

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

SWAN VIEW COALITION	)	
	Objector)	
	)	
v.	)	NOTICE OF OBJECTION
	)	PURSUANT TO
CHIP WEBER	)	36 CFR 218
FLATHEAD FOREST SUPERVISOR	)	
	Responsible Official)	

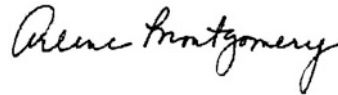
DECISION OBJECTED TO:

Draft Decision Notice and Finding of No Significant Impact (DN) for the Trail Creek Fire Salvage Project, issued with cover letter dated July 29, 2016, and signed by Spotted Bear District Ranger Debbie Mucklow.

OBJECTORS:



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September 12, 2016 - Submitted electronically, with DVD enclosure sent U.S.P.S.

STANDING:

Members of Swan View Coalition (SVC) and Friends of the Wild Swan (FOWS) recreate in and otherwise visit the Project Area. Both groups were involved in litigation over the Spotted Bear River Project, which included areas of proposed logging prior to the 2015 fire that are now proposed for salvage logging. Neither group, however, was alerted to nor provided the Supplemental Information Report when it was issued post-fire for the Spotted Bear River Project.

SVC visited the fire area in 2015 as soon as it was opened for normal public access following a lengthy closure during and after the fire. SVC observed where gated and

bermed roads had been reopened, apparently for firefighting efforts. SVC observed significant volumes of roadside trees that had been felled and largely decked, with most apparently then sold as a part of the 389.5 CCF/194.8 MBF Trail Creek Hazard Tree Salvage Sale. SVC also requested and reviewed the Burned Area Emergency Rehabilitation documents for the fire area.

Both groups attended the 2/2/16 open house for the Project and provided verbal comments and questions there. SVC asked Ranger Mucklow to conduct a public field tour come Summer, which she said she would not do because she relies on her specialists who already knew what was out on-the-ground.

Both groups provided subsequent written “scoping” comments. SVC provided an extensive annotated bibliography of relevant scientific literature, compiled with the assistance of Jeff Juel, asking that it and “the letters of Dr. Hutto and others [be taken] seriously.” Moreover, SVC provided a CD containing each of the papers cited in its annotated bibliography. FOWS also provided an extensive literature review.

Soon after the Project EA was release in mid-June 2016, both groups noted Dr. Hutto, an expert on birds and their relationship to burned forests, had quickly submitted comments on the EA (on 6/17/16) and offered “to take people into the field to see for themselves what I’m talking about.” Both groups requested in writing that a public field tour of the Project area be conducted, that if at all possible it include Dr. Hutto, and that the EA comment deadline be extended to August 31 to accommodate these events. The requests were refused in writing, each and every one of them. SVC and FOWS provided written comments on the EA on July 10 and 13, respectively.

SVC conducted a photo inventory of the previously decommissioned roads to be used and some of the areas to be salvage logged in the Proposed Action, on July 21 and 22, 2016. The geo-tagged photos, along with descriptive photo-logs and “kml” files that display the photo locations using Google Earth are included with this Objection via a DVD. We ask that it be reviewed in its entirety though we’ll include some photos here.

On July 23, SVC sent an email and two of the above referenced photos to Ranger Mucklow alerting her to and documenting a recent ATV trespass on the historic/decommissioned Road 1678 - which appears to have been reopened for firefighting without all closure berms being replaced afterward. SVC has heard nothing more from Ranger Mucklow about this road and ATV trespass other than her short “thank you for sharing your observations” email of July 25. SVC requested and on July 26 Matt Shaffer confirmed this email string would be included in the Project File.

We have reviewed the Forest Service’s responses to comments in the draft DN. We find the following issues raised earlier still unresolved and inadequately addressed in the draft DN and EA. Additional Objections are being filed under separate cover with Arlene Montgomery/FOWS as Lead Objector.

INTRODUCTION:

The Forest Service’s treatment of the Trail Creek fire area has been a travesty and the Project will only make matters worse. Our field reviews show that the FS opened up

closed and previously decommissioned roads in a wanton manner, apparently in the name of firefighting. It then failed to return these roads and their closure barriers to their previous condition, further reducing grizzly bear and other wildlife security both within and outside Security Core. To the degree these roads were intentionally left with inadequate reclamation and closure barriers in anticipation of their use for salvage logging, this represents an irretrievable and irreversible commitment of resources that biases the selection of alternatives. The FS can't give back to wildlife the security it denied them over a period of years - that deed is done, irretrievable and irreversible.

Some of the roads in question had not previously or initially received adequate treatments to insure they were fully reclaimed and no longer used as a road or a trail. Hence, the grizzly bear security intended by the reclamation was never fully realized prior to the 2015 fire - and the EA fails to adequately detail these circumstances.

With 2015 firefighting and subsequent roadside salvage and Project preparation, grizzly bear security was further compromised. With failure to adequately secure previously reclaimed and bermed roads, inadequate security persists to date. Construction and reconstruction of new and old roads will further diminish wildlife security, as described in our comments on the EA and during scoping.

Simply put, the FS has operated in a militaristic fashion in the Project area and continues to do so. The public was not consulted before previously bermed and decommissioned roads were reopened for alleged firefighting, nor was the public consulted when the FS and its contractors felled trees it considers a hazard along the areas roads. In fact, the public was barred from entering the entire area during this time.

Nor was the public consulted when those felled trees were sold as the Trail Creek Hazard Tree Salvage Sale. Nor was the public provided a public field tour of the area when it asked for one. Nor did the FS accept Dr. Hutto's offer to accompany employees into the field to better understand the importance of burned forests to birds. Nor did the FS list Dr. Hutto as having been consulted even though he submitted numerous written comments and provided several lists of the best available science the FS needed to consider. Nor did the FS include any response to Dr. Hutto's comments alongside its responses to others that commented on the Project. Nor did the FS include an adequate reference or discussion of all of the best available science provided by Dr. Hutto in its EA or draft DN.

In short, the public has been denied a truly meaningful discourse with the FS about this Project. The public was denied the opportunity to look at the area and ask questions of the FS on-the-ground and it was denied the ability to see how Dr. Hutto's expertise was responded to, let alone if and how all of the best available science was considered. This Project has been a rush to the finish line from the beginning, with hardly a serious consideration given to whether the FS has perhaps already done enough damage in the fire area through firefighting, reopening and brushing out of closed roads, and the preparing and selling of roadside timber salvage - all of which point to a need to do no further harm through more salvage and road building activities.

Viewed after the fact, it is not a stretch to wonder whether the FS used firefighting in this area as a smokescreen for reopening historic and closed roads it could then use for salvage logging and to return some of those roads to the road system. If that weren't the

case, one would think the FS would have been certain it reinstalled all closure devices and returned each of those roads to its pre-firefighting condition - which it did not.

OBJECTIONS:

We incorporate by reference the objections filed by Friends of the Wild Swan in this matter. We list our additional objections below, using an objection number that keys to the number assigned the agency's response to comment in the draft DN's Appendix C. For example, Objection 15 will describe how the agency's Response to Comment #15 is inadequate and fails to resolve the issue.

