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First name: Arlene

Last name: Montgomery

Organization: Friends Of The Wild Swan

Title: Program Director

Comments: OBJECTION DECISION:

Draft Decision Notice and Finding of No Significant Impact (DN) for the Frozen Moose Project.

Kurtis Steele, Flathead National Forest Supervisor, responsible official.

**OBJECTOR:**

Arlene Montgomery

Lead Objector

Program Director

Friends of the Wild Swan

PO Box 103

Bigfork, MT 59911

406-886-2011

November 30, 2020

**STANDING:**

Members of Friends of the Wild Swan recreate in and otherwise visit the Project Area. We

submitted scoping comments on January 17, 2020 and the Environmental Assessment on August

6, 2020. We incorporate by reference the objections submitted by Swan View Coalition and

Brian Peck, Consultant.

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**[bull] OBJECTION STATEMENT**

The Forest Service needs to prepare an Environmental Impact Statement for the Frozen Moose Project.

We raised this issue in our scoping and Environmental Assessment comments.

**OBJECTION**

Pursuant to National Environmental Policy Act (NEPA), the Forest Service must prepare an Environmental Impact Statement (EIS) for projects that "may" result in significant impacts. "Significantly" as used in NEPA requires considerations of both context (the setting of the proposed action) and intensity (the severity of the impact).

The Frozen Moose project may result in "significant" impacts as defined and understood by NEPA's implementing regulations. The logging will take place in lynx critical habitat, habitat for grizzly bears and wolverine, bull trout critical habitat, roadless areas, proposed wilderness and the North Fork Flathead River wild and scenic river corridor. The project will also result in high uncertain impacts to listed and sensitive species and critical habitat, involves highly controversial impacts, violates a number of laws, and establishes a dangerous precedent for how lynx and bull trout critical habitat are managed. The Forest Service concedes that the project is likely to adversely affect grizzly bears as well as bull trout and bull trout critical habitat.

The project EA tiers to the Forest Plan EIS for its analysis. Forest Plans are "aspirational". The Forest Service powerpoint on Forest Plans asks "How is a Forest Plan Used? The plan is a general framework to guide forest staff when they propose, analyze, and decide upon projects and activities." It goes on to state that "these projections need to be realistic and consistent with the aspirational nature of forest plans." [Foundations of Forest Planning]

The broad analysis done for the Forest Plan must serve as a guide for projects. Projects must have site-specific analysis of impacts to wildlife, fish, water quality, scenic values, etc. This EA does not.

The project results in three openings greater than 40 acres in size. Units 35 (59 acres), 47 (133 acres) and 118 (86 acres) will be seedtree logged. The EA does not analyze the impacts to wildlife of these large openings, it instead tiers to a generic Forest Plan standard that states that exceptions "may" occur. The impacts to wildlife must be analyzed on a site-specific level and not rely on aspirational desired conditions.

REMEDY

Develop an Environmental Impact Statement.

[bull] OBJECTION STATEMENT

The Forest Service did not take a hard look at how climate change affects and is affected by this project.

We raised this issue in our scoping and Environmental Assessment comments.

Published scientific reports indicate that climate change will be exacerbated by logging, and that climate change will lead to increased wildfire severity (including drier and warmer conditions that may render obsolete the proposed effects of the project). The former indicates that the Frozen Moose Project may have a significant adverse effect on the environment, and the latter undermines a central underlying purpose of the Project. Therefore, the Forest Service must candidly disclose, consider, and fully analyze the published scientific papers addressing climate change in these two contexts. The response to our comments was that climate change was not analyzed in the EA. The EA attempts to tier to Forest Plan analysis on climate change but that was also deficient.

The Frozen Moose Project purports to replicate past conditions created by fire by using logging; however, the effects of climate change were not adequately analyzed on a site-specific basis.

These stands that are seedtree logged may not regrow due to increased temperatures drying out the understory and the soil's mycorrhizal fungi which facilitates root growth. The Forest Service cannot use the past as a desired future condition because the future is uncertain due to climate change.

Challenges in predicting responses of individual tree species to climate are a result of "species competing under a never-before-seen climate regime - one forests may not have experienced before either." Achievable future conditions as a framework for guiding forest conservation and management, *Forest Ecology and Management* 360 (2016) 80-96, S.W. Golladay et al.

NFMA requires restocking in five years. Forest managers must analyze and disclose the fact that

the current conditions make old assumptions about natural regeneration obsolete. The Forest Service can no longer "insure that timber will be harvested from the National Forest system lands only where[hellip]there is assurance that such lands can be restocked within five years of harvest." (NFMA[sect]6(g)(3)(E)(ii)).

Assuming large clearcuts will regenerate is no longer automatically consistent with NFMA's "adequate restocking" requirement. Scientific research can no longer be ignored.

