

File Copy

SWAN VIEW COALITION

P.O. Box 1901, Kalispell, MT 59901
(406) 755-1379

January 3, 1995

Joel Holtrop
Flathead Forest Supervisor
1935 3rd Avenue East
Kalispell, MT 59901

Re: Comments on proposed Forest Plan Amendment 19.

Dear Mr. Holtrop;

Please accept these comments into the record for proposed Amendment 19. By enclosure, we include as a part of these comments the following letters regarding the management of grizzly bear habitat, security areas and roads:

August 8, 1994, letter to Ralph Morgenweck re: IGBC Task Force Report.
October 17, 1994, letter to Joel Holtrop re: MEMP.
October 18, 1994, letter to Ralph Morgenweck re: MFEMP and Amend. 19.
October 19, 1994, letter to Joel Holtrop re: MFEMP.
October 27, 1994, letter to Kemper McMaster re: MFEMP and Amend. 19.
November 9, 1994, letter to Ralph Morgenweck and Joel Holtrop re: Amend 19.
December 6, 1994, letter to Ralph Morgenweck and Joel Holtrop re: Amend 19.

By reference, we wish to also include in the record two letters from our attorney, Dan Rohlf, in the matter of your failure to reexamine management area allocations in crafting Amendment 19. The latter letter is addressed to Joel Holtrop and Kemper McMaster and enclosed an earlier letter to Joel Perella of the Department of Justice. This letter was faxed to you on or about December 20, 1994, with follow-up service of hard copy by mail. We ask that copies of these letters be included in the Amendment 19 record of comments.

The following comments will make reference to the Amendment 19 Biological Assessment (BA), Environmental Assessment (EA) and your December 28, 1994, response to our FOIA request (FOIA response). Our comments on the BA are best summarized in the attached November 9 and December 6 letters. The following comments are presented roughly in the order the issues arise in the EA:

1. What exactly will be monitored regarding roads and trails? The EA, on page 11, is not specific. John Ganiere has made it clear that the Flathead is not monitoring the effectiveness of road closures in actually stopping use by snowmobiles and ORVs (see the attached December 6 letter). Arbitrary use levels cannot be used to define

motorized and nonmotorized roads and trails, nor can monitoring adequately determine levels of use. The legal status of the road or trail must be used to define whether or not it is motorized.

2. The EA, on pages 12, 29, 30 and elsewhere, greatly downplays the advantages of reducing fire risk by reducing human access. The EA's discussion on fire risk is biased and inadequate.

3. The EA (pages 15 and 40) and FOIA response fail to provide any statistical analysis to support the claim that documented grizzly bear "mortalities do not correlate well with motorized access density". If indeed they do not, it is perhaps because highways, county roads and private roads are not included in calculations of access density.

4. The EA, on page 16, incorrectly states our concern that management areas (MAs) be made consistent with grizzly bear standards and guidelines and then summarily dismisses the task because it would require a significant amendment to the Forest Plan. The proposed amendment and analysis simply does not address the issues before the Court when it rendered its decision and order for reconsultation with FWS.

Former Flathead planner Fred Hodgeboom correctly noted that management direction for MS-1 habitat "is in direct conflict with land uses prescribed in the Forest Plan which are recognized to reduce the habitat potential." He concluded that a solution to this conflict would either involve altering the Guidelines or "mak[ing] Situation 1 equivalent to the MA-11 grizzly bear habitat emphasis by revising the Forest Plan and EIS to disclose the social, economic, and environmental effects of grizzly bear habitat maximization over all the area now mapped as Situation 1."

The EA and BA simply attempt to sweep this conflict under the rug. They do not disclose this conflict and the documents which investigate it. They do not forward this information to FWS, as ordered by the Court. The few documents specifically mentioned by the court which are attached to the BA contend extensively with the effects of changes in MAs on the ASQ, but the BA and EA simply do not address the still-standing conflict. They do not address Hodgeboom's suggestions for resolving the conflict. As a result, an ASQ is proposed which does not provide for consistency with standards and guidelines for grizzly bear and the same mistake is repeated. The referenced letters from our attorney, Dan Rohlf, discuss this matter in greater detail.

5. No BA is prepared for bull trout, in violation of the Forest Service Manual and Regional policy, and the EA is inadequate in this regard.

6. The EA, on pages 20-23, indicates the ASQ was estimated by using the same mix of clearcutting and other harvest techniques as was used in the original Plan analysis, while acknowledging that such a mix is unlikely in the future. What is the

likelihood that less use of clearcutting will reduce the 54 MMBF ASQ to 37 MMBF? Why is Talley Lake assumed to always produce 37MMBF in spite of standards necessary to reduce clearcutting and retain adequate snags, old growth and water quality? Reports from the Talley Lake District Ranger during the original Plan analysis indicated that he could not keep up the level of cutting and these concerns are repeated on page 23 of the EA. The ASQ appears to be as arbitrarily selected as during the initial planning process.

