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Comments: Wild Montana's comments on the SPLAT project are attached. Please let me know if you have any trouble accessing the document.

Thank you.

Hebgen Lake Ranger District
Custer Gallatin National Forest
PO Box 520
West Yellowstone, MT 59785
Re: South Plateau Area Landscape Treatment Project, Project #57353
Submitted electronically via https://cara.fs2c.usda.gov/Public//CommentInput?Project=57353.
November 2, 2022
Please accept these comments on behalf of Wild Montana (formerly Montana Wilderness Association) and our members in response to the public comment period for the South Plateau Area Landscape Treatment Project, Project #57353 (SPLAT).
I. Organizational Background.
Since 1958, Wild Montana has been uniting and mobilizing people across Montana, creating and growing a conservation movement around a shared love of wild public lands and waters. We work at the local level, building trust, fostering collaboration, and forging agreements for protecting the wild, enhancing public land access, and helping communities thrive. Wild Montana routinely engages in public land-use planning processes, as well as local projects such as habitat restoration and timber harvest proposals, recreational infrastructure planning, oil and gas lease sales, and land acquisitions. Wild Montana and our more than 3,500 members are invested in the ecological integrity and quiet recreation opportunities on public lands across Montana, as well as the impact of climate change on Montana's wild places.
Many Wild Montana members and staff recreate in the West Yellowstone area, as well as in Yellowstone National Park, immediately adjacent to the proposed project area. Wild Montana has specific interests in the ecological health of the area, as well as in community safety from natural events like wildfires.
II. Summary of Comments.
Wild Montana appreciates the societal need to create defensive barriers in the wildland-urban interface (WUI) to protect high-value human infrastructure like homes and businesses from wildfires. Wildfires are a natural and necessary environmental force in many western landscapes, including in this region of the Custer Gallatin National Forest and the Greater Yellowstone Ecosystem (GYE), but can create dangerous risks to the built environment as well as to respiratory health. Compounding effects from past fire suppression, climate change, and further encroachment of built environments into wildfire-prone areas have elevated the risk of particularly intense wildfires and the damage those fires can do.
Wild Montana generally supports efforts to proactively treat WUI zones with vegetative treatments such as thinning and prescribed burns to build this defensible barrier, along with forest management activities outside of the WUI zone that are designed to improve forest health and build societal resiliency to the new climate realities we face. However, we have several reservations about the SPLAT project as currently presented. Generally, the proposed project parameters and associated analysis are quite vague, lacking specificity to facilitate genuine

public input and understanding of the Forest's activities for the next 15 years. Specifically, we have concerns on the following aspects of the SPLAT project:

A. The SPLAT project warrants completion of an Environmental Impact Statement (EIS).

1. The Forest Service inappropriately uses condition-based NEPA analysis.

2. The size and scale of the project, including the scale of proposed clearcuts, warrants further analysis through an EIS.

3. The scale of temporary road building, location, maintenance, and monitoring warrant further analysis through an EIS.

4. The project may negatively impact wildlife habitat security in the Greater Yellowstone Ecosystem.

5. The project may negatively impact recreational and scenic values on the Continental Divide National Scenic Trail.

B. The Forest should incorporate administration guidance on old growth and mature trees.

Each topic will be addressed in turn in the following sections of our comments. We strongly encourage the Forest Service to address our concerns with further, more robust analysis and public disclosure before proceeding with the project.

III. Comments

A. The SPLAT project warrants completion of an Environmental Impact Statement (EIS).

The National Environmental Policy Act (NEPA) requires the examination of potential environmental impacts either through an environmental impact statement (EIS) or an environmental assessment (EA). An EIS is required for "major Federal actions significantly [1] affecting the quality of the human environment." The scoping documents for the SPLAT project state that the Forest Service is contemplating completing an EA for this analysis. A project of this scope- 40,000 acres with treatments occurring over 15 years- is a major federal action that will significantly affect the environment. The Forest Service can only rely on an EA if it makes an affirmative finding that environmental impacts will not be significant. If there are "substantial questions" about whether an action may significantly have an effect on the environment, an EIS is required.[2]

