

**BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer**

SWAN VIEW COALITION)
)
)
v.)
)
)
CHIP WEBER)
FLATHEAD FOREST SUPERVISOR)
Responsible Official)

**NOTICE OF OBJECTION
PURSUANT TO
36 CFR 218**

DECISION OBJECTED TO:

Hungry Lion Resource Management Project Draft Decision Notice and Finding of No Significant Impact (hereafter Project, DN and FONSI)
Chip Weber, Flathead Forest Supervisor, May 2018.

Objector:

Swan View Coalition
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Keith Hammer
Chair

June 21, 2018
Date

Swan View Coalition is a non-profit conservation organization dedicated to conserving water quality and quiet, secure habitats for fish, wildlife and people on the Flathead National Forest and greater Flathead River Basin. Our members use these areas, including the Project area, for recreation, employment, wildlife viewing, photography, research, education, aesthetic enjoyment, spiritual rejuvenation, and other activities.

We submitted initial comments on the Project Planning Area on 9/30/16. We attended the 12/8/16 open house for this Project and submitted follow-up comments on 12/21/16. On 4/20/17 we submitted comments regarding the "Inadequate Regulation of Mountain Biking and Use of 'Stored' Roads in the NCDE" and asked that it be included in the Project administrative record. We attended the 7/26/17 Project field tour, reviewed the EA, and submitted

comments on 8/10/17. We on 8/29/17 hiked the majority of the bike trails proposed in the Lion Lake/Lion Hill area and took photographs of them.

We have read the Response to Comments contained in Appendix 3 of the DN and have reviewed the updates made to the EA. These fail to adequately address our concerns and even more importantly fail to result in the substantive changes in the Project necessary to comply with laws and regulations. We remain concerned that the Hungry Lion Project and DN/FONSI will harm water quality, fish, wildlife, and our members' interests.

We incorporate by reference the Objections submitted by Friends of the Wild Swan, Alliance for the Wild Rockies, Native Ecosystem Council, and WildEarth Guardians in this matter, as well as our comment letters listed above.

ORGANIZATION OF THIS OBJECTION

We have an Objection to the revised Flathead Forest Plan pending before the Regional Forester. That Objection contends not only with inadequacies of the revised Plan, but inadequacies in how the Flathead is currently implementing the existing Forest Plan and its Amendment 19. The Hungry Lion Project would improperly apply the existing Forest Plan and A19 in ways described in our Forest Plan Objection, so we incorporate it as a part of this Project Objection.

Companion to this Project Objection is a DVD containing the documents we submitted along with our Forest Plan Objection. The DVD includes our Forest Plan Objection in Folder 00 and the documents referenced in that Objection in Folders 01 - 28. This Hungry Lion Project Objection is included in Folder 0 and we have added a few more documents to the Folders on the DVD, as referenced in this Project Objection.

RELIEF REQUESTED

Rescind the DN and FONSI for the reasons stated below and prepare an adequate Environmental Impact Statement that addresses the deficiencies raised in this Objection. Redo the Project area Travel Analysis as a larger scale analysis, to adequately assess the short- and long-term costs of building and maintaining a minimum road system that is truly sustainable in light of realistic budget expectations and all standards, goals and objectives for the maintenance of water quality, fish, wildlife, and other resources. Decommission the user-created bike trails rather than add them to the Trail System or, in the alternative, limit human use of those trails to hikers and horseback riders, banning mountain bikers. Remove rather than replace the culverts in road #1614 and fully decommission it to reduce impacts to water quality and grizzly bear Security Core and to save money in the long run.

STATEMENT OF REASONS

Executive Summary

The DN and EA are rife with contradictory statements, leaving the public to wonder which ones to believe and which not. Overall, the documents attempt to reassure us that Forest Plan Amendment 19 will be faithfully implemented in the Hungry Lion Project, while they simultaneously argue a different interpretation of the science that is the basis for A19 (as does the revised Forest Plan).

A19 has not been faithfully implemented on the Flathead, especially since 2011, as described in our Roads to Ruin report and its various supplements, as well as in our Forest Plan Objection (provided in DVD Folders 04 and 00, respectively). The Flathead, and GV-HHRD in particular, unlawfully rendered a number of roads “impassable” to motor vehicles by removing only a few of the many stream-aligned culverts that A19 says must be removed before the road can be considered “reclaimed” and, following re-vegetation, omitted from calculations of Total Motorized Route Density (TMRD). Yet the Flathead omitted these “impassable” roads from TMRD anyway - until we caught it doing so, threatened a lawsuit, and brought about a 2017 field survey that found 13 of these 78 “impassable” roads indeed had numerous stream-aligned culverts left in place! (See DVD Folders 04 and 20).

