

SWAN VIEW COALITION

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January 23, 1995

Ralph Morgenweck
USFWS Regional Director
PO Box 25486
Denver, CO 80225

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

Re: Flathead Forest Plan Amendment 19

Dear Sirs;

We have reviewed FWS's January 6, 1995, biological opinion (BO) in the above matter and offer the following observations:

1. Like the FS's biological assessment (BA) and environmental assessment (EA), the BO fails to address the changes in management area allocations necessary to make them consistent with the grizzly bear standards and guidelines. In turn, the BO also fails to adequately address what the ASQ must be to adequately protect listed species, concluding: "Accomplishing these core area objectives may or may not require an adjustment to the amended ASQ." The amended ASQ of 54 MMBF is still essentially "being pulled out of a hat" and is still being determined in an arbitrary and capricious manner.

2. At no point does the BO approve the motorized access management definitions used by the FS in its EA and BA. The FS must make its final NEPA documents consistent with the IGBC Task Force definitions in order to be consistent with the BO. Our earlier letters point out specific problems with these definitions.

The FS appears to have attempted to rewrite the definitions to require absolutely no road obliteration whatsoever, omitting bermed roads from the moving window scan as though they were obliterated (see EA at page C-1). The EA, on page 79 however, still indicates that no roads will be obliterated as there is no category for obliteration and the total miles of road remains unchanged between 1993 and 1999. Also, in response to our FOIA request, the FS has been unable to say how many roads, or if any, will need to be obliterated.

3. The FS has erred in omitting "system" trails legally open to motorized use from the moving window scan. Use of the IGBC definition will help and we fully intend to document that all trails open to motorized use actually receive such use if it becomes necessary. A more conservative and less wasteful course is for the FS and FWS to drop the words "and is used by motorized vehicles" from the IGBC definition of "open motorized trail".

4. The FS and FWS have attempted to remove the current requirement that areas with excessive road densities be brought into compliance when a timber sale is planned in the area. While it is good that an independent management program is proposed, it is not acceptable that timber sales be allowed to proceed with additional impacts in areas already receiving impacts in excess of the ten-year incidental take thresholds. BMU subunits containing and surrounding proposed timber sales must be brought up to the ten-year standards before the sale can proceed.

The FS has failed to demonstrate that it has either the will or the budget to accomplish adequate road and trail management independent of the "carrot" of its timber sale program. The FS must make absolutely clear how it intends to fund and meet the conditions set forth in the BO and how its five- and ten-year objectives apply to areas of proposed timber sales.

In summary, there exist wide gaps between what the FS proposes and what the FWS has agreed to. There also exists a wide gap between what both agencies have done in this consultation and what the court found necessary to be done in order to remedy the inadequacies of prior consultations.

We ask that each of you respond point-by-point to this letter and indicate what you intend to do to resolve the disparities described above and in order to clarify exactly how the agencies intend to implement Amendment 19 and the Flathead's timber sale program.

Sincerely,



Keith J. Hammer
Chairman

cc: Dan Rohlf - Attorney at Law