Under current NEPA regulations, the Forest Service should consider the potentially affected environment, including the area and its resources, short and long term effects, beneficial and adverse effects, and effects on public health and safety.[3] A project of this magnitude undoubtedly has significant effects across the 40,000 acre project area. Therefore, a full EIS is necessary. While the April 25, 2022 Chief's letter urged expediency for fuel management projects, this does not provide a basis for a project of this scope to circumvent a robust NEPA analysis.[4]

1. The Forest Service inappropriately uses condition-based NEPA analysis.

While the available documents do not expressly state so, it appears the SPLAT project is utilizing a form of so-called "condition-based NEPA" analysis. While we appreciate that on-the-ground specifics may change over the life of the project, requiring flexibility to meet the purpose and need of the project as it is being carried out, the attempt here to present sufficient analysis that negates the need for additional NEPA analysis over the next 15 years falls short.

[1] 42 U.S.C. § 4332(2)(c).

[2] WildEarth Guardians v. Zinke, No. CV 17-80-BLG-SPW-TJC, 2019 Dist. LEXIS 30357, at *38 (D. Mont.

Feb. 11, 2019) ("[A] plaintiff need not show that significant effects will in fact occur, but raising substantial questions whether a project may have a significant effect is sufficient.").

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40 C.F.R. § 1501.3 (2022).

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Letter from Chief Randy Moore to Regional Foresters, Station Directors, Deputy Chiefs, and WO Directors (April 25, 2022), Use of New and Existing National Policy (NEPA) Authorities to Confront the Wildfire Crisis.

The project as proposed fails to properly discuss site-specific factors and effects, partly because the Forest Service is unwilling to propose specific locations in the project area for the various treatments and road developments, or even a few alternatives for such. As discussed below, the Forest Service also overestimates the positive effects and underestimates the negative effects of disclosed treatments, such as clearcuts, with unfounded assumptions about undefined additional treatments in the project area.

NEPA is said to have "twin aims." First, the statute commands agencies to consider environmental impacts of proposed actions. Second, NEPA ensures that "the relevant information will be made available to the larger audience that may also play a role in both the

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decision making process and the implementation of that decision." Condition-based analysis circumvents both "aims" and the NEPA review framework. Site-specific NEPA analysis is critical to ensuring informed public participation, formulating and evaluating alternatives, understanding project benefits, and avoiding or mitigating adverse project impacts. NEPA comments regarding site-specific effects often result in project modifications to prevent potential impacts on resources such as old-growth forests, water quality, species, soil quality, and habitat. Without providing this site-specific analysis for the SPLAT Project, the public is unable to provide valuable feedback.

Condition-based NEPA differs from an adaptive management approach where conditions are unknown at the time of decision making. Under condition-based NEPA, specifics are known at a project's outset, but the necessary site-specific decisions are delayed until project implementation. Further, an adaptive management approach ensures the disclosure of a management strategy and monitoring thresholds. Condition-based NEPA does not include such monitoring requirements.

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NEPA requires that the agency must take a "hard look at the environmental consequences." By providing limited project details, there cannot be a "hard look" at all project's direct, indirect, and cumulative effects. Additionally, by not fully disclosing the details and environmental consequences, the NEPA analysis cannot provide any meaningful comparison of alternatives or a complete inquiry into effects on endangered or sensitive species. The lack of information provided makes it difficult to determine whether an action "may affect" or is "likely to jeopardize"

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a listed species under the Endangered Species Act.

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Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989).

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Id. at 348.

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16 U.S.C. § 1536.

The Forest Service conditions its analysis of the SPLAT project by promising on-the-ground walkthroughs by personnel before proceeding with a treatment to check or confirm previous assumptions. Walkthroughs by Forest Service personnel before treatments over the next decade and a half do not meet the legal obligations NEPA imposes on federal agencies for

site-specific analysis.