Now, the Flathead wants us to believe it will comply with A19 even though the EA and DN largely continue to focus on simply rendering roads “impassable” to motor vehicles in order to omit them from TMRD, as though “impassable” is synonymous with “reclaimed” and includes making them impassable to non-motorized human use - and while continuing to argue that reclaimed roads need not be removed from the “system” or re-vegetated to be omitted from TMRD.

Similarly, the DN and EA on the one hand acknowledge that high levels of non-motorized human use on proposed bike trails disqualifies habitat from being Security Core. On the other hand, the DN argues that displacement of grizzly bears by non-motorized human use is not a “primary concern” until it is demonstrated to cause “disproportionate grizzly bear mortality or population declines.” (See DN at 110 - 111)

The goal of the Forest Plan and A19 is to limit grizzly bear displacement in order to limit bear mortality and its effects on the population, not to allow displacement until that mortality causes a perceptible population decline. The DN and EA repeatedly omit mention of A19’s emphasis on ensuring that reclaimed roads physically prohibit their use as non-motorized human trails. They instead repeatedly emphasize that reclaimed roads need only be impassable to motorized use and propose to add some 12 miles of high-use bike trails into the trail system.

Hungry Lion is one more project in which the Flathead wants us to believe it will faithfully implement A19 while simultaneously arguing that it need not do so.

We object to the Flathead's circa 2011 reinterpretation of A19 and how it is to be implemented in the Project (see our Forest Plan Objection in DVD Folder 00).

A. Roads

The Hungry Lion Project would add roads and trails back into the Forest System when the Forest Plan, law, budget concerns, and environmental concerns all say it should not. While the DN's Response to Public Comments attempts to allay our concerns with words and promises, the text of the EA remains unchanged and fails to insure that reclaimed roads no longer function as a road or trail, motorized or non-motorized.

Why should we believe that reclaimed roads will no longer function as trails when the plain language of the DN and EA repeatedly omit the prohibition against them serving as trails and instead focuses on making them simply impassable to motor vehicles (e.g. DN at 12 and EA at 43)? Moreover, the DN and EA continue to argue that non-motorized human use is not a primary concern even though it displaces bears (DN at 109 - 110). So why should we believe the Project intends to insure that reclaimed roads, including ISS roads, will be treated to insure there is no human use of the road template?

Similarly, why should we believe that reclaimed roads will be counted in Total Motorized Route Density (TMRD) calculations until "these road treatments become effective" (DN at 109 - 110)? The EA accounts for no time period during which reconstructed historic roads continue to count in TMRD after the logging and reclamation treatments are done and until the reclaimed road is adequately re-vegetated to physically prohibit human use of the road.

The DN suggests it accounts for a lag time between the reclamation treatments and the point at which they become effective and can only then be omitted from TMRD. However, the EA accounting says otherwise and the Flathead NF argues otherwise in its Beaver Creek, Cold Jim and Glacier Loon Projects, to name a few. (See our Beaver Creek complaint and summary judgment briefs in DVD Folder 02 and our Glacier Loon and Cold Jim Objections in Folder 0).

Moreover, the EA at 327 is flat wrong in claiming that there is no difference between an ISS road and a decommissioned road, other than that an ISS road retains a number in the road system. A decommissioned road (also a reclaimed road under A19) is to be managed "with the goal of reestablishing vegetative cover on the roadway . . . within ten years." (16 USC 1608(b)). The DN, at 33, confuses the issue by discussing reconstructed historic roads retained in the system in the section about temporary roads. The FS does not commit to fully re-vegetating either class of roads, in violation of A19 and 16 USC 1608(b).

Similarly misleading is the DN at 88, where it claims that adding these roads back into the system "will allow for more efficient weed treatment." Page 154 of the EA, however, reports that this more efficient weed treatment is accomplished by rebuilding the road so it can be treated for weeds, not by adding the road back into the system.

