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First name: John
Last name: Meyer
Organization: Cottonwood Environmental Law Center
Title: Executive Director
Comments:

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May 30, 2025

Bozeman Ranger District
3710 Fallon Street, Suite C
Bozeman, MT 59715

On behalf of Cottonwood Environmental Law Center, we submit the following comments for consideration regarding the Hyalite Cottonwood Hazardous Fuels Reduction Project Scoping Document.

The U.S. Forest Service proposes logging "7,905 acres located directly south of Bozeman, Montana in Gallatin County and the Bozeman Ranger District of the Custer Gallatin National Forest" to "safeguard values at risk, including the community of Bozeman" as part of a hazardous fuels reduction project. Hyalite Cottonwood Hazardous Fuels Reduction Project Scoping Document, U.S. Forest Service, April 2025, 1 (hereafter, Hyalite Document). The Hyalite Document refers to Fireshed 609 (Bozeman Fireshed) as one of 250 high-risk firesheds within the United States subject to emergency fuel management programs under the Infrastructure Investment and Jobs Act. Hyalite Document, 5. The USFS must conduct a full Environmental Impact Statement (EIS) to determine the comprehensive impact of the project.

First, the USFS lists their authority for this project under "2021 Infrastructure: Emergency Actions." Hyalite Document, 5. The Hyalite Document then specifies that the USFS is authorized under "a new emergency authority in the law" to follow the Secretary of Agriculture's emergency directive within the 250 high-risk firesheds in the United States. Id. The Hyalite Document does not indicate what type of emergency authority the Secretary has nor how such authority can be exercised in the scope of hazardous fuel removal. Id. In addition, the citation to the 250-high risk firesheds listed in the Hyalite Document leads to this map that seems to implicate the Bozeman Fireshed, but no affirmative list can be found at the citation source. The Bozeman Fireshed data page, maintained by the USFS, lists the Bozeman Fireshed's Historic Risk Index as "Moderate," Key Infrastructure Risk Index as "Low," and People and Property Risk Index as "Moderate." Other indicators, such as surface drinking water, building exposure, and watershed exposure, are listed as either "high" or "very high." It is unclear how high-risk firesheds are determined; however, the Bozeman Fireshed seems to be a mixed risk region, and without a clear metric to determine what a "high-risk" fireshed is, Cottonwood members are being prevented from forming an educated opinion on the viability and necessity of this timber harvest. If the USFS is planning to harvest timber in an area of high recreational, aesthetic, and ecological value to reduce risk to the community of Bozeman, that community deserves to know how and by whom such authority is derived.

An WUI is defined 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." The Cottonwood Environmental Law Center Cottonwoodlaw.org
P.O. Box 412 Info@cottonwoodlaw.org
Bozeman, MT 59771 Phone | 406.546.0149

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Gallatin County Community Wildfire Protection Plan (CWPP) defines a WUI as "Any area where the combination of human development and vegetation have a potential to result in negative impacts from wildfire on the community." Hazard Mitigation & Community Wildfire Protection Plan, Gallatin County Emergency Management, November 2020, 3-5. The WUI at issue for this project covers a vast swath of area under the oversight of a community wildfire protection plan wherein both Gallatin County overall and the Bozeman community specifically are considered high-risk for wildfire. Id. "Community plans may well inform the Forest Service's . . . analysis. But reliance on a plainly overinclusive wildland-urban interface, without more, is the sort of "clear error of judgment" that arbitrary or capricious review is meant to prevent." Alliance for the Wild Rockies v. Petrick, 68 F.4th 475, 494 (9th Cir. 2023). The map below, showing Gallatin County's 2,632 square miles, clearly indicates that a huge section of the county is listed as WUI. Under the current proposition, much of Gallatin County would be open to logging under the guise of public safety. In practice, however, this project would not improve Bozeman's protection from wildfire: the northernmost terminus of the logging project is approximately five miles (by road) from the mouth of Hyalite Canyon and fifteen miles (by road) from the city of Bozeman. Hyalite Cottonwood Fuels Proposed Action Map.