Objections do not appear in numerical order. We group them, below, into three major sections: A) Use of the Best Available Science, B) Flawed and Unlawful Implementation of Amendment 19, and C) Examples and Photos of Roads and Salvage Units.

A) Use of the Best Available Science

Objection 45: The agency responds, in its sole response to our comments regarding Dr. Hutto's comments and his provision of best available science:

Best available science, including that suggested by Dr. Hutto, was considered.

The facts, however, are as follows:

On 2/4/16, Dr. Richard Hutto submitted a letter regarding the scoping documents for the Trail Creek Fire Salvage Project and included a list of "relevant references . . . so that employees might come to better appreciate the biological uniqueness associated with severely burned forests."

This letter and list Dr. Hutto resubmitted by attachment to his 6/17/16 email comments on the Trail Creek EA. The email also attached the following "recent paper" as a pdf:

1) Hutto, R. L., R. E. Keane, R. L. Sherriff, C. T. Rota, L. A. Eby, and V. A. Saab. 2016. Toward a more ecologically informed view of severe forest fires. *Ecosphere* 7(2):e01255. 10.1002/ecs2.1255

Dr. Hutto's 6/17/16 email also references several papers that do not appear in his prior 2/4/16 list:

- 2) Lindenmayer et al., 2004;
- 3) Lindenmayer and Noss, 2006;
- 4) McIver and Starr, 2006;
- 5) DellaSala et al., 2014; and
- 6) Hanson, 2014.

None of the above papers suggested by Dr. Hutto appear in the Literature Cited portion of the August 2016 EA.

Nor does the Literature Cited portion of the August 2016 EA include the following papers from Dr. Hutto's prior 2/4/16 list of suggested references:

7) DellaSala, D. A., and C. T. Hanson, editors. 2015. The ecological importance of mixed-severity fires: nature's phoenix. Elsevier, Amsterdam, Netherlands.

8) Hanson, C. T., R. L. Sherriff, R. L. Hutto, D. A. DellaSala, T. T. Veblen, and W. L. Baker. 2015. Setting the stage for mixed- and high-severity fire. Pages 3-22 in D. A. DellaSala and C. T. Hanson, editors. The ecological importance of mixed-severity fires: nature's phoenix. Elsevier, Amsterdam, Netherlands.

9) DellaSala, D. A., D. B. Lindenmayer, C. T. Hanson, and J. Furnish. 2015. In the aftermath of fire: logging and related actions degrade mixed- and high-severity burn areas. Pages 313-347 in D. A. DellaSala and C. T. Hanson, editors. The ecological importance of mixed-severity fires: nature's phoenix. Elsevier Inc., Amsterdam, Netherlands.

10) Jackson, B. K., S. M. P. Sullivan, C. V. Baxter, and R. L. Malison. 2015. Stream-riparian ecosystems and mixed- and high-severity fire. Pages 118-148 in D. A. DellaSala and C. T. Hanson, editors. The ecological importance of mixed-severity fires: nature's phoenix. Elsevier, Inc., Amsterdam, Netherlands.

11) Hutto, R. L. 2011. The beauty of a burned forest. *Crown of the Continent Magazine* 6:42-49.

12) Kotliar, N. B., V. A. Saab, and R. L. Hutto. 2005. Fire on the mountain: birds and burns in the Rocky Mountains. USDA Forest Service General Technical Report PSW-GTR-191:1090-1092.

13) Odion, D. C., C. T. Hanson, A. Arsenault, W. L. Baker, D. A. DellaSala, R. L. Hutto, W. Klenner, M. A. Moritz, R. L. Sherriff, T. T. Veblen, and M. A. Williams. 2014. Examining historical and current mixed-severity fire regimes in ponderosa pine and mixed-conifer forests of western North America. *PLoS ONE* 9:e87852 (87851-87814).

14) DellaSala, D. A., M. L. Bond, C. T. Hanson, R. L. Hutto, and D. C. Odion. 2014. Complex early seral forests of the Sierra Nevada: What are they and how can they be managed for ecological integrity? *Natural Areas Journal* 34:310-324.

15) DellaSala, D. A., J. R. Karr, T. Schoennagel, D. Perry, R. F. Noss, D. Lindenmayer, R. Beschta, R. L. Hutto, M. E. Swanson, and J. Evans. 2006. Postfire logging debate ignores many issues. *Science* 314:51-52.

Nor is Dr. Hutto mentioned in the List of Preparers and Individuals Consulted in Chapter 4 of the EA.

Nor is Dr. Hutto listed in Appendix C of the Draft DN as having submitted comments. Nor are his comments responded to in Appendix C.

Nor are Dr. Hutto's comments, as a Professor Emeritus at the University of Montana, included in the EA's Appendix A: Comments on the Proposed Action from Federal, State, and Local Agencies.

Even if one examines Project File Exhibit V-1, the Literature Cited Response Table, the reader is not able to determine how the scientific literature listed was "considered in the project analysis." Firstly, citations 4-6 above are not listed at all in V-1.

Secondly, though citation 1 above is listed, it is assigned to no one and is discussed not at all regarding how it was considered.

Thirdly, though many of the remaining citations above are listed in V-1, the section "How Considered in the Project Analysis" most often simply restates the citation or perhaps states the premise of the paper cited - but does not describe how the paper was considered in the project analysis. (e.g. citations 8, 9, 10, 11, and 14, above).

Fourthly, V-1 actually attempts to describe how several citations were considered in the project analysis, often saying those papers were "cited" or "included" in the analysis. However, as noted at the outset of this section, those papers were nonetheless omitted from the Literature Cited portion of the August 2016 EA (e.g. citations 2, 3, 7, 11, 12, and 15).

The EA and draft DN fail fully to demonstrate in a legible manner how the best available science was used to shape and inform the decision for this Project. Project File Exhibit V-1 is not an adequate substitute for the full disclosure the NEPA requires be included in the EA and DN.

Objection 14: The agency responds:

There is no mention of planting shrubs and trees on page 3-151. The majority of that page discusses grizzly bear population trends. The referenced quote is from page 3-155, which also states "The lack of tree and shrub planting in this [no action] alternative could also mean a slower recovery of hiding cover."

We apologize for citing to the wrong page. The DN nonetheless fails to grasp and respond to the issue. The issue is to not scrape the existing vegetation and trees, burned or not, off of closed roads and the burned area to facilitate salvage logging and/or the planting of trees and shrubs. This would set the re-vegetation process back, not advance it. Nor is the proposed planting effort necessary.

Our July 2016 field review found growth of herbs, grasses, shrubs, and trees on and off of closed roadways that should not be set back by reconstructing closed roads nor by operating logging equipment on or off road. Below is one photo of re-vegetation naturally occurring near Road 2851 in the Bent Creek area, which includes shrubs in the burned area and the area where roadside "hazard" trees were removed. More photos of natural re-vegetation can be found in the folder "Re-Veg Misc Along 2851" on the enclosed DVD. We'll provide photos of trees and other vegetation that would be scraped off closed roads in Section C of these objections.



The agency responds not at all to our referenced advice from Dr. Hutto. In his 2/4/16 letter he finds "Planting native tree seedlings . . . to return the site to forested conditions in a timely manner . . . is an entirely inappropriate and outdated management goal."