We hold that it is entirely reasonable to complete proper site-specific analysis at this time. However, should the Forest Service feel it is unable to complete site-specific analysis for particular treatment options in specific locations across the treatment area at this time, the Forest could utilize a Programmatic Environmental Impact Statement (PEIS) that allows it to consider the larger goals of the project, set sideboards, and provide direction for the phases of site-specific treatments to be carried out over the life of the project. Proper, timely analysis of those sites and specific treatments could then be tiered to the PEIS. This model will allow the Forest Service to define overarching objectives and analyze higher-level impacts of the SPLAT project now, while still holding space in the future to assess any changes in on-the-ground conditions and implement the best strategies at that time for the site-specific phases of the project. Tiering analysis in such a way also saves administrative time and resources.

2. The size and scale of the project, including the scale of proposed clearcuts, warrants further analysis through an EIS.

The overall SPLAT project area is 40,000 acres, with 16,500 acres proposed to be treated over 15 years. The Forest Service proposes treating the majority of those acres with commercial logging and clearcuts (6,593 acres and 5,551 acres respectively). The Forest Service also estimates the project will require the construction of 56 miles of temporary roads. This is not a small project right on the border of Yellowstone National Park. A project of this magnitude, at a minimum, raises "substantial questions" about whether there will be significant environmental impacts that must be analyzed in an EIS. However, despite the stated size and scale of the project, very little analysis or site-specific details are provided.

The SPLAT project discloses the areas suitable for different treatments in Figure 2 of the Draft EA, as well as proposed maximum acreage for each treatment type. If the Forest Service has already done analysis on suitable areas and maximum treatments, it is unclear why it could not also conduct site-specific analysis with further details. The areas slated to be treated in the project area-over 16,000-is a large sum, but not so large that detailed analysis and public disclosure of project activities and locations is untenable. For example, the Beaverhead-Deerlodge National Forest's Greenhorn Project proposed 17,092 acres of treatments across a 41,900 acre project area. While this project also contains Design Features, the EA further describes the proposed treatments with specificity including vegetation types,

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treatment units, and total acreage.

As for the proposed treatment types-clear cuts, commercial thinning, non-commercial thinning, and "additional fuels treatment"-we have concerns over the scale of clearcutting and the lack of prescribed burns.

First, the project proposes a maximum of 5,551 acres to be clearcut. The Draft EA asserts that clearcutting and thinning will "increase landscape heterogeneity through the creation of

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patchiness… that would mimic natural disturbance regimes." Mechanical clearcutting is not natural and simply cannot mimic natural disturbance regimes-such as stand-replacing fires-that

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are far more complex than the absence of trees from the landscape. While the creation of more patchy tree stands and forest cover across a unit can be advantageous, the Draft EA does not adequately describe how that patchiness will be achieved. For example, the map in Figure 2 shows the various treatment options across the project area. If all the delineated areas for clearcuts are treated as such-which would represent the maximum treatment the Draft EA contemplates-that would not result in even remotely-natural looking patchiness within the forest. Instead, huge swaths of land would be left without tree cover at all. Without more disclosed details about the specific location, size, and scale of proposed clearcuts, it is nearly impossible to fully appreciate the impacts of such actions.

Furthermore, the Draft EA fails to disclose and analyze negative impacts clearcutting is known to have on forests. Clearcut activities (road building and maintenance, transport and travel, and 11 12 physical removal of the trees) are associated with exacerbated soil erosion, flooding, and

8 Greenhorn Vegetation Project Environmental Assessment, Forest Service, June 2022, at 11-12, Table 1.

9 South Plateau Landscape Area Treatment Project Revised Environmental Assessment, Forest Service, Oct. 2022, at 24 [hereinafter Draft EA].

10 J.F. Franklin, D.R. Berg, D.A. Thornburgh, J.C. Tappeiner, in Creating a Forestry for the 21st Century, K. Kohm, J. F. Franklin, Eds. (Island Press, Washington D.C., 1996) ("One of the icons of 20th-century forestry was that clearcuting mimics fire. Yet we have learned that fire and other natural disturbances do not destroy everything in their wake. Rather they leave an array of biological legacies that typically provide strong linkages between old and new ecosystems.").

