Data Submitted (UTC 11): 8/13/2021 11:00:00 AM
First name: Larry
Last name: Campbell
Organization:
Title:
Comments: Re: Mud Creek project Objection

Responsible Official: Matt Anderson, Forest Supervisor

Bitterroot National Forest

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Pursuant to 36 C.F.R. Part 218, Larry Campbell, "Objector" files this Objection to the Mud Creek DEA and FONSI issued by the Bitterroot National Forest on 7/6/21. I filed scoping comments and comments on the Draft EA . Objector has fully participated in the agency review of the project. As such I am a proper Objector under Part 218.

The objector's name, address, telephone number and email address are as follows:

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NEPA

"One big problem is that you have not described your proposal with enough information to elicit meaningful specific comments. You are essentially bypassing NEPA and asking the public owners to buy a pig-in-a-poke and risk destruction of public resources with barely a peek at the pig. This newly designed attempt at an end run around NEPA process violates the spirit and letter of that law. NEPA requires analysis and disclosure of information sufficient for the public and decision maker to make the best possible, fully informed decision. A "hard look" is essential to avoiding avoidable damage, which is a key concept behind the wisdom of a genuine and effective NEPA process."

"This project is proposed to last for twenty years. Even if you chose to analyze and disclose enough relevant information now, before leaping blindly, such information would likely be antiquated before twenty years, especially in this age of climate chaos. You may argue that monitoring will provide a basis for adaptive management, however, your record of monitoring is abysmal."

"Trust in the FS would be necessary to accept this type of approach. I understand your wish for virtually unlimited discretion, but I have seen the damage the BNF is capable of doing to get the cut out, even with Forest Plan standards in place and with full NEPA disclosure. A project of this size, 48,523 acres, and the twenty-year duration in unsettled times requires an EIS, not simply an EA. The scientific controversies involved, especially regarding fire science and climate change effects, also require that an EIS be prepared."

"Your scoping letter suggests "Comments specific to the proposed action that identify a cause-effect relationship are most helpful." We need specific information. Each acre, even individual trees, of the BNF is unique, not just a fungible "resource" or commodity to be exploited to the maximum possible." (LAC Mud Crk DEA comments, p.1-2)

Use of the novel conditions- based process is controversial and convoluted enough to need an EIS with a range of alternatives. The effects of varying range of changes made to adapt to monitoring results need to be described.

The use of conditions-based approach makes judicial review by citizens problematic. At what point is the agency action are all available administrative remedies exhausted and judicial review ripe?

Relief/Remedy

Abandon the conditions-based approach. Prepare an EIS with a range of alternatives and limit the scope of implementation time to five years.

Beaver Introduction

"I have read and agree with comments submitted by Friends of the Bitterroot and hereby incorporate them by reference. " (Larry Campbell comments to Mud Creek DEA, p.11)

FOB et al comments (p.7) state: "It has been suggested that if the FS must do something positive to reduce wildfire (and to justify its existence), it should do everything in its power to restore the beaver to the lands the Agency manages. The beaver, a mere rodent, has repeatedly shown its taxpayer free water management activities do more to reduce the effects of wildfire and road sediment than the current assortment of Forest Service standard practices."

The Bitterroot National Forest [BNF] Forest Plan includes Forest-wide Management Standard, "Beaver will be introduced into suitable riparian habitat." (FP, p. II-20) The Mud Creek Project violates this requirement.

The Mud Creek Project Decision Notice states, "We designed the Mud Creek Project to address decreased resilience in forest ecosystems, decreased quality and abundance of important wildlife habitats, and resource concerns related to the existing roads and trails systems." (DN, p.2)

Beaver is a keystone species and a landscape architect that creates and protects resilience in forest ecosystems. "The Forest Service recognizes that beavers benefit the resilience of ecosystems within the plan area." (final EA, p. 47) Beaver are important and create habitat for important wildlife. Beaver mitigate resource impacts related to roads and trails. The role of beaver in forested ecosystem resilience is so well established it seems analysis of beaver introduction was arbitrarily eliminated from consideration for undisclosed reasons.

The Purpose and Need statement (DN, p.2) includes, [bull]"Improve landscape resilience to disturbances (such as insects, diseases, and fire) by modifying forest structure and composition and fuels"; and [bull]"Design and implement a suitable transportation and trail system for long-term land management that is responsive to public interests and reduces adverse environmental effects."

One of the most common disturbances on the BNF landscape is forest fire and the resulting increased runoff, which can increase siltation in streams as well as destabilize stream channels. Beaver, famously, help decrease stream siltation and offer flood control, reducing stream channel instability, thereby improving landscape resilience.

Forest roads are a common chronic disturbance on the BNF and are the leading cause of stream impairment and loss of ecosystem function on the BNF due to siltation. Again, beaver famously help decrease stream siltation.