The FS does no better job in its EA of documenting whether it considered, let alone addressed, the scientific literature we provided with our scoping comments in both an annotated bibliography and in whole on a CD. Omitted from the EA's Literature Cited is the following literature we provided:

Bull, E., et al. 2001. Effects of Disturbance on Forest Carnivores of Conservation Concern in Eastern Oregon and Washington. Northwest Science. Vol 75, Special Issue, 2001.

Campbell, J., D. Donato, D. Azuma, and B. Law. 2007. Pyrogenic carbon emission from a large wildfire in Oregon, United States. Journal of Geophysical Research. Vol. 112, G04014. December 2007.

Center for Biological Diversity and John Muir Project, 2014. Nourished By Wildfire: The Ecological Benefits of the Rim Fire and the Threats of Salvage Logging. January 2014.

Cherry, M.B., 1997. The black-backed and three-toed woodpeckers: life history, habitat use, and monitoring plan. Unpublished report. On file with: Lewis & Clark National Forest, P.O. Box 869, Great Falls, Montana, 59403, 406-791-7700. 19 pp.

DellaSala, Dominick A. and Chad T. Hanson, 2015. The Ecological Importance of Mixed-Severity Fires: Nature's Phoenix. Published by Elsevier Inc.

DellaSala, Dominick, James R. Karr, Tania Schoennagel, Dave Perry, Reed F. Noss, David Lindenmayer, Robert Beschta, Richard L. Hutto, Mark E. Swanson, Jon Evans;

2006. Post-Fire Logging Debate Ignores Many Issues. *SCIENCE*, Vol. 314, 6 October 2006, pp. 51-52.

Donato, D.C., Fontaine, J.B., Campbell, J. L., Robinson, W.D., Kauffman, J.B., and Law, B.E., 2006. Post-wildfire logging hinders regeneration and increases fire risk. *Science Express*. www.scienceexpress.org.

Everett, Richard. 1995, August 16. Review of Beschta Document, Memorandum. USDA, Forest Service.

Franklin, Jerry F., 2015. Comments on the Draft Environmental Impact Statement for the Westside Fire Recovery Project, Klamath National Forest. Jerry F. Franklin, Professor of Ecosystem Analysis, School of Environmental and Forest Science, College of the Environment, University of Washington.

Frissell, C.A. and D. Bayles, 1996. Ecosystem Management and the Conservation of Aquatic Biodiversity and Ecological Integrity. *Water Resources Bulletin*, Vol. 32, No. 2, pp. 229-240. April, 1996

Jones, A.J., and Gordon E. Grant. 1996. Peak flow responses to clear-cutting and roads in small and large basins, western Cascades, Oregon . *Water Resources Research*, Vol. 32, No. 4, pages 95-974, April 1996.

Lacy, Robert C., and Tim W. Clark. 1993. Simulation Modeling of American Marten (*Martes Americana*) Populations: Vulnerability to Extinction. *Great Basin Naturalist*; v. 53, no. 3, pp. 282-292.

Marcot, Bruce G. & D. D. Murphy, 1992. Population viability analysis and management. In Szaro, R., ed. *Biodiversity in Managed Landscapes: Theory and Practice*. Proceedings of: Conference on Biodiversity in Managed Landscapes: Theory and Practice, 13-17 July, 1992, Sacramento, CA.

Meigs, W., D. Donato, J. Campbell, J. Martin, and B. Law. 2009. Forest fire impacts on carbon uptake, storage, and emission: The role of burn severity in the Eastern Cascades, Oregon. *Ecosystems*. DOI 10.1007/s10021-009-9285-x. October 2009.

Nez Perce / Clearwater National Forests. January 2016. Johnson Bar Fire Salvage Final EIS.

Noss, R. F. and D. B. Lindenmayer (2006). "The ecological effects of salvage logging after natural disturbance - Introduction." *Conservation Biology* 20(4): 946-948.

Reid, Leslie M. and Thomas Dunne 1984. Sediment Production from Forest Road Surfaces. *Water Resource Research*, Vol. 20, No. 11, Pp. 1753-1761, November 1984.

Riggers, Brian; Rob Brassfield; Jim Brammer; John Carlson; Jo Christensen; Steve Phillips; Len Walch; Kate Walker; 2001. Reducing Fire Risks to Save Fish – A Question of Identifying Risk. A Position Paper by the Western Montana Level I Bull Trout Team, 2001.

Ruggiero, L.F., G. D. Hayward, & J. R. Squires, 1994. Viability Analysis in Biological Evaluations: Concepts of Population Viability Analysis, Biological Population, and Ecological Scale. *Conservation Biology*, Vol. 8, No. 2, June 1994, pp. 364-372

Scientists Post-fire Letter, 2013. Open Letter to Members of Congress from 250 Scientists Concerned about Post-fire Logging. October 30, 2013

Scientists Post-fire Letter, 2015. Open Letter to U.S. Senators and President Obama from 264 Scientists Concerned about Post-fire Logging and Clearcutting on National Forests. September 2015.

Sexton, Timothy O., 1998. Ecological Effects of Post-Wildfire Management Activities (Salvage-Logging and Grass-Seeding) on Vegetation Composition, Diversity, Biomass, and Growth and Survival of *Pinus ponderosa* and *Purshia tridentate*. Master's Thesis, Oregon State University, 1998.

[Thompson, I., Mackey, B., McNulty, S., Mosseler, A. \(2009\). Forest Resilience, Biodiversity, and Climate Change. A Synthesis of the Biodiversity / Resilience / Stability Relationship in Forest Ecosystems. Secretariat of the Convention on Biological Diversity, Montreal. Technical Series no. 43, 67 pages.](#)

USDA Forest Service, 2000a. Environmental Effects of Postfire Logging: Literature Review and Annotated Bibliography. Gen. Tech. Rep. PNW-GTR-486. Wenatchee, WA: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station.

Our review of Project File Exhibit V-1 yields similar results to our review relative to Dr. Hutto's references. It is the exception to the norm where V-1 actually describes how the cited paper was used to shape the Project or inform the Decision. And, as stated above, Exhibit V-1 is not an adequate substitute for the full disclosure the NEPA requires be included in the EA and DN.

B) Flawed and Unlawful Implementation of Amendment 19

Objections 9 and 10: Regarding the reconstruction of previously decommissioned / historic roads to then be kept as new "stored" system roads, the agency responds:

Per the description of the proposal for "new system roads to be stored" in Chapter 2, construction activities will involve brushing, BMP work (e.g. removal of corduroy logs for channel crossings before spring runoff), surface reconditioning and ditch cleaning. The condition of the stored road following its use for harvest operations will be similar to its current condition. No stream aligned culverts or bridges will be on stored roads . . .

This means that very little work is needed to use the roads again for harvest operations and, other than the work needed on the first 200-600 feet of the road

following their use for harvest to make the first portion of the road unattractive as a travel way, no additional work will be needed to place the roads into storage following harvest operations.