In addition, the U.S. Department of Agriculture specifies that, for homeowners to properly reduce wildfire risk, they need only take action 30-60 meters away from their homes. Such action includes "leav[ing] 20 feet between individual trees . . . , remov[ing] smaller conifers that are growing between taller trees, remov[ing] heavy accumulation of woody debris, [and] reduc[ing] the density of tall trees so canopies are not touching." The nearest community (at the base of Hyalite Canyon) is miles from the northernmost edge of the harvest zone. The proposed harvest does nothing to protect homeowners from the risk of wildfire.

Timber harvesting in Hyalite Canyon, therefore, has no direct impact on public safety or the city of Bozeman's wildfire protection.

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Third, the USFS has indicated an Environmental Assessment (EA) will be prepared for

this project but has not indicated any forthcoming Environmental Impact Statement (EIS). Hyalite Cottonwood Hazardous Fuels Reduction Project, Project Overview (<https://www.fs.usda.gov/r01/custergallatin/projects/67535>). An EIS is required because the project may have a significant impact on the environment.

Here, the project area encompasses both Grizzly Bear habitat and "critical habitat" for the threatened Canada Lynx. Both species and their habitat face significant threats from deforestation and habitat fragmentation. The project area represents not only important habitat for grizzly recovery but also a sufficiently wild zone where grizzlies are poised to make a significant comeback in Southwest Montana. The presence of critical habitat underscores the need to prepare an EIS to sufficiently study potential effects.

Fourth, the USFS has failed to make available any analysis indicating the carbon sequestration potential for the project area. Thinning and prescribed fire, the proposed project techniques, are proven to result in substantial carbon emissions increases and a net loss in a forest's carbon sequestration potential. Lower temperatures and higher humidity levels in closer stands of trees keep undergrowth fuel temperatures lower, making them less likely to burn. "When a standard fire weather station in the open indicates a temperature of 85° F., fuel moisture of 4 percent, and a wind velocity of 15 m.p.h.--not unusual burning conditions in the West--a fire starting on a moderate slope will spread 4.5 times as fast in the open as in a closed stand." Status of the Sierra Nevada, Volume I: Assessment and Summaries and Management Strategies. Without a comprehensive understanding of the potential loss of carbon-sequestering timber, it is impossible to show that this project, proposed to reduce the risk of catastrophic wildfire near Bozeman, would not, in fact, increase the risk to human and non-human populations in Gallatin County.

Fifth, projects of this type and scale have high potential to have significant environmental impacts on the immediate and downstream water quality of the affected area. Through increased sedimentation, extensive road networks and logging on steep slopes degrade both water quality and the quality of life for organisms that depend on the water. North, M.P., S.L. Stephens, B.M. Collins, J.K. Agee, G. Aplet, J.F. Franklin, and P.Z. Fule (co- authored by U.S. Forest Service). 2015. Reform forest fire management. Science 349: 1280- 1281. Thus, we request an EIS that includes a careful analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in flow rates, watershed stability, risk of rain-on-snow events, and increases in stream water temperature. We ask that you please disclose the locations of seeps, springs, bogs and other sensitive wet areas, and the effects on these areas of the project activities.

Finally, the USFS is failing to consider the cumulative impacts of multiple timber harvesting projects within an interconnected ecosystem. The Bozeman Municipal Watersheds Project (BMWP) targeted the same area as the proposed project and with the same goals: to
Cottonwood Environmental Law Center Cottonwoodlaw.org
P.O. Box 412 Info@cottonwoodlaw.org
Bozeman, MT 59771 Phone | 406.546.0149

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reduce hazardous fuels in Hyalite Canyon to protect the community of Bozeman and its water supply. The northernmost terminus of the proposed fuel reduction is only two miles from the BMWP burn areas. It is unreasonable for USFS to claim that an additional 7,905 acres of timber must be culled from an area that is subject to an ongoing fuel reduction project. The expansion of

recreation access in Hyalite Canyon, particularly for mountain bikes, further reduces resiliency of this region, as trail construction and use increases erosion and requires cutting.

The Hyalite and Cottonwood drainages are essential pieces of a larger ecosystem that supports both human and non-human life in Bozeman and Gallatin County. The USFS proposal reduces the resiliency of this critical ecological region and does nothing to improve public safety or welfare, nor does it reduce the overall risk of wildland fire in the region. The size, scope, and potential impact of this project merits a full Environmental Impact Statement, considering these and any other concerns that may arise in the project impact analysis.

Sincerely,

Cottonwood Environmental Law Center
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Bozeman, MT 59771

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