Both these types of disturbance negatively impact water quantity and timing of runoff. Beaver moderate runoff

and improve late season streamflow. Stream dewatering is a chronic problem in the Bitterroot. Resilience of BNF forest ecosystem and the Bitterroot economy would be increased by introduction of beaver on the BNF.

FOB et al comments (p.7) state: "It has been suggested that if the FS must do something positive to reduce wildfire (and to justify its existence), it should do everything in its power to restore the beaver to the lands the Agency manages. The beaver, a mere rodent, has repeatedly shown its taxpayer free water management activities do more to reduce the effects of wildfire and road sediment than the current assortment of Forest Service standard practices."

The BNF misstates and limits the scope of our comments as, "Commenters requested the introduction of beavers to the project area to meet the project purpose to reduce fire risk." Appendix B - Response to Comments B-15

Our concerns about beaver are then summarily dismissed, "The Forest Service recognizes that beavers benefit the resilience of ecosystems within the plan area. However, because the purpose and need is focused on resilience of and fire risk in upland forested ecosystems, management of beaver populations is outside of the scope of this project. The final environmental assessment includes an alternative not analyzed in detail regarding management of beaver." (Final EA, p.47)

This response arbitrarily narrows the focus of an already narrowed Purpose and Need. The EA and DN prominently feature much analysis and focus on watershed health, which is directly impacted by beaver.

Despite our comments of concern and the prominence of beaver, given its own forest-wide Forest Plan Standard, beaver are not even mentioned in the Mud Creek Project Wildlife Analysis Report (WILD - 001), nor do we see a single mention of beaver in any project file wildlife reports.

The chart displayed as "Appendix A - Forest Plan Consistency" discloses the Standard: "10. Beaver will be introduced into suitable riparian habitat."

In the column labeled "Applicable to planning/ project development" the chart indicates "Yes" that Standard is applicable. We agree.

In the column labeled "Specific Design Feature, if needed" the chart says "Yes" and asks, "Have we ever done this?" No specific design feature is provided and no answer is given to the direct, simple question.

The column labeled "Activities/Areas where applicable." Discloses that Forest Plan consistency requires the Standard to be applied, "Project area wide as required based on management area specific criteria." Again, we agree.

The Mud Creek DN and FONSI violate the Bitterroot Forest Plan and thereby violate NFMA. NEPA is violated by lack of analysis and full disclosure.

Relief/Remedy

Determine criteria to identify "suitable" habitat for beaver introduction. Map, evaluate the potential of and prioritize suitable habitat for beave introduction in the project area. Then offer and analyze an alternative that meets FP Standard for beaver introduction.

Consult and arrange with Montana Fish Wildlife and Parks mechanisms to protect introduced and naturally occurring beaver.

Soils

My previous comments: "I read in the DEA, "The Bitterroot National Forest has a long history of soil monitoring of commercial harvest activities to assure compliance with soil law and policies (PF-SOILS-006)." (p.87) What I did not see disclosed is that much of that monitoring shows soil compaction to be widespread and very long-lasting on the BNF. Prior to about 2005 the BNF Soil Scientist's monitoring research design and documentation were extremely professional. Instrumentation was used to validate and calibrate the usual subjective soil compaction measurements. His work was thoroughly peer-reviewed. His credentials and ethic led to him being leader of a Region 1 Soil Monitoring Task Force. His findings regarding existing damage to the foundation of the BNF productivity - the soils, are swept under the rug, undisclosed, in the Mud Creek Project DEA, but the evidence is on the land and can't be just swept away.

"Compare monitoring results prior to 2005 with results from recent years. BNF soils monitoring in preparation for recent timber sales have found remarkably less existing soil damage than was found up to about 2005. Please disclose if soils are naturally recovering more quickly than before. Have you validated the effectiveness of your overly optimistic estimates of subsoiling treatments?

"The new, untested soil monitoring protocol described in the DEA Project File is the very definition of labyrinthian. In combination with the enigmatic conditions-based NEPA process it becomes meaningless to the public.

"The Bitterroot National Forest has developed a Soil Risk Evaluation Framework (SREF) to aide in adaptive management of the Mud Creek Proposed Action (see PF-SOILS-001 pages 3-5). The SREF approach uses proxy measurements of soil-water retention to determine soil resiliency in the project area (PF-SOILS-008 this measure is combined with previous forest activity (FACTS) data and previous soil disturbance monitoring data to provide a communication and analysis tool for soil resources in a condition-based treatment approach." (p. 87) Please provide validation monitoring and science-based references to support your incredibly convoluted approach.

"The SREF says, "For example, if a proposed project activity occurs within an area with high soil resilience and has documented past activities, the soil risk category falls within level "C," which requires a survey of existing soil DSD prior to implementation and application of appropriate design features." (PF-Soils-001, p3) In fact all cutting units must be surveyed on the ground before logging.

