

Norton, Michelle - FS, HAMILTON, MT

From: Maddy Munson [REDACTED]
Sent: Thursday, May 19, 2022 8:00 AM
To: FS-comments-northern-bitterroot-stevensville
Cc: Aubrey Bertram
Subject: [External Email]Bitterroot Front Project
Attachments: Wild Montana_Bitterroot Front Project Scoping Comments.pdf

[External Email]

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Good morning,

Thank you for the opportunity to comment on the Bitterroot Front Project. Please accept the attached pdf comments on behalf of Wild Montana.

Thank you,
Maddy Munson

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MADDY MUNSON (she/her)
Public Lands Director
Wild Montana

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Uniting and mobilizing communities to keep Montana wild.

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May 19, 2022

Steve Brown, Stevensville District Ranger
Bitterroot National Forest
88 Main Street
Stevensville, MT
59870

Submitted via email to comments-northern-bitterroot-stevensville@usda.gov

Dear District Ranger Brown,

Please accept these comments on behalf of Wild Montana (formerly Montana Wilderness Association) and our members in response to the public comment period on the Bitterroot Front Project.

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.

The Bitterroot Front Project area, abutting the Selway-Bitterroot Wilderness, includes inventoried roadless areas (IRAs), research natural areas (RNAs), and recommended wilderness (RW). The project area offers critical wildlife security zones and unique recreational opportunities and represents an increasingly rare, unfragmented landscape type. While we agree that reducing wildfire risk to our communities is critical, and acknowledge that wildfire risk to Bitterroot Valley communities is currently unacceptably high and must be addressed, we submit these comments to highlight areas and methods of the proposed Bitterroot Front Project that could jeopardize the future of our wild places and should be improved before project implementation.



II. Traditional National Environmental Policy Act Principles Should Govern Subsequent Environmental Analysis.

The Forest Service has indicated this project will be authorized using condition-based National Environmental Policy Act (NEPA) analysis. This decision-making approach postpones identifying or disclosing site-specific information and instead purports to identify conditions that will characterize the areas where the agency plans to act at some point during the life of the project. Project details such as precise locations, specific management treatments, and associated design criteria will be determined after the final authorization of the project instead of a traditional site-specific analysis before implementation. This process limits sufficient environmental review and deprives the public of crucial opportunities to understand and provide feedback on a project. We strongly urge the Forest Service to use traditional NEPA practices.

a. Condition-based NEPA Goes Against the Purpose of the Statute.

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 decision making process and the implementation of that decision.”¹ 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 Bitterroot Front 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 not unknown 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.

¹ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).



NEPA requires that the agency must take a “hard look at the environmental consequences.”² 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” a listed species under the Endangered Species Act.³

Because of these concerns, questions remain about the legality of condition-based NEPA.⁴

b. The Bitterroot Front Project Requires More Detailed Analysis.

Nationally, the Bitterroot is recognized as a particularly high-risk fireshed, so the importance of this project's goals is not disputed.⁵ That urgency, however, should not be used as an excuse to shortchange rigorous environmental analysis. If anything, it speaks to the necessity of place-based analysis to address the critical needs across this wide-ranging landscape.

Wild Montana’s review has found that this project and the public will be best served by the Forest Service using traditional NEPA processes in its subsequent analysis. Without traditional NEPA analysis, the public will not know where or how specific actions will occur on this landscape throughout the ten or more years it takes to complete the Bitterroot Front Project. Public meetings held in recent years in the Bitterroot have demonstrated that the Forest Service would benefit significantly from proposing and implementing actions in a way that maximizes the potential to build public trust and transparency. The proposed use of condition-based NEPA will instead undermine trust by severely limiting transparency. This is likely to adversely impact the Bitterroot’s subsequent project proposals, as well as the upcoming forest planning process. In addition, as discussed above, site-specific analysis is essential to informed review, creation of alternatives, and avoiding or mitigating adverse impacts.