At dry sites across our study region, seasonal to annual climate conditions over the past 20 years have crossed these thresholds, such that conditions have become increasingly unsuitable for regeneration. High fire severity and low seed availability further reduced the probability of postfire regeneration. Together, our results demonstrate that climate change combined with high severity fire is leading to increasingly fewer opportunities for seedlings to establish after wildfires and may lead to ecosystem transitions in low-elevation ponderosa pine and Douglas-fir forests across the western United States. Wildfires and climate change push low-elevation forests across a critical climate threshold for tree regeneration, PNAS (2018), Kimberley T. Davis, et al.

The Forest Plan has no strategy for carbon reduction and this project will increase carbon emissions from log trucks driving to access the remote project area and from removing stored carbon from the forest.

The Frozen Moose EA did not analyze the impacts to fish from rising stream temperatures, less water and increased peak flows due to climate change.

#### REMEDY

Include a thorough analysis of climate change impacts in an Environmental Impact Statement.

#### [bull] OBJECTION STATEMENT

The Frozen Moose Environmental Assessment failed to analyze the impacts to wildlife.

We raised this issue in our scoping and Environmental Assessment comments.

1) The EA estimates that old growth forest habitat is only 2% of the project area. This is well

below any accounting of historic old growth on the Flathead. The EA discloses that 9 seed tree units [28 (37 acres), 30 (5 acres) 31, 35 (59 acres), 37 (5 acres), 50 (20 acres), 53 (9 acres), 56 (19 acres) and 90 (30 acres)] are directly adjacent to one or more old-growth stands (6 of which also border late seral stands).

Late seral stands are estimated to be 14%. Late seral habitat is adjacent to regeneration cutting units (units 47, 67, and 89). The Flathead justifies logging units 40 (14 acres), 41 (21 acres), 101 (22 acres), 102 (13 acres), 111 (377 acres), 113 (238 acres) and 122 (50 acres) that are late seral habitat because "harvest treatments would help to trend species composition and density towards becoming old growth in the future." The EA provides no scientific justification or monitoring data for this statement that the Forest Service can create old growth through logging.

The EA does not disclose where old growth forest habitat is located, what the patch size is, whether the patch size is sufficient to provide habitat for old growth associated species, and whether it is adjacent to existing openings. Furthermore, the EA does not even analyze impacts to old growth associated wildlife.

The EA attempts to equate old growth habitat with large trees: "Retaining large resilient individual trees across the landscape is as important as retaining old growth in this landscape. Large individuals provide structure, seed, genetic diversity and many other anthropogenic benefits." (emphasis added) Certainly retaining large trees is good, but to equate retention of individual large trees (for humans) to old growth ignores the essential habitat attributes that old growth provides for wildlife and birds and that are vital for their survival. The EA is devoid of any old-growth related wildlife analysis.

In response to our comments the Flathead attempts to justify its lack of old growth associated wildlife analysis because they will not be logging directly in old growth there are no anticipated effects to old growth forests and an analysis of effects to old-growth associated wildlife is not necessary. This is ridiculous. There are 9 seedtree units adjacent to old growth stands, two with

high risk of windthrow. Late seral forest stands have 3 regeneration units adjacent to them.

NEPA requires that the Forest Service analyze direct, indirect and cumulative impacts. This was not done. The Flathead can't arbitrarily declare that it doesn't have to analyze wildlife impacts.

2) The project results in three openings greater than 40 acres in size. Units 35 (59 acres), 47 (133 acres) and 118 (86 acres) will be seedtree logged. The EA does not analyze the impacts to wildlife of exceeding the opening size, it instead tiers to a generic Forest Plan standard that states that exceptions "may" occur. The impacts to wildlife must be analyzed on a site-specific level and not rely on aspirational desired conditions.

3) The EA contains no analysis of the impacts to fisher or other Region 1 sensitive wildlife.

4) The project cannot meet the purpose and need to Improve the diversity and resilience of vegetative communities and associated wildlife habitat if the EA does not analyze the impacts to wildlife.

5) The Proposed Action discloses that timber may not be cut in Inventoried Roadless Areas unless doing so reduces the risks of uncharacteristic wildfire effects. The removal of small diameter timber must also maintain or improve roadless area characteristics, such as the diversity of plant and animal communities and habitat for threatened and endangered species. The Proposed Action does not meet this test. It will instead degrade the roadless characteristics with stumps and skid trails as well as impacting the habitats and habitat security of lynx, wolverine, grizzly bear and other wildlife.

6) The EA did not provide any survey results for sensitive species including the goshawk, flammulated owl and black backed woodpecker, even though there will be extensive and intensive vegetation treatment activity that could displace them from important habitat. In fact, the EA didn't even analyze the impacts to most wildlife species.