11 W. Schönenberger and P. Brang. Site-Specific Silviculture: Silviculture in Mountain Forests. Encyclopedia of Forest Sciences, June 2004, DOI: https://doi.org/10.1016/B0-12-145160-7/00228-3.

12 XuJian, Joe and Younes, Alila. Nonstationary frequency pairing reveals a highly sensitive peak flow regime to harvesting across a wide range of return periods. Forest Ecology and Management, Vol. 444 July 2019 DOI: https://doi.org/10.1016/j.foreco.2019.04.008.

13 increased sedimentation in water sources. Clearcutting also releases naturally-stored carbon, 14 effectively reversing stable and natural carbon sinks. Finally, clearcuts associated with timber 15 harvest are actually associated with higher wildfire intensity, directly counter to the project's goal of reducing wildfire risk. While there are many site-specific details that inform the intensity of clearcutting's effect on these anticipated outcomes (like hillslope angles, soil types, watershed characteristics, etc), these are all commonly known negative impacts of clearcuts that the Draft EA fails to discuss in any meaningful detail. Simply stating that impacts will be minimized or mitigated through general project designs does not meet the standards NEPA imposes on the Forest Service to fully consider the range of impacts its actions may have.

Finally, while we appreciate the need to reduce wildfire risk to communities in the project area, we strongly encourage the Forest to more fully consider prescribed burns as an effective tool to increase ecological resilience and reduce the risk of dangerous fire conditions. Special attention should be paid to WUI zones in projects like SPLAT to create defensible zones, protecting property from damage and reducing the need to react to fire risks in those areas in times of emergency. Defensible WUI zones also reduce burdens and risks on firefighting personnel. The SPLAT project proposes thinning and prescribed burns as 'secondary treatments' in WUI 16 zones. Mechanical thinning (commercial or noncommercial) is effective on its own at reducing wildfire risks, but that effectiveness wanes quite quickly as compared to treatments paired with prescribed burning. Prescribed burning, therefore, should not be thought of as an after-effect or simply a secondary option. Rather, prescribed burns must be used to effectively minimize wildfire risks in the highest risk WUI zones while also enhancing the ecological integrity of the area by reintroducing fire into these fire-adapted and -dependent landscapes.

The Draft EA contains a section titled "alternatives considered but dismissed from detailed study." The entire section is one paragraph contemplating an alternative that did not include

decommissioning part of Road 478. There is no analysis of alternatives that provided for smaller treatment areas, different treatment options, or fewer temporary roads. "[T]he heart" of an environmental analysis under NEPA is the analysis of alternatives to a proposed project, and
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Khanal, Sunita and Parajuli, Prem B. Evaluating the Impacts of Forest Clear Cutting on Water and Sediment Yields Using SWAT in Mississippi. J. of Water Resources and Protection, Vol. 5, 2013 DOI: http://dx.doi.org/10.4236/jwarp.2013.54047.
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Lacroix, Emily M.; Petrenko, Chelsea L.; Friedland, Andrew J. Evidence for Losses From Strongly Bound SOM Pools After Clear Cutting in a Northern Hardwood Forest. Soil Science, April 2016 DOI: 10.1097/SS.0000000000000147.
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Stone, Carter; Hudak, Andrew T.; and Morgan, Penelope, "Forest Harvest Can Increase Subsequent Forest Fire Severity" (2004). USDA Forest Service / UNL Faculty Publications. Available online at https://digitalcommons.unl.edu/usdafsfacpub/199.
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Draft EA at 24.
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agencies must evaluate all reasonable alternatives for a proposed action. This project fails to analyze a reasonable range of alternatives. Further, in the "proposed action" section of the Draft EA, the Forest Service states "...alternative development and analysis were unnecessary because there would be no unresolved conflicts." Instead, the Forest promises that any potential resource conflict will be resolved using the project's Design Features. This is the type of issue that should be resolved using site-specific NEPA analysis applied to a range of action alternatives that contemplate the extent of resource conflicts under different action scenarios. If the Forest Service uses the design matrix instead of disclosing these issues in the EA, there will be no additional environmental analysis or opportunities for public input.