² *Id.* at 348.

³ 16 U.S.C. § 1536.

⁴ See, e.g., Andrew Cliburn et al., *The U.S. Forest Service’s Expanding Use of Condition-Based Management: Functional and Legal Problems from Short Circuiting the Project-Planning and Environmental Impact Statement Process*, The American Bar Association (May 10 2021), https://www.americanbar.org/groups/environment_energy_resources/publications/fr/20210510-the-us-forest-services-expanding-use-of-condition-based-management/.

⁵ *Confronting the Wildfire Crisis: A Strategy for Protecting Communities and Improving Resilience in America’s Forests*, Forest Service (Jan. 2022), <https://www.fs.usda.gov/sites/default/files/Confronting-Wildfire-Crisis.pdf> (showing high-risk firesheds in the Bitterroot).



In the subsequent analysis document, Wild Montana and the public need more information on topics, including, but not limited to:

- Specific harvest locations, timeline, and acreages;
- Board feet authorized for the overall project;
- Harvest design criteria;
- Non-commercial treatment locations and acreages;
- Non-commercial treatment types and decision criteria;
- Permanent road construction location and mileage;
- Temporary road construction location, mileage, and decommissioning plans;
- Cumulative effects of past and reasonably foreseeable logging or road building projects;
- Language of proposed forest plan amendments, how they achieve forest plan goals, and why the Bitterroot Front Project cannot comply with the forest plan as written;
- Monitoring plans and benchmarks;
- The use of best available science in creating this project;⁶
- Insect and disease impacts;
- Restoration components;
- Implementation plan and timelines;
- Project costs.

III. The Bitterroot Front Project Warrants Completion of an Environmental Impact Statement (EIS).

NEPA analysis involves the examination of environmental effects either through an environmental impact statement (EIS) or an environmental assessment (EA). An EIS is required for “major Federal actions significantly affecting the quality of the human environment.”⁷ The scoping documents for this project state that the Forest Service is contemplating completing an EA for this analysis. A project of this scope – a 144,000 acre project area with 55,133 acres of commercial timber harvest occurring over at least a decade – is a major federal action that may 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

⁶ The scientific references included in the scoping documents are largely 20-30 years old. The following environmental analysis should base project decisions on more recent studies regarding forest management and wildfire risk reduction.

⁷ 42 U.S.C. § 4332(2)(c).



questions” about whether an action may significantly have an effect on the environment, an EIS is required.⁸

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 of public health and safety.⁹ A project of this magnitude undoubtedly has significant effects across the 144,000 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 circumventing a robust NEPA analysis.¹⁰

As an alternative to a stand-alone EIS, the Forest Service could prepare a “programmatic” EIS document broadly analyzing the cumulative effects of the project, to which the subsequent site-specific analysis would tier. While condition-based NEPA is similar on its face to programmatic analysis, it omits commitments to future tiered, site-specific NEPA analysis. These site-specific analyses are critical to the overall success of the Bitterroot Front Project’s stated goals and to the integrity of the public process in agency decision making.

IV. The Project Should Protect the Wilderness Character of Recommended Wilderness and Inventoried Roadless Areas.

The Bitterroot Front Project area includes 30,737 acres of RW and at least 13,245 of IRA. While commercial harvest will not occur in the RW area, and the scoping documents state that logging roads will not be constructed in the IRAs, Wild Montana wants to ensure the project protects the area’s wild character. The project area provides intact habitat for many species such as lynx, grizzly bear, wolverine, bull trout, mountain goats, and fisher. Wild Montana’s modeling of species intactness on the IRAs impacted by this project have returned values in the 96th through 99th percentiles, some of the highest possible values.¹¹ These values are critical to

⁸ *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.”).

⁹ 40 C.F.R. § 1501.3 (2022).

¹⁰ 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*.

¹¹ See, e.g., R. Travis Belote et al., *Identifying Corridors among Large Protected Areas in the United States*, PLOS One (April 22, 2016); R. Travis Belote et al., *Wild, connected, and diverse: building a resilient system of protected areas*, Ecological Applications (June 2017).



protect as habitat intactness continues to decline across our region and climate change impacts sensitive species including, but not limited to, bull trout, wolverine, and mountain goats. The project area also includes the Bitterroot Grizzly Bear Experimental Population Area where grizzly bears may be present. Project activities such as logging and addition of new roads may impact bear use and the Forest Service should consult with the U.S. Fish and Wildlife Service on this project. The upcoming environmental analysis should include additional details about mitigation efforts and how the project may affect critical species and their habitats.

From provided scoping maps, we cannot ascertain the exact acreage of areas outside the WUI. Still, the wild character of the project landscape needs to be considered, especially for the RW, IRA, and RNAs outside the WUI boundary. The Forest Service must explain its rationale and explore alternatives to treatment outside WUI boundaries, including specific proposed types of treatments.

V. Other Project Components are Needed.

Best available science increasingly demonstrates that timber harvest alone cannot be used to effectively reduce wildfire risk in WUI areas. Therefore, only focusing on timber harvest will not achieve the stated project purpose on the Bitterroot Front. Restoration, prescribed fire, recreation, and wildlife habitat improvements should be important components of this project plan, and implemented in conjunction with timber harvest.¹² The project should also include funding for restoration components, ongoing maintenance, monitoring, and recreation surveys and planning. The scoping documents state that “[r]egeneration harvests remove most trees from the stand and require monitoring for successful regrowth and possibly planting to ensure the stand remains forested in the future.” The project should ensure this monitoring occurs and has benchmarks in place for “successful regrowth.”

We support the proposed use of prescribed fire in the project area. Prescribed fire will more closely mimic a natural disturbance than mechanical treatments. The future analysis, however, should include additional information about the extent of any mechanical fuel treatment for burn preparation. The EA should also include more information regarding the prescribed burn treatment schedule after initial burns and the treatment mix with other non-commercial vegetation treatments being used.

¹² Susan Prichard et al., *Adapting western North American forests to climate change and wildfires: 10 common questions*, Ecological Applications (Aug. 2 2021), pg. 10, <https://esajournals.onlinelibrary.wiley.com/doi/epdf/10.1002/eap.2433>.



VI. The Project Should Include Climate Change Analysis.

The Forest Service should include climate change and changing conditions in the environmental analysis. As climate research shows dryer and hotter summers in the west, this can lead to wildfires increasing in frequency, intensity, and duration. Forests provide critical carbon sinks for our planet. When forests burn or are logged, carbon is released into the atmosphere and contributes to the greenhouse effect. The environmental analysis should address climate change by looking at the loss of carbon sequestration opportunities from logging and the carbon costs of large scale wildfires. Additionally, climate change is also affecting landscapes' resiliency after fires, including natural succession of flora and fauna into burn areas. The Forest Service must take the long-view of its intended actions into account.

Site-specific NEPA analysis is also critical to understanding climate change impacts. While a project may appear to have minor impacts on climate storage or habitats, site-specific choices may add up to additional impacts. Further, even where past management practices have been considered routine, the forests are facing unprecedented stressors and may no longer be as resilient.

VII. Conclusion

We support reducing the fire risk to communities in the Bitterroot and restoring necessary, healthy fire conditions to these ecosystems. The Bitterroot National Forest, however, must uphold critical standards for public participation, couple timber harvest with ecological restoration and other wildfire risk reduction treatments, and maintain and manage vital wild areas appropriately. Thank you for your consideration of our scoping comments. Please do not hesitate to contact us if you have any questions.

Sincerely,

Maddy Munson
Public Lands Director

A black rectangular redaction box covering the signature of Maddy Munson.

Aubrey Bertram
Staff Attorney

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