And so the Flathead misleadingly goes about chasing its tail, arguing it must rebuild roads to treat weeds efficiently, then add the roads back into the system so they can be reclaimed and later rebuilt again in order to treat weeds again? Sounds like a perpetual federal make work project to us that will most assuredly not solve the weed problem created by roads. Maybe the Flathead should instead plan for and arrive at a sustainable “minimum road system” as required by the Travel Planning Regulations?

As discussed in more detail in our Forest Plan Objection (DVD Folder 00) and Roads to Ruin report (DVD Folder 04), A19 does not allow for an increase in the Flathead’s road system. Roads must be decommissioned, not just reclaimed, to be omitted from calculations of TRD / TMRD / TMAD - and there can be no increase in TRD / TMRD / TMAD. See also Section F, below.

B. Trails

The DN and EA fail to adequately and fairly describe the bike trails proposed, especially in the Lion Hill area. They describe the proposed trails as “historic trail added back to system” (DN at 13 and 127). We hiked the majority of the proposed bike trails in the Lion Hill area on 8/29/17, took photos and found that only a portion of the proposed trails appear to be the historic trail to the old fire lookout location.

On the following page is a map of the approximate location of the sequential photos, shown on a portion of the DN’s Selected Alternative Map of the proposed trails. The numbered photos are in DVD Folder 28. Photos 1-9 are taken from closed road #5312, which is not an historic trail. Photos 4 and 5 are of a lightly used trail that appears to be on an old logging or skidding road, not an historic trail. We could not find the prior junction with this proposed trail loop and did not hike the loop, in order to focus on the historic trail to the old lookout and the reportedly high-use trail with the unlawfully constructed banked turns.

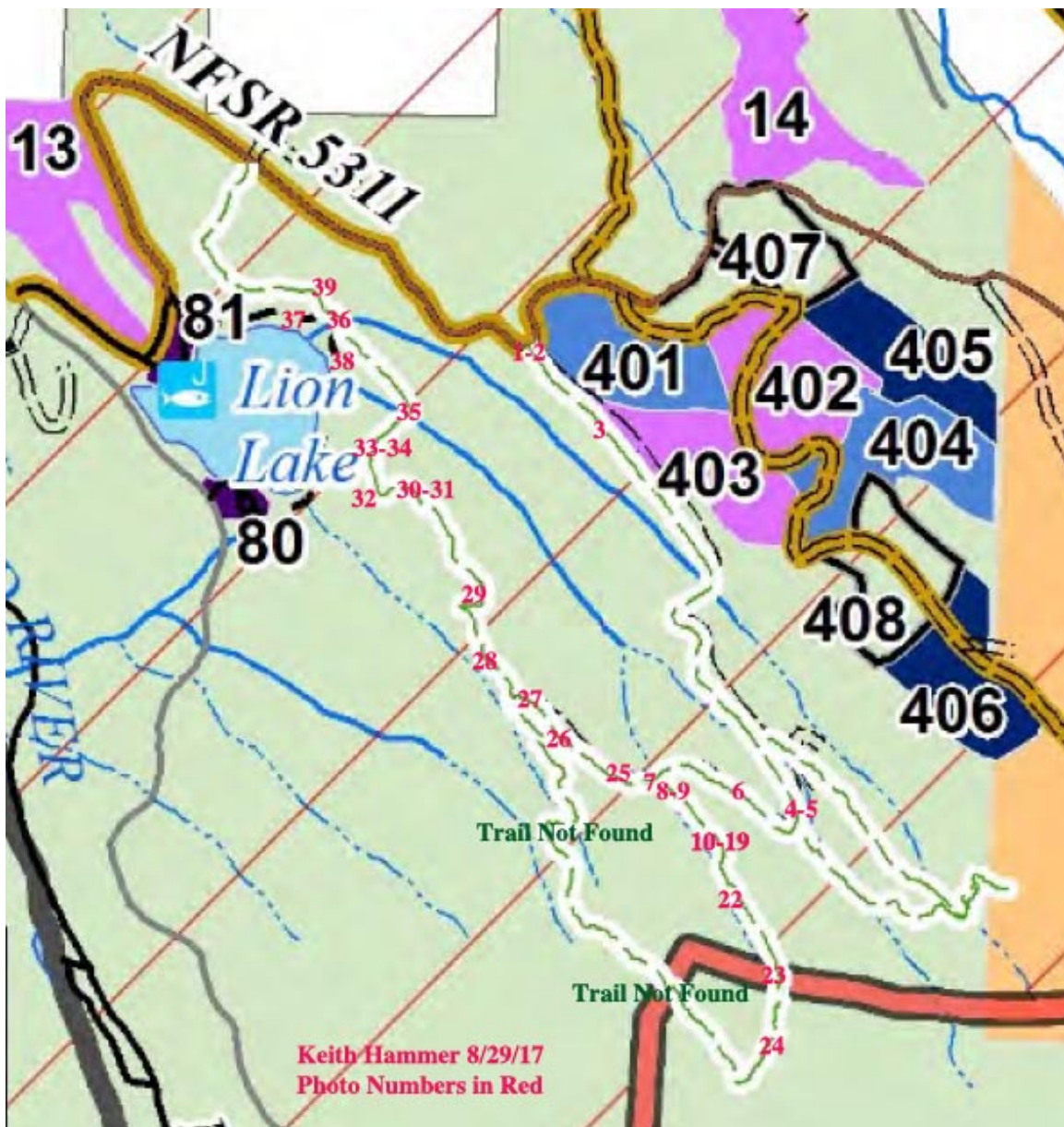
Photo 6 indicates that road #5312 does not receive heavy use to access the historic lookout trail. Photos 7-9 show that the high-use trail merely cuts across the end of road #5312.