To the contrary, reconstructed historic roads will not be left in a condition similar to the current condition or the pre-firefighting condition. Indeed, a number of these roads are not currently in the condition they were prior to their apparent use in firefighting in 2015 - due to vegetation and closure berms removed from roads and not replaced nor given time to re-vegetate naturally in order to no longer function as a road or trail per the A19 definition of a reclaimed/decommissioned/historic road.

The above response bears this out. A road that currently has brush and other vegetation on its surface in order to help render it impassable and unusable as a road or trail will no longer be as impassable and unusable when that brush and other vegetation are removed. We'll provide visual examples of this in Section C of these objections, but let's first get a few things straight about A19 by looking at its Appendix D definitions and a few more responses to our previous comments in the draft DN.

Let's recognize right now that A19's Appendix D definitions allow for several means of reclaiming a road but they require that the entire length of the reclaimed road, not just the first "200 to 600 feet," be treated:

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 treatment is effective. This can be accomplished through one or a combination of treatments including: recontouring to original slope, placement of natural debris, or revegetation with shrubs or trees . . .

The first portion of the road (typically 200 to 600 feet) will be treated in such a manner so as to preclude its use as a motorized or non-motorized travelway. This will include (1) making the road junction area unattractive as a travelway, and (2) treating the remainder of the first portion to make awareness of the road improbable and preclude motorized or non-motorized use . . .

Treat the road, other than the first portion, in a way that will discourage its use as a motorized or non-motorized travelway. Treatment should include: sporadic placement of natural debris over most of the road length, and surface treatment to encourage natural, planted or seeded vegetation . . . The acceptable lag time for the treatment to become effective and expected persistence of people to continue to use a road should dictate the amount and type of initial, and perhaps follow-up, treatment required . . . Roads that have been treated, but that do not yet fully satisfy the definition of a reclaimed road will be included in calculations of total motorized access route density.

The Project, per Responses 9 and 10, would merely treat the first 200-600 feet of the road, immediately consider the treatment effective and dismiss it from TMRD.

Initially, the Flathead proposed LRMP Implementation Note 12 to help guide implementation of "the preliminary results of the South Fork Flathead River Grizzly Bear Project" (see the attached 4/28/93 Draft LRMP Implementation Note #12). In

order to “create [GIS] maps comparable to those being used for the SFGBP,” and subsequently used to determine Open Motorized Route Density (OMRD), Total Motorized Route Density (TMRD) and Security Core, Note 12 proposed the following definitions and rationale:

Road: all roads except those sufficiently revegetated with shrubs and/or trees to deter travel by foot or ATV . . .

Preliminary analysis indicates that the response of grizzly bears to trails is very similar to that described for roads . . .

For the SFGBP, all roads except those sufficiently revegetated with shrubs and/or trees to deter travel by foot or ATV were included in the total road density calculation . . .

Barriers placed at closure sites to deter human use are probably not sufficient to eliminate road effects . . .

As the Flathead began developing A19 to implement the findings of the SFGBP as the best available science, it was no longer necessary to finalize Note 12. It was no mistake that A19, which began by allowing simply bermed roads to be dismissed from calculations of TMRD, would instead require that roads must be reclaimed to preclude motorized and non-motorized use in order to be dismissed from TMRD (see for example document L-34 from the A19 Project File, which is a 2/16/95 Protocol Paper documenting the adjustment of methodologies and definitions for calculating TMRD, OMRD and Security Core).

It was also no mistake that the Flathead took the revegetation and reclamation requirements so seriously that it considered A19 to require that a road be removed from the system (be decommissioned) in order to be considered reclaimed. Nor was it a mistake that the Flathead included a column in its Road Decommissioning Spreadsheet in which roads were placed and “still monitored for A19” until the reclamation treatments became effective (up until 1999, that is, when all the roads in that column suddenly were considered re-vegetated and simultaneously the Flathead attempted to negate the culvert removal requirements of A19 via Implementation Note #13 - see page 8 of our TMRD paper attached to our comments on the Project).

Nor was the Flathead alone in considering a reclaimed road to no longer be a road and be adequately revegetated. The Supervisor of the Bridger-Teton National Forest on 5/24/94 commented on how the IGBC was developing its broader A19-style approach to managing motorized uses (see attached):

Reclaimed/Obliterated Road: Unnecessary definition. Once a road is reclaimed/obliterated, it becomes a part of the landscape and should be measured vegetatively. Road densities are what is important and reclaimed/obliterated roads are measured by removing them from the open or restricted road categories. Calculated road densities will measure the change.

The Flathead and the Project, however, would have us believe that roads can instantaneously be effectively reclaimed, instantaneously rebuilt, and instantaneously

effectively reclaimed - over and over again - with no additional impacts to bears and other wildlife and with no lag period for the treatments to become effective. This even though A19 speaks directly to this lag period. Under this phony process, TMRD does not change as previously decommissioned roads are brought back into the system because the Flathead insists that the status of revegetation is beside the point and that “stored” roads are not roads included in TMRD simply because the Flathead says so. Let’s return to more responses to our comments in this regard.

Objection 36 and 37: The agency responds:

The context of Amendment 19 is very clear in reference. As the name implies, when calculating TMRD [Total Motorized Route Density], hunter and hiker use is non-motorized, and would not count when quantifying TMRD . . . The Trail Creek project would do just this, treat the proposed roads according to the definition of reclaimed so that these roads do not function as a motorized route.

This is a wholesale misunderstanding of A19 and its plain language provided above. TMRD can only be lowered by reclaiming a road and A19 requires that a reclaimed road “be treated in such a manner so as to preclude its use as a motorized or non-motorized travelway.” See also above how TMRD was developed and defined to account for non-motorized use per the South Fork Grizzly Bear Study findings and methods. A19’s unfortunate compromise and allowance of up to 20 parties per week of non-motorized use applies to trails and bermed “restricted roads within security core areas,” not to reclaimed roads omitted from TMRD.

As detailed in our comments on the EA, the FS cannot argue that it must retain the road prism free enough of brush and trees to facilitate elk hunting on foot or horseback while simultaneously claiming the road is effectively reclaimed and doesn’t count in TMRD.

Objection 36(a): The agency responds:

[The] 1994 Task Force Report and A19 Appendix D state a reclaimed road / trail has been treated to no longer function as a road or trail. Neither of these documents state that a reclaimed route impassable to motorized vehicles cannot be part of the system database . . . A19 response to comments shows that a reclaimed road could be used again in the future supporting that decommissioning / reclamation are not synonymous.

The response selectively ignores the crux of our comment and the fact that the A19 Amended EA, in response to our comments and questions at that time about whether or not A19 would actually remove any roads from the landscape, accounted for reclaimed roads and reductions in TMRD by displaying the effects as the miles of roads removed from the road system, i.e. decommissioned roads. (See pages 2 and 3 of Keith Hammer’s TMRD white paper attached to our comments on the Project).

The fact that a reclaimed or decommissioned road can be rebuilt in the future says nothing to support the notion they are not synonymous. The Flathead did in A19 consider them to be synonymous, portrayed them to the public as synonymous, treated

them for nearly two decades as synonymous, and only recently has begun claiming they are not.