Concerningly, the Forest Service clearly states that the presented slate of projects (however cursory and lacking detail) and associated analysis is incomplete. The project analysis claims that the proposed effects are "likely to be greater than described because analysis only considered treatments in fuels priority areas; however, treatments would also be applied across
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the project area." While the Forest Service fails to document specific details about these treatments, it patently states that it did not analyze all of the work it plans to do throughout the life of the SPLAT project. Just because positive impacts are expected to be "greater" than described does not relieve the agency from its duty to analyze and disclose what it intends to do. Good surprises are not exempt from NEPA. This commitment to treating fuels in priority areas further demonstrates the Forest's ability to present more complete and robust site-specific analysis.

3. The scale of temporary road building, location, maintenance, and monitoring warrant further analysis through an EIS.

The SPLAT project proposes building up to 56.8 miles of new, temporary roads to complete these various treatments. But, like the individual treatment applications or phases, the SPLAT project states that the "exact locations of temporary roads are not yet known, but placement will
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be consistent with Design Features." Although we appreciate that there are wildlife-specific sideboards put into place, it is unclear how the Forest Service will know if they are achieving the necessary wildlife standards without first understanding where temporary roads will be constructed and how long they will be in place.
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40 C.F.R. § 1502.14; Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992).

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Draft EA at 20.
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Draft EA at 9.
While the SPLAT project will not contain treatments within the two nearby inventoried roadless
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areas (IRAs), significant treatments will be occurring within two unroaded areas. "Unroaded areas" are contiguous lands adjacent to IRAs that have many similar roadless characteristics. The two unroaded areas within the project area total over 14,000 acres. While the areas were not recommended as wilderness due to their small size, they still contain critical ecological values and habitat near the boundary of Yellowstone National Park. Besides the temporary road construction, the unroaded areas will likely contain all of the project's 5,551 acres of clearcuts
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for a total of 7,764 acres of proposed treatments.
We appreciate that the Forest Service is undertaking some road decommissioning for the benefits of grizzly bear secure habitat and benefits to watershed. However, it seems counterproductive to those goals to then build an additional 56.8 miles of temporary roads. The Forest acknowledges that the temporary road construction would "temporarily affect grizzly bear
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secure habitat." The SPLAT project analysis of the temporary roads hinges on the fact that these roads will be properly decommissioned. The analysis states that the roads will be constructed in a staggered manner and will be obliterated within five years of the contract
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term. While the project contemplates temporary road obliteration measures, monitoring measures for these efforts, including monitoring and action to ensure no trespass occurs, is not
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mentioned. Without site specific analysis and knowledge of where and when roads are being constructed, it will be difficult to ascertain if road construction is being appropriately staggered and if proper decommissioning is occurring within the contract timeframe.
A complete cumulative effects analysis, as required by NEPA, would allow for a full examination of how each road segment being constructed and decommissioned would affect the environment. There are likely additional impacts to wildlife, soils, and water quality that the current cursory analysis does not consider.
4. The project may negatively impact wildlife habitat security in the Greater Yellowstone Ecosystem.
The SPLAT project area surrounds the town of West Yellowstone and is immediately adjacent to the Yellowstone National Park, world-renowned for its thriving and abundant wildlife populations, including grizzly bears and Canada lynx. The project area is part of the larger Greater
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Brian Thompson, Revised Roadless/Unroaded Report, July 2022.
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Id. at 10.
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Draft EA at 64.
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Draft EA at 50.
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Draft EA at 95.
Yellowstone Ecosystem (GYE), one of the largest nearly-intact temperate-zone ecosystems on Earth. The proximity to the Park and its position in the heart of the GYE require particular consideration of the project's proposed environmental impacts, notably its impacts to critical

species like grizzlies and lynx.