PF-Soils-001 language suggests cutting units may not be surveyed on the ground as indicated by the following language:

"The proposed treatment units identified for field review within the SREF framework will utilize detrimental soil disturbance walkthrough surveys and traverses following the Forest Soil Disturbance Monitoring Protocol. Units will be surveyed based on the Soil Risk Category (SRC) guidance outlined in Table S3."

"*Pre-project DSD or CWD soil surveys in units are only needed if the layout crew or other resource special survey identifies:

[bull] past disturbance (such as excavated skid trails, tree stumps or persistent fire consumed

CWD, high severity fire effects) covers greater than 15% of the unit; and/or

[bull] recent (< 10 years) high severity fire covers greater than 15% of the unit; and/or

[bull] lack of CWD."

"Soil inventory of persisting detrimental soil disturbance may be required within these

project areas."

"I am particularly alarmed by the following loophole: "*If the layout crew or other resource specialist survey does not identify lack of CWD and/or evidence of past management (such as excavated skid trails, tree stumps or persistent fire consumed CWD, high severity fire effects), no soil inventory in units is needed." Layout crews are not trained observers of soil damage. Like the FS in general, they focus on trees.

"Soil compaction is widespread across the BNF according to past monitoring, even discounting the soil compaction of the widespread road system, which is routinely discounted. The hydrologic effects of soil compaction, within the cutting unit as well as on roads, can accumulate downstream beyond the cutting unit causing a variety of issues including increases in high flows and advancement in timing of low flows. Too much increase in high flows can cause streambank instability. ECA, equivalent clearcut area, is one measurement that indicates when streambank instability threshold is being reached. What are the ECAs of the drainages within the project area and what will they be after the project? We can not tell what they will be afterwards because we don't know where what activity will be done.

"As indicated above, the following statement in the DEA is misleading: "Assessment of cumulative effects on soil quality and organic matter at scales larger than the specific treatment unit boundary (such as the watershed scale) Mud Creek Project Environmental Assessment misrepresents the effects of management activities by diluting the site-specific effects across a larger area. As such, this analysis will apply the 15% DSD soil resource indicator at the same scale as it is traditionally used under "unit-based" NEPA analyses." (DEA, p 89,90) Such an approach is appropriate for cutting units but unnecessarily and carelessly misses the bigger picture regarding accumulating hydrologic impacts as well as overall forest productivity.

"According to the Forest Plan Standard for soils you must, "Utilize equivalent road area or similar concept to evaluate cumulative effects of projects involving significant vegetation removal, prior to including them on implementation schedules." (FP, pII-23) Please disclose the total acreage of all existing as well as planned roads, of whatever nomenclature, within the project area so we can assess total soil compaction within the project area.

"The DEA discloses, "Some soils in the project area have reduced soils quality due to DSD that occurred over 60 years ago."

"Suggesting it may be time for additional soil damage the DEA cheerily announces, "Based on existing field surveys in and around the project area, most soils in previously disturbed areas that were implemented during the 1960's are recovering." (p.89) It is an ecological truism that once damaging activity stops natural healing can begin.

"Terraced plantations: The Mud Creek project area contains 79 terraces plantations ranging in size from 1 acre to 130 acres and totally approximately 1,645 acres." (Mud Creek scoping letter) On a field trip to the area I heard a BNF soil scientist say he thinks terraced plantations may be within the legal limit of detrimental soil damage. The former BNF soil scientist consistently measured detrimental soil damage in terraced plantations at 90% or greater, far above the 15% limit.

"The implementation approach delays monitoring of existing soil damage until long after the Decision is final and there is nothing the public can do to protect the soils but to trust the accuracy, professionalism and transparency of the monitoring. I am dubious.

"Appendix A Design Features, Sub Soiling; TRM-08, says subsoiling does not mix soil horizons. Please

substantiate this with scientific reports and monitoring results.

"What is the percentage effectiveness of subsoiling in terms of returning the soil to original function and productivity? Please disclose science and monitoring results. Subsoiling can not be expected to be 100% effective.

"Please disclose results of monitoring weed control after past projects have been completed. It is apparent that after every timber and road building project weeds follow and proliferate, essentially reducing forest productivity in perpetuity, contrary to NFMA.

"Soil monitoring results from past NEPA analysis of former project areas within the Mud Creek project area should be disclosed in Mud Creek NEPA documents prior to a Record of Decision

"It is not clear how the DEA map of past harvest activities with existing soil impacts within the Mud Creek Project Area overlaps with the Mud Creek project because specific activity units have not been delineated.

The Mud Creek project draft DN and FONSI violate NEPA and NFMA.

Relief/Remedy

Identify individual treatment units. Traverse and monitor existing soils conditions in each treatment unit. Disclose results in a DEIS. Allow the public to then make informed comments on the proposed project.