Photos 10-19 show there is considerable use and unlawful construction of banked corners of the apparently historic trail above road #5312. Photo 18 shows a cigarette butt, something that comes along with trail access and never a welcome site on a hot August day during high fire danger.

Photos 22 and 23 help illustrate less use and maintenance is occurring near the top of Lion Hill and the old lookout site. Photo 24 shows older cutting of downfall beyond the lookout, with very little use of the trail tread apparent. We hiked quite a ways down the other side and could not find where the proposed trail curves back to the northwest. Nor could we locate the other end of this proposed trail where it is shown to reconnect with the trail running from the end of road #5312 down to Lion Lake.

Photos 25 - 36 show the proposed trail that does appear to get substantial use as it drops from the end of road #5312 down to the trail around Lion Lake. Photo 25 shows a wide corner that would likely be taken at even higher speeds by mountain bikers if the vegetation is trimmed back to provide longer line-of-site as proposed. Photos 25, 26 and 29 show jumps indicating bikes are using speed rather than caution. Photos 28 and 30-32 show corners that have been banked to increase bike speed. Photo 33 and especially 34 show where the trail has been widened to accommodate bikes jumping off the rock in the foreground and landing to the right of the trail tread (with a 42" hiking pole for width reference).

Photos 36 and 39 show that most of the trail-use goes to the North Lion trailhead and not north to road #5311.



In conclusion, the DN and EA misrepresent the existing situation as being significant public use of this proposed trail network and as a trail system that already exists as old historic trails. Where is a map of the historic trail(s)? Our field review found significant public use largely confined to the trail running from Lion Lake up toward the old lookout. The DN and EA fail to take the hard look and fairly describe the proposal as required by NEPA, leaving this looking like a Forest Service make-work project not confined to historic trails nor in response to documented recreation pressure and use.

We also found trail conditions and “improvements” designed to increase the speed of bikes on these trails, which provides the best indication of what mountain bikers want them for. These trails should be closed to mountain bikes, not brought into the trail system and upgraded as a reward for their illegal establishment. Mountain bikers have demonstrated they are unable to police themselves and they should not be trusted to help manage these trails.

Indeed, the DN at 127 is absolutely wrong-headed in arguing it needs to seek partnerships with mountain bikers in order to be able to afford these trails. Our photos show that the type of trail mountain bikers are willing to maintain is precisely the type of high-speed trail cautioned against in the habitats of bears and mountain lions, as well as absolutely at odds with public safety and the fair sharing of trails with hikers and horseback riders. We ask that these trails either be fully decommissioned and their closure enforced or that human uses be limited to foot and horseback and a closure to mechanized uses enforced.

The flawed and circular notion of enlisting biased recreation partners to maintain unaffordable and unplanned trails will put the Flathead in the same position that partnering with the timber industry has. As discussed in Section A above, the DN and EA argue that old historic roads were not stored properly, are rife with weeds, and hence need to be rebuilt for logging so that weeds can be treated “more efficiently” before being reclaimed once again to protect wildlife - but kept as a system road so this whole process can be repeated over and over. These partnerships are a sham; real friends don’t let friends drive drunk.

