I).

b. Nor do the RTC, DDN or EA mention that the Crane Mountain Trail System Expansion Project was first listed on the Flathead[rsquo]s Schedule of Proposed Actions in January 2010 (Attachment J) or that Ron Cron conducted public fund-raising events to allegedly help pay for the NEPA planning of the project. In spite of this history, the RTC at 122 states: [ldquo]The Forest Service has not received any specific written proposals or requests to volunteer or use the Crane Mountain area.[rdquo] If this is true, where then do the EA and DN discuss the unwritten proposals and requests that concern Crane Mountain? They had enough import to put the Trail System Expansion Project on the SOPA and receive praise from Forest Planning staff!

c. It is worth noting that the 2015 article in Attachment I also states [ldquo]Krueger said a private company has already agreed to bankroll a [lsquo]hut-to-hut[rsquo] system of backcountry shelters near Tally Lake.[rdquo] The Flathead has established a really bad habit of failing to disclose its private Partners, as in the above 2015 news article and as reported recently in three news articles when the Spotted Bear District Ranger refused to name who was willing to fund his proposal to build 4 rental cabins at Bunker Park. See:

https://missoulain.com/news/local/cabin-plan-attracts-donations-damnation/article_46453159-2bf6-55be-a48f-c87dbbeecb22.html

<https://dailyinterlake.com/news/2021/mar/14/officials-propose-adding-four-rental-cabins-remote/>

<https://hungryhorsenews.com/news/2021/mar/17/proposed-bunker-park-cabins-draw-immediate-fire/>

This behavior is unacceptable in a public agency and needs to be corrected in the BCP by disclosing the private parties that have expressed interest in the proposed trail system expansion.

d. The RTC, at 122, attempts to dismiss the behaviors that led to an entire unauthorized mountain bike trail network on Crane Mountain, then has the audacity to claim that our reporting that one of those same persons was caught in December 2020 clearing a trail without authorization in Krause Basin is [ldquo]outside the scope of this [Bug Creek] project.[rdquo] The moral of the story here is that, if certain people or groups did not learn their lesson on Crane Mountain and are conducting similar unauthorized trail clearing in Krause Basin, those people should not be rewarded with nor trusted with a Forest Service Partnership. If the Flathead would like to dismiss all the speculation about these Partnerships, it needs to clearly name who they are and quit being coy about it.

8. The EA and DDN fail to include a substantive measurement of the effects of the non- motorized trail system, nor an adequate program for eliminating human use of the trails not to be retained.

a. [ldquo]The on-the-ground conditions you reference do not apply to non-motorized use . . .[rdquo] (RTC at 87).

Hence, the effects of the non-motorized trail system are not captured in the calculations of OMAD, TMAD and Secure Core.

b. It does no good for the RTC to list pages in the EA where the impacts of non-motorized trails are addressed (RTC at 122) and then turn around and downplay the effects of non-motorized recreation on wildlife found in research papers (RTC at 85-86). This instills little faith that the agency is reporting impacts in an unbiased manner.

c. The [ldquo]naturalization[rdquo] techniques outlined in the EA (at 27) and in the USDA Trail Notebook (PF Exhibit H002) are appreciated, but will likely be highly ineffective without intense law enforcement, a change in subcultures that enjoy clearing trails without authorization, and a change in Forest Service culture that repeatedly rewards unauthorized trail building. The DDN and EA include no adequate plan or timeline for the application of these naturalization measures, let alone a clear identification of where unauthorized trails exist and which unauthorized trails will have what types of naturalization applied to them.

9. The EA and cited Project File documents do not contain an adequate assessment of the cumulative effects of roads and trails being built, rebuilt and adopted on the Flathead. The RTC relies on the Forest Plan and consultation with FWS for this assessment of cumulative effects (at 82 and 88) while simultaneously saying that our arguments about the adequacy of the Forest Plan are [ldquo]outside the scope of this project[rdquo] (at 126). The agency can[rsquo]t have it both ways. If it wants to rely on the Forest Plan to supplement the BCP analyses, then the adequacy of the Forest Plan and its standards are absolutely within the scope of the BCP and this Objection.

10. The EA still does not contain adequate information from which the public can easily glean which logging units form openings in excess of Forest Plan standards of 40, 80, 90, and 150 acre maximums. Our 12/14/20 letter explained how the November 2020 EA failed to provide the necessary information. It does no good for the RTC (at 131) to parrot back to us the very same pages in the 2020 EA and insist that they did, especially when the agency itself found it necessary to gather the necessary information together, post it to its web site, and restart the 60-day public comment period on openings that exceed maximum opening sizes! (See RTC at 111).

a. It is an insult for the RTC to claim [ldquo]the commenter is confused between the 30-day public comment period for the Draft Environmental Assessment and the 60-day public notice period for exceeding maximum opening sizes . . . These are two separate requests of the public and are not tied together[rdquo] (RTC at 131). We weren[rsquo]t confused, it is simply our contention that the two comment periods are tied together because the details of those opening sizes must be in the EA along with an adequate assessment of the effects of those excessive opening sizes. After all, the excessive opening sizes would not even be at issue if not for the BCP that would create them. (And, by the way, the initial request for 60-day public comment on excessive opening size was issued in the same 11/13/20 letter requesting 30-day public comment on the BCP EA, which tied them together at the outset).

b. In at least two places on page 111, the RTC claims clarification has been added to the updated EA on the issue of excessive opening size and their effects, but then fails to mention where in the updated EA it can be found. That is neither responsive nor helpful.