7. The EA, on page 25, gives no supporting documentation for its claim that more mature forest now exists than historically. We certainly hope that this claim is not being based on Ayers again!

8. The Flathead has not normally pulled culverts and taken other measures to reduce erosion before berming a road closed, as suggested on page 34 of the EA. During my 1988 inventory of abandoned Forest Service roads in the Swan Valley, I found that one-third of them warranted further erosion control measures.

9. The assumption on page 35 of the EA, that replicating the home range conditions found in the South Fork Study Area will be adequate to achieve recovery goals, is false. The December 14, 1994, draft report to the IGBC has confirmed our concerns that the South Fork grizzly bear population is declining and that more stringent management standards are required. We repeat our longstanding request that standards even more restrictive than those in the Lost Silver biological opinions be adopted because the Lost Silver opinions simply replicate South Fork Study Area home range conditions.

10. For the above and other reasons, the rationale for using a 55% core area standard rather than 68% is rejected. In light of the above IGBC report, 68% may indeed be inadequate. Use of 55% certainly does not "favor the bear" as required in MS-1 habitat by the Guidelines.

11. The EA, on page 37, fails to set adequate and measurable standards for the distribution of core areas by elevation. See particularly the attached letters of October 17, 18, and 27 in this regard.

12. The EA, on pages 48 and 49, makes contradictory statements regarding the continued use of the Chief's interim direction because no decision on proposed Amendment 16 was issued. It states that interim direction will be followed because Amendment 16 lacks a decision, but then references Amendment 16 as authority for the statement that interim direction is "adequate".

13. The EA, on page 50, states clearly that the current snag retention standard of 225 snags/100 acres is inadequate, but fails to provide either an indication of what is adequate or a quantifiable indication of how an adequate standard will affect the ASQ.

14. Why does the EA say on page 62 that Alternative 2 will cause "no change in revenue producing outputs" when it would lower the ASQ from 100 to 64 MMBF?

15. How many miles of road would need to be restricted with physical barriers, obliterated, or reclaimed under the various alternatives, by each category? This is not given on page 81 or elsewhere in the EA. The EA gives an inadequate analysis of effects in this regard.

16. Why, on page 82 in Table 13, does the EA show that removing culverts and berming a road is cheaper than just berming the road? Is this because of decrease flood damage/risk/costs? We feel that the EA's treatment of various road "restricting" methods is extremely biased against obliteration and will be looking further into the actual costs and benefits of these techniques.

17. The EA does not provide sufficient information to assess to what extent areas with a total road density greater than 2 miles per square mile will fall within core security areas. It appears, however, that this does and will occur. South Fork research indicates that these areas will be used significantly less than expected by grizzly bears, even though they will be defined and considered to be core secure areas. The EA's disclosure of essential information is inadequate in this regard.

It is something more than ironic that the EA cites the South Fork Study as a reason for its purpose and need, then presents a convoluted analysis which cannot be compared directly with the results of the original South Fork research. Similarly, the core areas defined as roadless and trailless by the South Fork Study now are allowed to contain roads and trails. See the attached letters of November 9 and December 6 in this regard and all attached letters for more detail regarding our concerns over definitions used in the analysis.

18. Because of the above and enclosed problems with how the Flathead has attempted to define its way out of a problem, we cannot support any of the proposed amendment language. We repeat the enclosed letters in objecting in the strongest of terms to your use of "objectives" as a way to bypass legally enforceable "standards".

19. As requested in our scoping letters for this amendment, we again feel that the preparation of an EIS is warranted. Having reviewed the BA, EA and your FOIA response, we must conclude that substantial and essential information is absent and must be produced for consultation with FWS. Your FOIA response indicates clearly that the following essential information is absent:

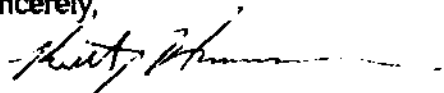
a. Maps and calculations regarding areas where total road density exceeds 2 miles per square mile.

b. Maps showing all trails and roads on the Forest and their current legal status regarding closure to certain uses.

c. Documents that discuss changes in management area allocations necessary to make the Forest Plan consistent with grizzly bear management guidelines and standards.

We must insist that this information be made a part of your consultation with FWS.

Sincerely,

A handwritten signature in dark ink, appearing to read "Keith J. Hammer", with a long horizontal flourish extending to the right.

Keith J. Hammer
Chairman

enclosures (7 letters)