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Comments: OBJECTIONS to BLACK RAM ROD, FONSI and FINAL ENVIRONMENTAL ANALYSIS

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Please accept this objection to the Black Ram Project. It is our contention that the Black Ram Project as planned has the potential to contribute significantly to the already catastrophic problem of invasive weeds on the Kootenai, for the following reasons:

1) The agency's own admission of likely weed spread resulting from management activities proposed in the project. From the Black Ram EA, Cumulative Effects under Effects to Noxious Weeds: [ldquo]Weed infestations within the project area are moderate, and the activities associated with all the action alternatives would increase the potential for existing weed populations to spread outward away from roads into adjacent areas (particularly those planned for regeneration harvest).[rdquo] Final EA at page 166.

2) Preponderance of regeneration units. From Black Ram EA Silvicultural Treatment Prescriptions: [ldquo]...regeneration harvest activities generally result in an increased risk of weed spread due to significant forest canopy reduction and subsequent conducive habitat in which weeds tend to germinate and expand.[rdquo] Final EA at pages 163-64.

3) Inclusion of units with zero Detrimental Soil Disturbance, including old growth. Thirty nine units are listed as

having zero DSD, (Gier 2018, projected cumulative soil disturbance of Black Ram units p 1-3), from which we assume that most if not all are without weeds or nearly so, and therefore at risk of new infestation resulting from logging activities. Any new infestation of acreage presently free of weeds would have to be counted against the Forest Service in any evaluation of progress on the weed issue.

4) Location of units near Canadian border. From a practical standpoint, we find it difficult to imagine that these units, some of which would require ~two hours driving time from Troy, would get the attention they need [ndash] or if they did, some other part of the weed program would suffer.

5) Insufficiency of measures proposed as mitigation for potential weed spread from the Black Ram Project. This will be discussed in the next sections.

Because of the potential for significant impacts, the Forest Service should have prepared an environmental impact statement (EIS).

Inadequate Responses to Comments

We raised the issue of the Forest Service[rsquo]s failure to effectively address the project[rsquo]s impacts on noxious weeds in our comment letters dated August 8, 2019.

Comments #123 & #127 note observations relating to ineffectiveness of the Forest Service weed program. To answer this charge the Forest Service directs us to a monitoring document in the project file that [ldquo]describes the effectiveness of Best Management Practices and design features to prevent noxious weed spread on a past project.[rdquo] This file, obtained through a FOIA request, consists of a narrative by the Weed Specialist describing the South Fork Fuels Project Weed Program. We commend the work done on this project and the results obtained. However, we find its relevance to be vague at best to the Black Ram Project, with its 2672 acres of regeneration cuts scattered over 94,000 acres.

Comment #26 plus a comment not addressed calls attention to the proliferation of St. John's Wort from Yaak School to Leidigh's Corner. The Forest Service responds that biocontrol beetles have been released from Leidigh's Corner to the Yaak Community Center, where there are occasional outbreaks of St. John's Wort, but not the huge concentrations found on the south slopes from the school to Leidigh's Corner, referred to in the comment.

Comment #128 refers to the special challenges involved in depauperate units, and recommends leaving a buffer of shrubs and small trees along the road next to those units to help prevent weed seeds from spreading into the unit. The Forest Service declines to respond to this point, instead referring us yet again to the Design Features in

the EA, with which we are obviously already familiar. However, we find it interesting to discover a similar recommendation in the Roads section of the Best Management Practices: [ldquo]Consider minimizing the removal of trees and other roadside vegetation during construction, reconstruction and maintenance, particularly on Southerly aspects.[rdquo] (Appendices to the 2007 KNF Invasive Plant Management Plan, p. A1)). This was not done on several depauperate Buckhorn units, and we see no stated intent to do it on Black Ram units.

Comment #29 refers to the lack of any clear directive for follow up treatments of weeds discovered during the required monitoring. The Forest Service responds that such ongoing work is happening on most travel vectors, administrative sites and campgrounds and several trail heads and gravel pits. Again we commend the weed crew's work, but we meant our comment to pertain to weed spread unto units as a consequence of logging, which has been rarely followed up on and attended to on Three Rivers. And no one knows better than we, having battled weed infestations on over 200 acres of private land in the Yaak for 20 years, how many times one must return to the sites of previous weed patches to check for weeds that have appeared since the last visit, and spot spray them.