The SPLAT project is within the Grizzly Bear Recovery Zone and spans three Bear Management Units (BMUs). The Forest Service acknowledges that multiple grizzly bears have been documented in the project area and that the project area is "in the home range of a substantial number of individual bears." Further, the SPLAT project's wildlife analysis states that the temporary reduction in secure habitat and temporary increase in the total motorized access
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route density could increase the mortality risk to individual bears. In order to comply with Forest Plan standards, the wildlife analysis goes on to say that "[p]roject activities would be
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implemented in a manner that would minimize disturbances." However, if the Forest Service cannot predict when and where the project impacts will occur, the agency cannot take the mandated hard look at how this project's direct, indirect, and cumulative impacts will affect grizzlies.

5. The project may negatively impact recreational and scenic values on the Continental Divide National Scenic Trail.

The SPLAT project could also negatively impact the Continental Divide National Scenic Trail (CDNST) through visual and auditory obstruction. Such a long-term project will likely cause significant changes for the ecosystem and CDNST users, which must be discussed in a thorough EIS.

The CDNST is considered one of the greatest long-distance foot and stock trails in the world. It is among the highest, most challenging, and remote of our National Scenic and Historic Trails. The CDNST was the dream of Benton MacKaye, a colleague of Bob Marshall and a co-founder of The Wilderness Society. Congress designated the CDNST in 1978 for the dual purposes of providing quiet recreation and conservation of the special qualities of its rugged mountain corridor, as described in the Continental Divide National Scenic Trail Comprehensive Plan:

> The nature and purposes of the Continental Divide National Scenic Trail (CDT) are to provide for high-quality, scenic and primitive hiking and horseback riding opportunities
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> and to conserve the natural, historic, and cultural resources along the CDT corridor.

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Randy Scarlett, South Plateau Landscape Area Treatment Project: Wildlife Report, Oct. 4, 2022, at 44.
26
Id. at 56.
27
74 FR 51116 - Continental Divide National Scenic Trail Comprehensive Plan; FSM 2350.

The Forest Service's map identifying areas suitable for treatment, provides for clearcut and
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commercial thinning opportunities directly along the CDNST. The 2022 Custer Gallatin Forest Plan component regarding the CDNST provides that viewsheds from the trail have "high scenic
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values" and the "foreground as viewed from the trail is predominantly naturally appearing." However, the SPLAT project states that the treatments would disturb the viewshed for the duration of the project and at least five years after the project's completion. This means that the SPLAT project will potentially affect the quality of the experience on the CDNST for the next 20 years. The Forest must undertake further consideration of these negative impacts on the CDNST in an EIS, including consideration of alternatives that eliminate or lessen such negative impacts, before proceeding with the project.

B. The Forest should incorporate administration guidance on old growth and mature trees.

The SPLAT project's design features require that "any treatments in old growth stands to retain

that old growth structure… are limited to the removal of trees eight inches or less in diameter"
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and treatments will retain old growth characteristics. These characteristics will be defined by the minimum criteria outlined in Green's Old Growth Forest Types of the Northern Region that
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has been used around Montana's National Forests since the 1990s. However, the Biden Administration recently undertook an analysis and definition process for old growth and mature
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trees that will shape new policies in the coming year. It would be advantageous for the Forest Service to delay project creation and implementation until the Administration begins implementing these new policies to ensure project alignment with overarching administrative directives.

IV. Conclusion

We support reducing the fire risk to communities in Montana and restoring necessary, healthy fire conditions to these ecosystems. The Custer Gallatin National Forest, however, must uphold critical standards for public participation, couple timber harvest with ecological restoration and

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Draft EA at 6, Figure 2.

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Custer Gallatin Land Management Plan, Forest Service, Jan. 2022, at 175.

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Draft EA at 25; App'x A.

31
Green et al., Old-Growth Forest Types in the Northern Region, April 1992 (errata corrected December 2011).

32
Executive Order 14072, "Strengthening the Nation's Forests, Communities, and Local Economies," April 22, 2022.

other wildfire risk reduction treatments, and maintain and manage vital wild areas appropriately.

Thank you for your consideration of our comments. Please do not hesitate to contact us if you have any questions.

Sincerely,

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