C. Travel Planning

1. Neither the EA or DN/FONSI provide an adequate assessment of the funding needed to maintain and manage the current road and trail system, the Project system or the Minimum Road System (MRS), in violation of the NEPA, Travel Planning regulations, and the Administrative Procedures Act, among others.
2. Nowhere do the EA and DN/FONSI disclose the funding needed to maintain the current road and trail system, Project system or MRS in either the Hungry Lion area or across the Flathead National Forest.
3. Initial Forest Plan Revision documents in 2004, however, found “The Flathead National Forest needs \$6.2 million each year to maintain its road system, but

receives less than \$1 million.” (USFS Western Montana Planning Zone; Analysis of the Management Situation; Draft Version 1; 2/23/2004).

4. The EA leaves the public and decision-maker wholly uninformed about how much of the funding needed for fully maintaining the MRS in the area will or will not be provided by the Project.

5. Neither the EA or DN provide an adequate assessment of the funding needed to maintain and manage the current road and trail system, the Project system or the MRS. This renders the entire analyses arbitrary, capricious, and an abuse of agency discretion - in violation of the NEPA, Travel Planning regulations, Administrative Procedures Act, and other laws detailed below.

D. Best Management Practices for Water Quality

1. The EA and DN/FONSI, in failing to plan for and implement an affordable and sustainable MRS, also fail to provide for the full implementation of all measures needed to minimize adverse impacts on resources. The laws this violates include but are not necessarily limited to the NEPA, National Forest Management Act, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

2. BMPs must be fully implemented to comply with Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, and the Clean Water Act. Moreover, BMP's are required as both Forest Plan standards and Forest Service Manual directives for projects - meaning their full implementation is required by the NFMA as well.

Nonetheless:

3. The EA at 192 finds “road treatments such as BMP improvements can reduce sediment delivery within one year, and these effects can persist for several years. By contrast, forest treatments such as timber harvest can change hydrologic processes and disturbance regimes for several decades.”

4. In other words, the positive effects of BMPs are short-lived while the negative effects of logging are long-lived. Yet the Forest Service relies on timber sales to fund haul route BMPs (e.g. EA at 31 and 36)!

5. It is clear the EA and DN fail to identify and secure funding needed to provide for the timely, orderly and continual application of BMPs to all roads in either the current system, Project system or MRS. Nor do they in the alternative arrive at a smaller MRS to which all BMPs can be fully applied continually under current funding levels.

6. The failure to either provide adequate funding to fully maintain the road and road closure system, or to reduce the system to a size that is adequately funded,

also results in unmitigated impacts to other forest resources including but not limited to terrestrial wildlife such as elk, species dependent on old forests and snags out of reach of firewood cutters, and threatened species such as lynx, bull trout, grizzly bear, and likely soon, wolverine. And the EAs fail miserably to describe the effects of inadequate funding and road maintenance on these and other resources.

7. The laws this violates include but are not necessarily limited to the NEPA, NFMA, ESA, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

E. Invasive Weeds

1. We rely primarily on our comments on the EAs to support our argument about invasive weeds, but we include more discussion here.

2. Similar to the bias towards logging in order to apply BMPs to haul routes, the EA argues for the reconstruction of historic roads in order to treat them for weeds. (See Section A of this Objection).

3. These biases also reveal the agency's and Flathead National Forest's overall and unacceptable bias to build roads into every corner of the suitable timber base in order to allegedly make timber sales "economical." The Flathead, however, provides absolutely no economic analysis demonstrating that the American taxpayer can afford such a road system or that the resulting timber sales will cover the costs of building and adequately maintaining those roads in perpetuity. If this pipe dream were based in reality, the agency would not have the \$10 billion backlog in needed road maintenance discussed below in Section F, nor would the Flathead National Forest receive less than one-sixth the funding it needs to maintain its share of that road system, as discussed above!

4. These shortcomings lead to a Project that will increase road templates and weeds, making matters all the more unacceptable, in violation of the NEPA, NFMA, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

F. More on Non-Compliance with Flathead Forest Plan Amendment 19.

1. The EA and DN fail to comply with Amendment 19 by attempting to replace Amendment 19's requirements for "reclaimed" roads with various levels of "Intermittent Store Service" (ISS) roads and "rehabilitated" temporary roads.