The Project is trying to not treat them as synonymous any longer, while simultaneously claiming the environmental effects are equal/synonymous. It is in fact misrepresenting A19 in order to lessen the reclamation treatments necessary to “preclude [a reclaimed road’s] use as a motorized or non-motorized travel way,” making it easier to pull these roads in and out of motorized service to the detriment of wildlife security. We will provide visual examples later in Section C of these objections.

The DEIS currently out for public review regarding Flathead Forest Plan revision shows that the Flathead is attempting to change horses midstream in this regard. Page 408 of the Volume 1 DEIS states “As of 2013 . . . 711 miles of road has been decommissioned” per A19. On page 423, the DEIS states “In order to fully meet amendment 19 [through future implementation of the current Forest Plan/ A19] a total of approximately 518 miles of roads would need to be reclaimed, and either on the transportation as impassable or off the transportation as decommissioned . . .”.

In other words, the Flathead told the public in its A19 Amended EA that reclaiming a road was the equivalent of decommissioning a road, largely by telling the public how many miles of road it estimated would be reclaimed by showing how many miles of road would be removed from the system. Then it tracked every reclaimed road as a decommissioned road on its Decommissioning Spreadsheet.

But in 2013 and concurrent with issuance of the Draft Grizzly Bear Conservation Strategy for the NCDE, the Flathead changed its A19 definition of reclaimed to mean either an impassable/stored road or a decommissioned road - with no prior public involvement or NEPA process by which to assess the effects on grizzly bears and other resources. This change in definitions is unlawful, as is the Project’s reliance on this charade, and the Forest Plan revision DEIS is equally flawed for lying about what A19 and the “no action” alternative really say and mean.

Objection 36b: The agency responds:

The reclaimed road definition in A19 does not state that a road must be removed from the system database or decommissioned. On the ground, there won’t be any difference between these reclaimed roads and a road that is decommissioned with the exception that the reclaimed system roads will retain a number in the system database.

As discussed above, the A19 definition of a reclaimed road was developed in part in response to public comment and, particularly in the Amendment A19 EA, the Flathead told the public that the terms reclaimed and decommissioned were synonymous by indicating the miles of road estimated to be reclaimed to be the same miles of road removed from the system.

As also discussed above, the FS is arguing against itself by blatantly relaxing the definition of a reclaimed/decommissioned non-system road to include a reclaimed

system road that has not had the entire road treated to preclude BOTH motorized AND non-motorized use. The agency can't have it both ways.

C) Examples and Photos of Roads and Salvage Units

Note: The enclosed DVD includes a "Roads Key Map.pdf" that used FNF kml files to display the location of decommissioned/historic roads and their closure devices in relation to "system" roads - which is a useful reference for the following examples. The DVD also contains many more photos from which those shown here were selected.

Historic Road 2851A: Below, for example, is what historic Road 2851A looked like in July 2016, in the location to be reconstructed under Alt. 3 where it curves northward around Salvage Unit 128. The photo was taken looking straight down the center of the old road. We presume this is similar to what the portions of this road between here and its junction with Road 2851 looked like prior to being bladed open for firefighting in 2015.



It takes many years, if not decades, for a reclaimed road to become this overgrown with vegetation and to finally preclude its use as a road or trail. Below is what the portions of this historic road nearer Road 2851 looked like in July 2016, after apparently being bladed open for 2015 firefighting. The vegetation and trees were knocked down, trampled and no longer discourage use by people as it once did and as the vegetation in the untrammed portion of the road shown above still does.



This is no longer an adequately reclaimed road in spite of some slash covering the first couple hundred feet at its junction with Road 2851. Is this what the FS considers to be the new “current condition” that the post-salvage “stored” condition will be similar to? The EA and responses to public comments do not make clear that the “current condition” of most of these roads is not the pre-firefighting condition. It fails to accurately describe the current condition and recent past conditions under which grizzly bear and other wildlife security has been greatly reduced by firefighting work and timber sale preparations. Nowhere does the EA make clear that closed roads used in firefighting were not returned to their prior condition, nor were numerous road closure berms replaced afterwards. (More examples will be provided below).

The post-salvage condition of the above road will be nothing like the pre-firefighting condition and will instead be an inviting travelway for human use. To the degree the FS might argue that this and other roads have not yet been fully reclaimed following firefighting, this is an irretrievable and irreversible commitment of resources biasing selection of a salvage alternative that would then further treat the road. At this point, it is an easy-to-walk travelway compared to the overgrown decommissioned road it was before firefighting (and still is overgrown beyond where the firefighting stopped - though Alt. 3 salvage would scrape the vegetation and trees off this road further still). Reconstructing this road for salvage will make the matter worse, not better.

Historic Road 1678: The July 2016 photos below show that, while there is a berm and boulders placed on Road 1678 at its junction with Road 568, the first 200-600 feet of the road was not made unattractive nor “treated in such a manner so as to preclude its use as a motorized or non-motorized travelway” - even though it is considered a reclaimed and decommissioned road and not counted in calculations of Total Motorized Route Density (TMRD). Indeed, this and other barriers appear to have been removed for 2015

firefighting with this first barrier having been replaced, as evidenced by the freshness of the berm and the scraping of the roadbed behind the berm.



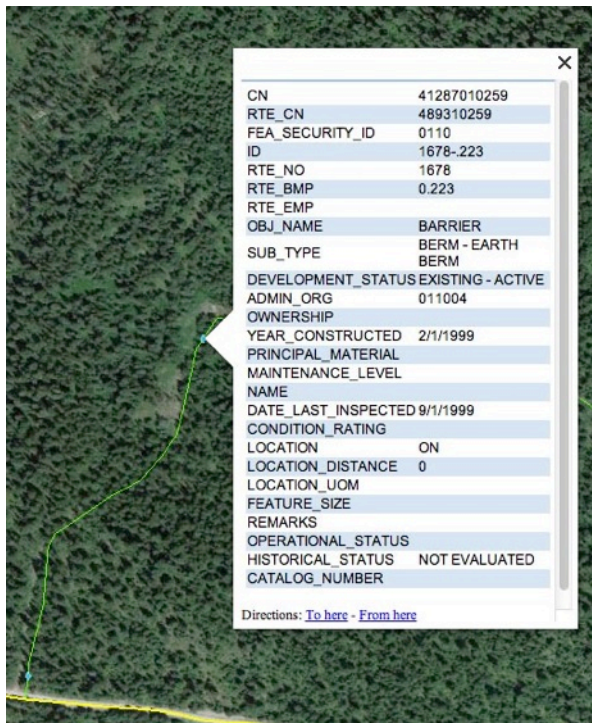
The berm shown above has an ATV detour around it, which we documented on July 22, 2016 had been recently used by ATV as well as sometime in the past. (See the email string in the Project File between Keith Hammer and Ranger Mucklow wherein this ATV trespass was reported on July 23. See also Keith Hammer's photo notes on the DVD). The photos below show the fresh ATV tracks on a portion of the road apparently scraped down for 2015 firefighting (left) and through grass in a wet area (right).



The photos below show where a second road closure berm was apparently dozed out by 2015 firefighting but not replaced afterwards (reverse views of same spot).



The image below left shows that the FNF considers the above a road closure barrier per its "Barriers" kml file provided on its geospatial web page and included in our DVD. The July 2016 photo below right shows the only meager slash apparently placed on the roadbed following 2015 firefighting, which has been easily run over by ATV.