The impact of this project cannot be claimed to be insignificant if there will be no protection for any of these species. Unless complete valid wildlife surveys are done for these species, the agency cannot claim that no significant impacts will result from this project.

The EA is therefore a violation of the NEPA.

#### REMEDY

Include a thorough analysis of the impacts to wildlife in an Environmental Impact Statement.

#### [bull] OBJECTION STATEMENT

The Frozen Moose Project fails to protect habitat for bull trout and aquatic species.

We raised this issue in our scoping and Environmental Assessment comments.

1) Redd counts in Red Meadow Creek have been zero for several years, this project's solution to dwindling bull trout is to upgrade culverts and log in the stream corridor. Whale Creek's fine sediment hovers around 35% as shown in McNeil core data indicating it is a threatened stream [the percentage of fine materials in spawning gravels in any given year is greater than 35% and/or the substrate score is less than 10.] Trail Creek's redd counts are also low.

The Flathead relies on upgrading culverts; however, at least four of the culvert removals and four of the replacements may never be accomplished because there is no funding. The EA discloses that it may take 10 years to get the funding needed but does not analyze the impacts if "extra" funding is not received and these culverts are left to fail. The EA does not indicate where this phantom funding might come from.

2) The project relies on BMPs to protect water quality and fish habitat. First, there is no evidence that application of BMPs actually protects fish habitat and water quality. Second, BMPs are only maintained on a small percentage of roads or when there is a logging project.

BMPs fail to protect and improve water quality because of the allowance for "naturally occurring degradation." In Montana, "naturally-occurring degradation" is defined in ARM 16.20.603(11) as that which occurs after application of "all reasonable land, soil and water conservation practices have been applied." In other words, damage caused directly by sediment (and other pollution) is acceptable as long as BMPs are applied. The result is a never-ending, downward spiral for water quality and native fish.

Here's how it works:

[bull] Timber sale #1 generates sediment damage to a bull trout stream, which is "acceptable" as long as BMPs are applied to project activities.

[bull] "Natural" is then redefined as the stream condition after sediment damage caused by Timber Sale #1.

[bull] Timber sale #2 - in the same watershed - sediment damage would be acceptable if BMPs are applied again - same as was done before.

[bull] "Natural" is again redefined as the stream condition after sediment damage caused by Timber Sale#2.

The downward spiral continues with disastrous cumulative effects on bull trout, westslope cutthroat trout and most aquatic life. BMPs are not "reasonable." Clearly, beneficial uses are not being protected. In Montana, state water quality policy is not being followed. [sect] 75-5-101 et seq. and ARM 16.20.701 et seq. Also, the Flathead has languished in implementing measures in the TMDL for this area.

3) The EA failed to analyze the impacts of peak flows and temperature on bull trout and native aquatic life. The Flathead dismissed our concern about increased peak flows and temperature stating that they were not relevant issues for this analysis.

This ignores the large body of science regarding climate change impacts to rivers and streams.

The 2017 Montana Climate Assessment ([montanacclimate.org](http://montanacclimate.org))

This ignores the large body of science regarding climate change impacts to rivers and streams.

The 2017 Montana Climate Assessment

4) The EA failed to analyze the impacts of sediment on bull trout and native aquatic life.

Sediment impacts native fish spawning, rearing and foraging. Riparian logging, replacing culverts (which has twice the impact as removing them), leaving culverts to fail due to lack of funding to remove them, decreased summer flows and increased spring and fall peak flows have cumulative impacts to fish and water quality that were not analyzed in the EA.

Alternative 2 proposes seedtree logging in the outer riparian areas but doesn't disclose where those are. The result of this logging will be species conversion from the existing spruce and lodgepole pine to larch, douglas fir and western white pine. The EA did not analyze the impacts of how removing canopy cover (from logging or blowdown after logging) will reduce shade and increase water temperature, edge effects from blowdown in the inner riparian area, or impacts on pool frequency. This illustrates how deficient the revised Forest Plan is because it removed the Riparian Management Objectives that required an analysis of temperature, pool frequency, large woody debris, and bank stability.

5) The Flathead ignored the declining bull trout redd counts in Red Meadow Creek, which is bull trout critical habitat, for 12 years allowing them to be extirpated rather than investigating the cause and at the very least attempting to remedy it. Redds have not been surveyed in Red Meadow Creek since 2008. The EA does not disclose whether migratory bull trout are still foraging and utilizing Red Meadow Creek or whether they are attempting to spawn but are unsuccessful due to sediment and other habitat conditions. Riparian logging is not appropriate and is a cumulative impact on top of the extensive road work that was not analyzed in the EA.

#### REMEDY

Include a thorough analysis of the impacts to bull trout and other native aquatic life in an Environmental Impact Statement.