2. Amendment 19 states: "A reclaimed road has been treated in such a manner so as to no longer function as a road or trail and has a legal closure order until reclamation is effective. . . The acceptable lag time for the treatment to become

effective and the expected persistence of people to continue to use a road should dictate the amount and type of initial, and perhaps follow-up, treatment required. Greater initial revegetation and barrier work will be required if the expectation is to meet reclaimed road criteria in one year as opposed to ten years . . .” (DVD Folder 01: Amendment 19 Appendix D a.k.a Flathead Forest Plan Appendix TT)

3. In other words, a road is not to be considered “reclaimed” until re-vegetation and other barriers to human travel have had time to become effective at preventing the road’s use as either a motorized or non-motorized travel-way to any degree larger than incidental use of the adjacent forest area. Indeed, grizzly bear avoidance of road closed to motorized vehicles gives rise to the importance of limiting TRD, not just Open Route Density (TRD).

4. FWS, in its 10/25/2005 Biological Opinion on the continued implementation of Amendment 19 (page 10) summarizes relevant research this way:

“Amendment 19 established programmatic direction for access management on the Forest. Amendment 19 was developed to minimize negative impacts from motorized access identified in the 1987 Grizzly Bear Compendium (IGBC 1987), and was based on recommendations of the 1994 IGBC Taskforce Report and the 1993 progress report for the South Fork Grizzly Bear Project (Mace and Manley 1993), commonly referred to as the South Fork Study. The study area was west of Hungry Horse Reservoir, in the Swan Mountains. Mace and Manley’s progress report and previous research (Mattson et al. 1987, McLellan and Shackleton 1988, Aune and Kasworm 1989, Kasworm and Manley 1990) supported conclusions that **grizzly bears consistently were displaced from roads and habitat surrounding roads often despite relatively low levels of human use**, and that substantive blocks of unroaded habitat were important to grizzly bears, especially female grizzly bears with cubs.”

(Emphasis added to highlight that the research found bears were displaced by relatively low levels of **human** use, not just **motorized** use). We incorporate the whole of the 2005 BiOp and the above referenced research as a part of this appeal. The 2005 BiOp can be found in Folder 01 of the companion DVD.

5. Amendment 19 requires that roads be reclaimed and re-vegetated in a way that physically prohibits human use in order to lower TRD. In contrast, a few roads may be simply bermed to increase Security Core area. Gates are allowed only to lower ORD. These very important differences in road closure methods and requirements arise from the South Fork Grizzly Bear Study findings that female grizzly bears significantly avoid otherwise preferred habitats near roads, even those closed with gates or berms. Hence, the critical reliance on road reclamation to lower TRD and its preference in securing Core.

6. The EAs and DN, however, proposed ISS and temporary road “rehabilitation” treatments that not only fall short of an effectively “reclaimed” road, but provide

for the road template to be reused in the future, regardless of whether the road has ever been adequately re-vegetated or has ceased to be used by humans.

7. The EAs and DN mistakenly remove ISS and rehabilitated temporary roads from calculations of TRD immediately - in defiance of Amendment 19 requirements. For a more detailed description of why reclaimed roads must be fully revegetated before being omitted from calculations of TRD/TMRD/TMAD, see our Beaver Creek summary judgment response to reply brief in Folder 02 on our companion DVD.

8. See also the 10/25/05 BiOp on A19, page 75, in DVD Folder 01: "Reclaimed, also called obliterated or decommissioned, road is treated in a manner to no longer function as a road. Barriers and revegetation of roadways are minimum treatments."

9. Indeed, Flathead National Forest has tried unsuccessfully to circumvent these Amendment 19 requirements before. On May 11, 1999 the Flathead Forest Supervisor issued LRMP Implementation Note #13, allowing stream-aligned culverts to remain in reclaimed roads and relaxing criteria for determining when a reclaimed road is effectively no longer a road or trail and can hence be omitted from TRD calculations (DVD Folder 18).

10. Appellants' attorney filed a 60-day notice of intent to file suit under the Endangered Species Act, challenging Note #13's negative effects on threatened grizzly bear and bull trout (DVD Folder 18).

11. The Forest Supervisor rescinded Note #13 on November 19, 1999 (DVD Folder 18) and simultaneously assured appellants' attorney the "Forest Service will apply the definition of 'reclaimed road' under Forest Plan Appendix TT . . ." (attached). Similar assurances were issued appellants 2/7/00 (DVD Folder 18).

12. This brings us full circle to the Hungry Lion Project. The EA and DN would consider ISS and rehabilitated temporary roads immediately "reclaimed," immediately effective in prohibiting human use, and immediately not subject to calculations of TRD/TMRD/TMAD - all in clear violation of Amendment 19, Appendix TT, the rescission of Note #13, and written commitments made to appellants.

13. These and other facts show the Flathead National Forest is still attempting to end-run Amendment 19 and to continue implementation of a rescinded Note #13. See in DVD Folder 01, for example, Flathead National Forest's 3/23/15 Road Decommissioning Projects spreadsheet. The yearly totals on pages 19 and 20 show that the column "Category 3 Roads Reclaimed & Left as System Roads, Still Monitor for A19" was initially used for newly "reclaimed" roads that were not yet adequately re-vegetated in order to be removed from the "system" and considered "effectively reclaimed." Even though Implementation Note#13 was issued and rescinded in 1999, the spreadsheet shows that roads reclaimed thereafter were immediately removed from the "system," even though they had not yet been adequately re-vegetated.

14. The Flathead itself made clear that reclaimed roads cannot be omitted from the calculation of TRD/TMRD/TMAD until the revegetation work has become effective at deterring human use, not just motorized use. See in particular the (First) Supplement to our Roads to Ruin/TMRD report in Folder 04 of our companion DVD (Supplement to Roads to Ruin 171205.pdf). Attached to that Supplement is the 3/2/01 letter from the Flathead to FWS stating:

Some roads that have all reclamation work completed are still counted in calculation processes. Roads utilized in Total Access Density include roads for which reclamation work has been completed, pulling of culverts, installation of drainage dips, distributing of rocks or debris on the road surface, but the road has not revegetated to the level required to meet Amendment 19 reclamation requirements. These roads have all reclamation work completed, but still must be counted for Total Density calculations.

15. In spite of the clear language of A19 and the Flathead's own interpretation of it, the Flathead is now fully engaged in attempts to end-run A19 through projects like Hungry Lion and through a false accounting of A19 in the revised Forest Plan EIS.

16. The Flathead's Hungry Lion Project and the continued attempts to end-run the requirements of Amendment 19 constitute irretrievable and irreversible commitments of resources in violation of the NEPA, NFMA and ESA.

G. Other Resources Short-Changed by Road Reclamation Short-Cuts

1. Grizzly bear and native vegetation are not the only resources to be harmed by failing to fully reclaim and re-contour harmful roads. Aquatics and fish are harmed also.

2. However, nowhere do the DN and EA provide an adequate discussion or assessment of the importance of maintaining subsurface water flow that is often interrupted and turned into surface flow by roads cut into hillsides. These documents fail to provide a rationale for deciding whether to build a road in the first place and whether re-contouring a road during decommissioning or reclamation can effectively return that water to sub-surface. The Flathead's project area TAs and Forest-wide TAR are similarly flawed, as discussed in our comments on the TAR (DVD Folder 29) and our Glacier Loon Objection (DVD Folder 0).

3. Other assessments point to the importance of fully and faithfully reclaiming roads for fish. For example, FWS's August 14, 1998 *Biological Opinion on INFISH and PACFISH* found reductions in road densities and "rehabilitation of road-miles cannot be accomplished alone by gating, berming, or otherwise blocking the entrance to a road permanently or temporarily, or seasonally closing roads, but will require obliteration, recontouring, and revegetating." Indeed,

Amendment 19's road reclamation requirements, when faithfully implemented, can be viewed as working hand-in-hand toward what is necessary to avoid "jeopardy" to bull trout, accomplish bull trout recovery and benefit other fish.

4. The EA and DN lack scientific integrity and pursue the same old tired path of trying to keep too large a road system on the landscape. We urge the Forest Service to visit the following web page for a discussion of how road re-contouring can greatly shorten the watershed recovery timeline: <http://y2y.net/our-work/updates-from-the-field/ground-breaking-research-in-road-restoration> . We also incorporate this and Rebecca Lloyd's pending research papers into the Administrative Record for this Objection and Project. We have also included Lloyd et al's 2013 paper "Influence of road reclamation techniques on forest ecosystem recovery" in DVD Folder 15.