The photo below left shows a small berm and boulders apparently placed in the road following 2015 firefighting, over which the ATV passed. The photo below right shows what finally forced the ATV to turn around; heavy large diameter deadfall on the road in Salvage Unit 29, where firefighting equipment apparently treaded no further.



The EA and response to comments fail to acknowledge, let alone discuss the degree to which deadfall of this sort is essential to physically deterring motorized and non-motorized use of “reclaimed” roads - and the effects that removing such deadfall and nearby future deadfall will have on wildlife security. Instead, they simply repeat the same lie that these roads will be as secure for wildlife after being rebuilt, bladed clear of vegetation, used for salvage logging, and “reclaimed” by simply making the first 200-600 feet of the road look unattractive.

Rebuilding and salvage logging along this historic road, then “storing” it most certainly will not return this and other roads to conditions “similar to its current condition,” let alone its pre-firefighting condition. The 2015 fire and subsequent deadfall is helping secure this area for bears and other wildlife by making the road virtually impassable to motorized and non-motorized uses. After seeing how these roads were abused during 2015 firefighting and left far short of being reclaimed after, we have no reason to believe the FS will behave in any better way post-salvage. (Note knapweed and thistles, above).

Historic Road 1678 was not properly reclaimed to begin with and firefighting made the situation worse. The 2015 fire appears to have done the best job of reclamation thus far. The only work this road should see in the future is to have barriers replaced, weeds treated, and to have substantial vegetation and deterrents to human use installed prior to proposed Salvage Unit 29’s location, wherein and beyond which nature is helping reclaim this road and will do so if it is not interrupted by salvage logging.

Historic Road 2836: The first portion of this road is a bermed system road that must not received motorized use or high levels of non-motorized use during the grizzly bear non-denning season - because its closure is intended to provide Security Core. Where the road splits in three directions, the middlemost is the decommissioned /historic portion of Road 2836, while right and left forks are decommissioned /historic roads 2836A and 2836B, respectively (see the Roads Key Map.pdf on our DVD).

Below left is a photo showing where the initial closure berm/tank trap for the decommissioned portion of Road 2836 was apparently dozed out during 2015 firefighting and not replaced after. Below right is the berm info.



CN	41288010259
RTE_CN	476910259
FEA_SECURITY_ID	0110
ID	2836-1.34
RTE_NO	2836
RTE_BMP	1.34
RTE_EMP	1.34
OBJ_NAME	BARRIER
SUB_TYPE	BERM - EARTH BERM
DEVELOPMENT_STATUS	EXISTING - ACTIVE
ADMIN_ORG	011004
OWNERSHIP	NATIONAL FOREST (FS)
YEAR_CONSTRUCTED	2/1/1999
PRINCIPAL_MATERIAL	SOIL
MAINTENANCE_LEVEL	
NAME	
DATE_LAST_INSPECTED	9/1/1999
CONDITION_RATING	
LOCATION	ON
LOCATION_DISTANCE	0
LOCATION_UOM	
FEATURE_SIZE	
REMARKS	
OPERATIONAL_STATUS	
HISTORICAL_STATUS	NOT EVALUATED
CATALOG_NUMBER	

Directions: [To here](#) - [From here](#)

Does this look like a properly reclaimed/decommissioned road? Does the first 200-600 feet appear to be “treated in such a manner so as to preclude its use as a motorized or non-motorized travelway?” Hardly, and it doesn’t look like it ever was treated in such a manner even though it is considered a reclaimed and decommissioned road. An earth berm or tank trap does not adequately secure a reclaimed road under A19 definitions (provided in pertinent part above).

Moreover, 2015 firefighting apparently made the situation worse and less secure for grizzly bear and other wildlife. The EA and response to comments, however, are based on the mistaken assumption that this road was adequately reclaimed and adequately re-secured post-firefighting. To the degree these roads were intentionally left with inadequate reclamation and closure barriers in anticipation of their use for salvage logging, this represents an irretrievable and irreversible commitment of resources. The FS can’t give back to wildlife the security it denied them over a period of years - that deed is done, irretrievable and irreversible. And the FS must now go back and re-secure such roads - an action not discussed at all in the EA or draft DN! (This particular historic road accesses Salvage Unit 23 in Alt. 2 but not in Alt. 3).

Historic Road 2851: The decommissioned portion of Road 2851 begins at milepost (MP) 2.22, near the crossing of South Creek. Because the large culvert at this crossing was not removed, however, this does not comply with A19’s requirement that all stream-aligned culverts be removed nor its requirements that the first 200-600 feet of the reclaimed road be “treated so as to preclude its use as a motorized or non-motorized travelway.” As the Google Earth image below shows as of 7/25/13, conventional motor vehicles travel beyond the beginning of the reclaimed portion of the road (shown as green), in spite of the fact that a gate exists at MP 2.12 (shown as the red square on the “system”

portion of Road 2851 shown in yellow, near the South Creek trailhead at left). A gate is not allowed as a closure device for a reclaimed road under A19 and the culvert was not removed to make the reclaimed road impassable either (visible at the rightmost point of the green road in the image). Moreover, a single-track trail is evident further down the reclaimed portion of 2851 even though it is not supposed to function as a road or trail, motorized or non-motorized, under A19.



Below left is our July 2016 photo of the gate. Below right is our photo of the culvert left in place during reclamation circa 1999 - to be removed by the Project for aquatic reasons.



Below are two of our July 2016 photos. The photos show trees finally growing in to preclude use of the reclaimed road as a road or trail, just prior to Salvage Unit 134. The right photo shows trees both standing and as deadfall that are beginning to reclaim this road and preclude its use as a road or trail.



The Project would rebuild this portion of road to access Salvage Units 134, 12 and 13, removing vegetation and trees from the road and setting back efforts to have vegetation and deadfall effectively preclude use of the road as a road or trail. As asked in our comments on the EA and in our requests for relief in this Objection, this road should not be rebuilt, the culvert at South Creek should be removed both for aquatic reasons and to finally comply with A19 in serving as a substantial barrier to human travel while eliminating the chance of the culvert ever failing.

Historic Road 10132: This short decommissioned road is reported closed at both ends by earth berms circa 1998. Below left is our July 2016 photo of the eastern end earth berm, which appears to have been reconstructed during/after 2015 firefighting. Below right is our photo of the roadbed and presumably “hazard” trees felled in 2015.



Per A19, earth berm closures do not adequately reclaim a road, as was apparently deemed sufficient for Road 10132. Nor does the roadbed appear to have been adequately treated with taller vegetation and slash to discourage its use as a road or trail, nor was the first 200-600 feet treated to preclude its use as a road or trail. If there were such prior treatments and they were removed in 2015, they were not replaced.

To the degree this road was intentionally left with inadequate reclamation and closure barriers in anticipation of its use for salvage logging, this represents an irretrievable and irreversible commitment of resources that biases the selection of alternatives. The FS can't give back to wildlife the security it denied them over a period of years - that deed is done, irretrievable and irreversible.