11. The EA, DDN and RTC fail to adequately address science finding that the proposed logging and vegetation treatments will likely make the fire risk situation worse instead of better. We included in our comments discussion of, and in many cases provided, research papers demonstrating that the effects of the BCP are highly controversial and uncertain, which mandates the preparation of an EIS (see the Ninth Circuit opinion in *Bark v. USFS*, Attachment K). Moreover, we summarize here the expert findings of Dr. Joseph Werne, extracted from his 4/4/21 Declaration regarding the inadequacy of current fire models and fuels management prescriptions (Attachment L):

a. When ladder fuels are removed (by thinning), ground-level wind speed and turbulent mixing both increase, leading to faster fire spread and greater oxygen- transport efficiency; this, in turn, results in increased fire intensity.

b. In many cases this aerodynamic effect is more important than the fire-dampening effects of the fuels reduction being evaluated.

c. Two recent studies demonstrate just how consequential neglecting canopy wind-drag effects can be, leading to potentially disastrous results if aggressive ladder-fuel removal is applied. See Atchley et al. 2021, and Banerjee et al. 2020 (attached to declaration).

d. Both papers demonstrate that the removal of ladder fuels reduces the sub-canopy wind drag, ultimately leading to increased fire spread.

e. In other words, they both show how fuels-reduction treatments can increase fire spread, which is the opposite of what currently-used operational model studies predict.

f. Furthermore, the Banerjee et al. 2020 paper goes further and also shows that aggressive ladder fuel removal increases the likelihood of overstory crown fires compared to more modest ladder fuel reductions, which is again opposite to operational model-run predictions.

g. Other recent studies also confirm these findings. Coen et al. 2018 (attached to declaration) demonstrate that drought and fuel load were secondary effects compared to fire-induced atmospheric motions, which operational fire-behavior models neglect.

h. Bradley et al. (2016) (attached to declaration) analyzed satellite data for 1500 fires from 1984 to 2014, affecting 23.5 million acres of forestland. Their results show that the more heavily forestland is managed, the more severely it burns, and the least-managed land (i.e., our National Parks and Wilderness Areas) are the most firesafe.

i. By omitting atmospheric dynamics and wind-drag effects associated with vegetation treatments, fuels reductions designed to reduce fire intensity and fire spread are undoubtedly producing the opposite effect.

12. The RTC, DDN and EA only vaguely mention Special Use Permits (SUPs) and say virtually nothing about their effects or their cumulative effects with the BCP. These omissions are unacceptable given the Flathead NF knows full well what sorts of SUPs are likely to be issued in and near the project area.

a. Attachment M is a pdf of the Flathead's current web page for 19 proposed Summer 2021 SUPs.

b. Attachment N is the Crane-Sixmile Map for the Snowbike Nation SUP, which shows motorized bike and motorcycle tours for Roads 9714 and 498. Presumably, the section of Road 9714 to be reopened to motorized use in order to reconnect these two roads under the BCP will be included in future SUPs. The map also shows motorized tours for Forest Service trails in the Sixmile area in the adjacent grizzly bear management subunit.

c. Attachment O is the Adventure Cycling Association SUP map for its bike tours in the Swan Valley, including use of Roads 9714 and 9745 on Crane Mountain.

d. Attachment P is Bike Adventures SUP map for its bike tours in the Swan Valley, including use of Roads 9714 and 9745 on Crane Mountain.

e. The RTC, DDN and EA make absolutely no mention of these specific SUPs, let alone their effects or cumulative effects. It is arbitrary and capricious to omit an assessment of these SUPs and their cumulative effects, given that they will most certainly result in increased impacts to the tour route areas and increased promotion of those routes to the general public. The SUPs are proposed to be approved with a Categorical Exclusion,

meaning there will be no adequate EA or EIS prepared there. The piecemeal evasion of assessing these effects and cumulative effects affecting the same geographic area can only be rectified by the preparation of an adequate EIS.

1. And, finally, the RTC at 80 tells us [ldquo]Comments from WildEarth Guardians were not received on the Bug Creek project. It is not clear which comments are referenced here for the discussion of impacts of openings on lynx.[rdquo] Wouldn[rsquo]t it have been more productive to email us about this when the problem was first discovered, rather than letting the problem languish for months? As mentioned at the outset of this letter, we received the WildEarth Guardians[rsquo] comment letter the same day as it was sent via email to the correct Forest Service address, incorporated it by reference and saw no need to include a copy of it along with ours at that time. (See Attachments D and E).

Conclusion

We remain concerned that the BCP will harm fish, wildlife, forests, and the ability of people to live and recreate safely within and near National Forest lands. We remain concerned that this harm will be amplified by other projects and SUPs being planned and implemented under the 2018 Forest Plan without an adequate assessment of their cumulative effects.

For the reasons given above and in the referenced documents, the DDN and its reliance on the EA is arbitrary, capricious, an abuse of agency discretion, and not in accordance with law - including the APA, NEPA, NFMA, ESA, and CWA.

Relief Sought

1. Declare the BCP EA and DDN inadequate and withdraw them.

1. Prepare an EIS that adequately assesses the cumulative effects of the BCP and other past, current and reasonably foreseeable projects.

1. Insure that the EIS includes an adequate range of alternatives, including an alternative that would meet the 19/19/68 research benchmarks as defined by Amendment 19 in all grizzly bear management subunits and one

that would finish implementing the road closure and decommissioning actions promised in the prior Crane Mountain Salvage Project.

1. Deny all applications for Special Use Permits in the BCP project area and adjacent grizzly bear management subunits until their effects and cumulative effects have been

The Subfolder [ldquo]Crane Maps from Pinkbike[rdquo] are maps posted by Ron Cron to Pinkbike.com. They show a complex network of trails both above and below Road 10213, a couple of which are documented in Weber Kehr Meeting 110620.pdf. One of those maps is included below, as an example: