

Data Submitted (UTC 11): 5/10/2022 6:00:00 AM

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Comments: (fmr) State Senator & Chair, Legislative Water Policy

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8 May 2022

Bitterroot National Forest

Stevensville Ranger District

88 Main Street

Stevensville, MT 59870

Re: Bitterroot Front Project

Please accept this letter as my comment for this project. I urge you to further evaluate this project based upon them.

The Bitterroot Front area is not only the namesake for this National Forest, it has incredible resource values that residents of Ravalli County have held dear since long before statehood, or the formulation of the Agency in 1897.

Since my initial arrival into the valley in 1969, I have witnessed, and listened to numerous folks opposed to any vegetative management treatment that would alter, or in their words, ruin the aesthetic appeal of the front. However, the aesthetic beauty of the front has been persistently degraded since the Prinz Ridge Fire of 1985 and subsequently by numerous wildfires that were overwhelmingly natural lightning caused events. This degradation risk has been exacerbated due to windthrown and standing dead timber which are the vehicles allowing low intensity ground fires to metastasize into crown fires.

Forests can, and do, grow old and die. This maturation process makes the forest vulnerable to insect and disease attacks and wildfire. This process occurs not necessarily as a result of mismanagement, but of natural selection. While "doing nothing" or leaving the forest to the vagaries of natural selection may be an option philosophically, pragmatically it is objectionable in this day & age.

The Bitterroot Front and its drainages are a unique, and perhaps a "crown jewel" resource of the National Forest System. These drainages have provided the necessary water for human survival and agricultural endeavors from the time of the western expansion. The importance of the water resource led our early forefathers in this valley to undertake very challenging projects to enhance water storage and delivery throughout the drainages of this entire area. Initially, all of these projects were conceived and established long before the existence of "National Forests", and were considered so vital that the Congressional debates that ultimately created the National Wilderness System produced a "carve out" in the final Law to protect the integrity and continued use of these manmade dams, weirs and diversion points.

Simply put, the Bitterroot Forest is widely missing the mark in its "Purpose and Need" targets of this project by ignoring (perhaps forgetting) its very original mandate in its 1897 Organic Act that was to provide "[hellip]for the purpose of securing favorable conditions of water flows". This mandate should be a dominant need and justification for this project. Failure to do so effectively abrogates a primary cause for the Agency's existence. Indeed, this purpose for the Forest Service's very existence continues to this day, and was reaffirmed by the US Supreme Court decision in *US v New Mexico* (438 US 696).

Then to further enhance the Forest's need for management specifically for "continued water flow", the agency, after years of negotiations, entered a one-of-its-kind Water Compact with the State of Montana. Effectively, the Forest Service subordinated itself to Montana's Water Laws, as the Compact states: "Either Party may seek enforcement of the terms of this Compact in a court of competent jurisdiction" ( Article VIII Part B, Title 85, Chapter 20 Part 14, MCA ). . .which would be a State, not Federal Court.

Failure to acknowledge the responsibilities under both the Organic Act as well as the State Water Compact as fundamental justifications, and need to pursue this project will dramatically reduce the potential effective defense of this project in federal court where it will undoubtedly face challenges.

Respectfully submitted,

Senator Patrick O. Connell, Forester