Road 5359 and Grizzly Bear Security Core: Below is a Google Earth image of Road 5359 and its relationship to Security Core, compiled using Flathead NF kml files:



This image demonstrates how Security Core is pulled back/buffered 500 meters from open and gated roads and that, conversely, only reclaimed and bermed roads are not buffered out of Core. Note, for example, where Core is buffered back in a clear arc from the west end of the gated Road 2851D, where it joins with Road 5359.

According to A19's Appendix D, "Restricted roads may occur within security core areas, but they may not receive motorized use during the non-denning period [nor] high levels of non-motorized use . . . defined as receiving 20 or greater parties per week

. . . Restriction of roads within security core areas requires adequate permanent physical barriers and legal closure order(s).” Our photo below, however, show the condition of Road 5359 near its junction with gated Road 2851D in July 2016:



The berm at left is at the west end of gated Road 2851D and appears newly reconstructed sometime after 2015 firefighting. Road 5359, at right, appears to have been receiving substantial and relatively recent motorized use during the non-denning period, as evidenced by dusty two-track tire tracks. The northernmost portion of Road 5359, behind where this photo was taken facing south, does not exhibit this level of motorized use.

Given that Road 5359 south of its junction with Road 2851D has been receiving motorized use during the non-denning period, it would reduce Security Core by 500 meters to the west. This fact the EA does not adequately disclose nor adequately factor into the cumulative effects of pre-fire security, during-fire reductions in security, existing security, and proposed further reductions in security during Project salvage activities.

Moreover, the prior berm installed on gated Road 2851D at its junction with Road 5359 was apparently installed in 2009, as indicated in the Google Earth image compiled using Flathead NF kml files below:

CN	603713010602
RTE_CN	475010259
FEA_SECURITY_ID	0110
ID	2851D-319
RTE_NO	2851D
RTE_BMP	0.319
RTE_EMP	
OBJ_NAME	BARRIER
SUB_TYPE	BERM - EARTH BERM
DEVELOPMENT_STATUS	EXISTING - ACTIVE
ADMIN_ORG	011004
OWNERSHIP	NATIONAL FOREST (FS)
YEAR_CONSTRUCTED	10/1/2009
PRINCIPAL_MATERIAL	
MAINTENANCE_LEVEL	
NAME	
DATE_LAST_INSPECTED	
CONDITION_RATING	
LOCATION	ON
LOCATION_DISTANCE	0
LOCATION_UOM	
FEATURE_SIZE	
REMARKS	
OPERATIONAL_STATUS	
HISTORICAL_STATUS	NOT EVALUATED
CATALOG_NUMBER	

A19's Appendix D definitions require that Security Core "once established and effective, remain in place for at least 10 years." The 2015 firefighting, other uses of Road 5359, and the proposed use of Road 5359 for logging of Salvage Units 6, 7, 31, 32, and 137 all violate A19 Security Core prior to the ten year minimum security necessary before it can be entered and altered by motorized and high levels of human use.

Objection 38: The agency responds:

Salvage logging in core would occur during the denning season and would not impact grizzly security. Outside of core, due to influence of temporary and system roads used within 500 m of core the project would influence core by 2% in the Spotted Bear Mountain subunit . . . The affected subunits either meet or exceed A19 security core objectives . . . project activities would result in negligible increased risk of mortality for grizzly bears . . .

While this response acknowledges that activities outside Core will affect and diminish Core, it fails to note that such diminishment of Core cannot occur prior to ten years of the Core being established and effective. This violates A19 and the Forest Plan. It cannot occur without a prior Forest Plan amendment. Security Core encompasses more than just a reduction in mortality risk. It is supposed to afford bears the ability to utilize Core habitat for feeding, breeding and sheltering - and be able to pass this knowledge of all of the Core along to offspring over a ten year period. Moreover, the EA is inadequate from an ESA and NEPA perspective in failing to adequately disclose the cumulative effects of pre-fire security, during-fire reductions in security, existing security, and proposed further reductions in security during Project salvage activities.

Additionally, in regards to our July 2016 review of Road 5359 north of its junction with Road 2851D, we found the roadbed had been scraped down in places, apparently during 2015 firefighting. We found no berm closure at the beginning of the decommissioned section, as shown on the map above per Flathead NF kml files. We found that a culvert aligned with a small seep/stream was left in the decommissioned road a short distance beyond the old Trail 329 trailhead and that a berm that presumably would direct water across the roadbed should the culvert plug had been dozed out and not replaced (see photo below left). On the bright side, the road a ways beyond the old trailhead indeed appears to preclude motorized and non-motorized use due to well-established large vegetation, at least at the pictured location (see photo below right).



Old Road Template into Salvage Unit 18: Reconstructing a temporary logging road on the old template into Salvage Unit 18 would provide human access to the riparian area along Bench Creek and the logging of Unit 18 would reduce critical hiding cover between the main Road 2851 and Bench Creek. Our July 2016 photo below left was taken from Road 2851 and shows the old template across the middle, with Bent Creek at the top of the photo. Our photo below right shows how the old template remains largely unnoticeable and discourages human access in spite of the 2015 fire. Rebuilding this template will destroy this natural deterrent to human access and will disturb soils and sediment in close proximity to Bent Creek.



Noxious Weeds: The fire area, especially on and along roads both system and decommissioned, is rife with noxious weeds including spotted knapweed and thistle. Salvage logging and road construction/reconstruction will most certainly spread these weeds and their seed, even during wintertime disruption of the roadbeds and soils. It is apparent the Flathead is not adequately controlling these weeds. Continued use of these road templates by hunters, horses and others is likely not helping.

Below are two of our July 2016 photos showing weeds on the previously decommissioned portion of Road 2851 that would be rebuilt for Alt. 3 salvage logging - showing spotted knapweed in the left photo and thistle in the right photo:



Also see the abundant knapweed and thistles present on historic Road 1678 in the photos on page 18 of this Objection. Where else along this road did the equipment that dug this berm in the midst of this knapweed spread the knapweed? How will this knapweed not be spread further if this road is bladed open again to salvage Unit 29?

Below are two of our July 2016 photos of weeds on portions of bermed and previously decommissioned roads that would have been used for salvage logging under Alt. 2 to illustrate the extent of the problem and the need to replace salvage logging with better weed control and road reclamation work. Promising in the EA and DN to “minimize the spread of weeds” is not the same thing as not spreading them any further and taking measures to eradicate them. The photo at left shows knapweed on the bermed portion of Road 2836. The photo at right shows knapweed on historic Road 2836B.



SUMMARY AND LAWS VIOLATED

As detailed in our comments on the Project and our objections above, the Flathead reopened numerous closed and previously reclaimed roads in the name of firefighting, violating Grizzly Bear Security Core and other aspects of A19. It then proceeded to fell and sell “hazard” trees without adequate public notice and input. Then it produced an EA and draft DN that fail to clearly describe and analyze the cumulative effects of these actions in addition to actions being taken under the Spotted Bear River Project and actions proposed in the Trail Creek Fire Salvage Project.