Throughout the noxious weed comments part of the EA, the Forest Service refers to the noxious weeds section of the EA as well as the Design Features of the project as though it believes these mitigation measures to be adequate to prevent the proliferation of weeds from activities planned in the project. It is our contention that these measures have been inadequate in the past and will continue to be inadequate in the Black Ram Project.

Indeed, the Forest Service also seemed at one point to agree. In the EIS for the Garver Project, which we believe to be the last project undertaken by Three Rivers in which weeds were taken as seriously as they deserve to be, we find: [ldquo]Due to public concerns regarding weeds in the project area and the threat to ecosystems posed by orange and meadow hawkweeds, this project warrants an elevated contribution of time and money. Without such treatment...., management actions..... would increase the size, density,

and species diversity of noxious weed infestations.[rdquo] And [ldquo]All alternatives.. would add cumulatively

to the already large area infested with noxious weeds in the project area, The only way to avoid this increase is through intensive weed management actions which are not feasible with current budgets for weed management.[rdquo] (Garver EIS 2002, p. 3-110-1110) In other words, something above and beyond the usual Best Management Practices and Design Features would be required to actually ensure that a project will not contribute further to the weed disaster on the forest. It should be noted that the Garver Project failed in many ways in its goal to prevent weed spread, despite its good intentions.

It is clear that the inadequacy of the Three Rivers weed program stems from the inadequacy of funding for that program. We are not privy to how funding decisions are made or at what level, but are convinced that funding for weed prevention and treatment must be given a higher priority, must be elevated to whatever the Forest Service deems, through extensive analysis, to be actually sufficient to counter the damage produced by the timber program.

We are instructed, in the objections process requirements, to state what laws, regulations or policy we believe the Forest Service is in violation of. We believe the Forest Service violates NEPA relative to the Black Ram Project by: failing to respond to comments; failing to take a hard look at the impacts of the project in spreading noxious weeds; failing to disclose the ineffectiveness of the design features it

relies on from past projects; failing to prepare an EIS that discloses the potentially significant impacts of this project in the spread of weeds; and failing to analyze an alternative that prioritizes weed control.

Under the regulatory framework relative to invasive plants, unfortunately, it is difficult to hold the Forest Service accountable for its actions. The Montana County Weed Act of 2009 makes it illegal [ldquo]for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who. has entered into and is in compliance with a noxious weed management agreement is

considered to be in compliance with this section.[rdquo] And to this end the Kootenai National Forest has entered into an MOU with Lincoln County under which, as long as it follows the Best Management Practices, it is considered to be in compliance with both the Montana Weed Act and the Federal Noxious Weed Act of 1974.

And under the Executive Order of 1999, federal agencies are directed to [ldquo]not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species...unless. the agency has determined and made public its determination that the benefits of such

actions clearly outweigh the potential harm caused by invasive species.[rdquo] And this the Forest Service has not done in the Black Ram EA. It may believe that the benefits of Black Ram outweigh the negative effects of weed proliferation, but it has not provided rationale or documentation to that effect. As one of the Three Rivers specialists remarked ruefully when we complained that weeds would surely follow logging in a particular, currently weed-free, unit, [ldquo]that's one of the trade-offs.[rdquo] A trade-off in which the Forest Service gets its timber volume, while we, rightful part owners of the land, get a degraded ecosystem.

Remedies:

1. We would like to see the Forest Service provide an analysis of the Black Ram Project that justifies that trade-off. Because of the potentially significant impacts, this will require preparation of an EIS.
2. We would like to see the Forest Service take a hard, realistic look at the effectiveness of measures undertaken to mitigate weed spread, as NEPA requires.
3. The Forest Service must prioritize weed control in its funding decisions.
4. The Forest Service should place a high value on areas not presently infested with weeds. This may include deciding not to log those areas, or employing special measures to ensure that weeds are not introduced into these units. We request that the Forest Service consider an alternative that takes this approach.
5. The Forest Service, when planning a project, should evaluate each planned logging unit as to what specific measures will be required to prevent weed intrusion or proliferation within that unit.
6. The Forest Service must commit to a policy that requires that the increase in weeds resulting from management activities is essentially zero.

We are not asking that the Forest Service eliminate invasive plants on the Forest. We ARE asking that the Forest Service do nothing to make the situation worse, starting with the Black Ram Project.

Also we wish to be clear that we have no argument with or criticism of the Weed Specialist and his work; that the root of the problem lies in poor planning of projects, insufficient funding, and lack of prioritization; that the Weed Specialist and his crew have been given an impossible task.

We request a meeting to discuss potential resolution of the issues we raised here, as set out in 36 C.F.R.

[sect] 218.11(a).