5. The EA's and DN's reliance on, at best, pulling stream-bearing culverts from a handful of reconstructed "historic" and new "temporary" roads in the Project, then dismissing them from TRD/TMRD/TMAD calculations and other acknowledgements of their continued negative impacts simply does not cut the mustard. This is arbitrary, capricious, an abuse of agency discretion, and not in accordance with law.

6. Moreover, the repeated decisions to retain road #1614 in Security Core rather than decommission it is proving to require prohibited motorized entries into that Core in order to deal with culverts left on this bermed road. The proposed replacement of those culverts will inevitably lead to more sediment delivered to area streams than were the culverts properly removed once and for all. It is also likely that additional motorized intrusions into Core during the non-denning season will be necessary to maintain the new culverts. We object to this and the Forest Plan amendment(s) necessary to allow it in the strongest of terms.

7. The DN, at 29, references two Forest Plan amendments: a) "a forest plan amendment to assign management areas to acquired lands" and b) "an amendment to the Flathead Forest Plan to authorize a one-time 30-day entry into grizzly bear security core to replace, repair, or maintain high risk culverts located on NFS Road 1614." We object to amendment "a" because it is not discussed elsewhere in the DN and EA (we suspect it was cut and pasted in error from the Glacier Loon draft DN). We object to amendment "b" for the reasons stated above.

H. Epilogue

1. It is worth noting that Deputy Chief Joel Holtrop's 11/10/10 directive launching the Travel Analysis Process included the premise and finding that "this process points to a smaller road system." (Attached to our Glacier Loon Objection in DVD Folder 0). It is also worth noting that Joel Holtrop authorized A19 as Flathead Forest Supervisor.

2. While Deputy Chief Leslie Weldon's subsequent 3/29/12 directive removed these words, the agency cannot escape the fact that its road system is too large, too expensive, environmentally damaging, and needs to be reduced.

3. Indeed, Chief Mike Dombeck in 1998 stated the Forest Service road system was overbuilt and under-funded. With a \$10 billion backlog in needed road maintenance, Dombeck stated "Only about 40% of forest roads are maintained to the safety and environmental standards to which they were designed." (Dombeck press release; 1/22/98; attached to our Glacier Loon Objection in DVD Folder 0).

4. Our comments on the EA included a number of citations to research and other sources demonstrating watershed restoration requires fewer roads, not fewer trees. We have since filed Objections to other Forest projects, like Glacier Loon and Cold Jim, and asked that they be included in the Hungry Lion administrative record. These Objections are included in DVD Folder 0. We also incorporate by reference all of the sources cited in these Objections.

5. The EA and DN/FONSI have stood common sense and the entire process on its head in arguing that it intends to arrive at its "minimum road system" by building more "temporary" roads and by reconstructing "historic" roads. Hungry Lion, in conjunction with other projects like Trail Creek Salvage, Glacier Loon, Cold Jim, and Bug Creek - along with the revised Forest Plan - falsely claim that A19 and the grizzly bear research allow an unlimited number of stored and less than fully reclaimed roads to exist because non-motorized human use does not present a mortality risk to grizzly bears. Research, including research relied upon by the Forest Service, does not support this conclusion (see page 6 of our Revised Forest Plan Objection in DVC Folder 00).

6. Indeed it appears Flathead National Forest intends to build more permanent roads both within and outside the NCDE Grizzly Bear Recovery Zone, even though it may feign "reclaiming" some these roads. It is trying to get away with this by not truly decommissioning the roads it wishes to omit from calculations of and limits to TRD/TMRD/TMAD. Nowhere, however, has the Flathead clearly described its intentions Forest-wide in spite of numerous meetings with objectors to discuss this very issue, let alone described its intentions in adequate NEPA documents made available for public review.

The Flathead has bastardized A19 through a steadily declining commitment to its implementation and a revisionist history and misrepresentation of A19 through its Forest Plan revision process and various project NEPA documents. The details of this are described fully in our Revised Forest Plan Objection and our Roads to Ruin report and its supplements, found in DVD Folders 00 and 04, respectively.

8. And, last but not least, the Flathead National Forest's longstanding position is dumbfounding in that leaving roads and culverts to spread weeds, violate BMPs and dump dirt into streams does not require NEPA, but any decision to do something about it does require NEPA and inevitably also "requires" more road building and logging. How reassuring!