Moreover, our field review of the area immediately following the 2015 fire and in July 2016 give us reason to believe that road decommissioning conducted in the area pursuant to and following the 1997 Bent Flat II Project was not conducted in good faith and per A19’s Appendix D definitions. Rather, based on the dates of closure berms and other road features provide in Flathead NF kml files, it appears this work was instead done in the spirit of the failed Implementation Note 13. Note 13 attempted to relax A19 requirements, including those requiring the removal of all stream-aligned culverts,

reducing reclamation requirements to little more than installation of an earth berm. When challenged and after rescinding Note 13 on the advice of FS attorneys, then-Supervisor Barbouletos promised A19 implementation would follow its Appendix D/TT definitions. (See Keith Hammer's TMRD white paper attached to our comments on the Project, pages 7-8). This was not done in the 2015 fire area pre-fire, during 2015 firefighting, or post-firefighting, and would not be accomplished in the Project.

It appears roads in this area were instead reclaimed in a manner that would minimize work to reconstruct them, with some receiving little more than a boulder or earth berm barrier and little effort given to establishing vegetation on the roadway that would physically preclude motorized and non-motorized use. And, as detailed above, firefighting and post-fire work destroyed much of what little had previously been done to reclaim these roads - and we find no evidence in the area's BAER reports that BAER support was sought to return these roads to their pre-firefighting condition. The work previously done and the post-firefighting condition of these roads is a wholly inadequate baseline against which to compare the condition these roads would or should be in post-salvage or post-non-salvage.

It also appears Stoltze Lumber is glad to have road construction and reclamation work in addition to timber salvage (see Comment/Response 12 in the draft DN). As the photos and discussion in this Objection show, however, the proposed cycle of semi-reclaiming roads, then rebuilding them, then semi-reclaiming them again and again does not provide the required wildlife security, spreads noxious weeds, and is an unfair continuous burden on the American taxpayer.

The Flathead has utterly failed in the Project area to implement A19 in a way that reclaims roads in an environmentally secure manner that need never be redone. It has similarly failed to adjust its suitable timber base in a manner that does not require the continued rebuilding of reclaimed roads, nor continued entry into Security Core that in fact can take decades to become effectively secure, not just the 10 years anticipated by A19. Doing so would save the taxpayer a lot of money, recognize the value of burned forests to wildlife, and recognize how foolhardy it is to build roads for one-time timber salvage in an area that will not produce commercial-size green timber again for many, many decades. This Project is an ill-conceived make-work project that is not only costly to the taxpayer, but environmentally destructive.

The inadequacies detailed above and in our comment letters violate the Administrative Procedures Act, Endangered Species Act, National Forest Management Act, the National Environmental Policy Act, the Clean Water Act, and the Administrative Procedures Act in failing to comply with Forest Plan standards, failing to use appropriate standards and other measures to adequately disclose the effects of the action, failing to use the best available science, and failing to comply with numerous BiOps and other requirements written to limit the Project's adverse affects to threatened grizzly bear, threatened lynx, threatened bull trout and other species.

REMEDY

For the above reasons, we ask that the EA and draft DN be deemed inadequate and rescinded. We ask that no timber salvage be conducted in the fire area, that the

remaining culvert where Road 2851 crosses South Creek be removed, and that a concerted project instead be developed to eradicate noxious weeds and better reclaim and re-vegetate the previously decommissioned roads in the area.

ATTACHMENTS INCLUDED IN THIS PDF

Draft Flathead LRMP Implementation Note #12, 4/28/93

May 24, 1994 letter from Bridger-Teton National Forest Supervisor Brian Stout to Region 1 National Grizzly Bear Coordinator

ENCLOSURE SENT VIA U.S.P.S. - and Instructions for Use

One DVD containing the results of our July 21 and 22, 2016, photo survey of numerous system and non-system roads, proposed salvage units, and natural re-vegetation is being sent by U.S.P.S. More specifically, it contains:

1. Twelve folders of photos pertinent to the road or salvage unit identified in the folder name. Each of those folders contains a KML file which, when opened in Google Earth, shows the location of each photo in that folder by its photo file name/number. Each folder also contains a "Keith Photo Notes" Word document highlighting the relevance or circumstances of each photo.

2. One folder (KML Files Needed) contains various KML files provided by the Flathead that are useful in identifying the locations of Security Core, barriers, gates, historical roads, and system roads. These are the KML files used to produce the Google Earth map images in this Objection. Another KML file is included that includes all of the Objectors' KML files found in the 12 photo folders in a single KML folder (Trail Creek Salvage Hammer.kml).

3. Two photo folders are included that don't provide kml geo-tagging information:

- a. The folder "Re-Veg Misc along 2851" includes photos of natural re-vegetation taken along Road 2851, largely in the Bent Creek area.

- b. The folder "1678 ATV Trespass" includes two of the photos included in the 1678 folder, which were emailed to Ranger Mucklow on July 23, 2016.

A "Roads Key Map.pdf" is also provided as a useful reference tool in identifying the various historic and system roads at issue when not using Google Earth simultaneously.



United States
Department of
Agriculture

Forest
Service
406-755-5401

Flathead National Forest
1935 Third Avenue East
Kalispell, MT 59901

FAX TRANSMITTAL SHEET

TO: Anne Vandenberg
USFWS

DATE: 1/5/94

FROM: Nancy Warren

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEETS: 5

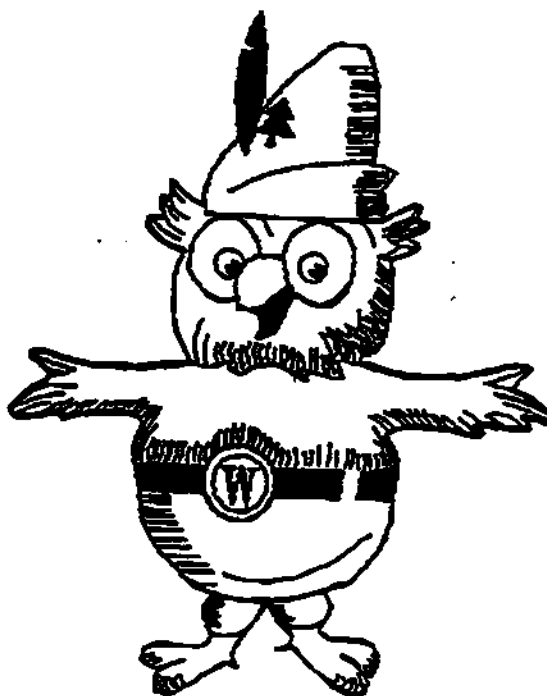
RECIPIENT'S FAX NO: (406) 449-5339

REMARKS: Don't know if this will help you. This document
(or earlier draft) was reviewed by R. Mace and T. Manley
and by R. Hazlewood. Final approval/action was not
taken, however. Tim went over core area info w/me in person.

FLATHEAD NATIONAL FOREST FAX NUMBER: 406-758-5363

SENDER: Nancy Warren

TELEPHONE NO: 755-5401



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in the last two pages of this PDF.

M.19 FNF Apr. 19

April 28, 1993
LRMP Implementation Note #12

DRAFT

SUBJECT: CALCULATION OF ROAD DENSITIES AND INTERPRETATION OF EFFECTS ON GRIZZLY BEARS

ISSUE: How should the preliminary results of the South Fork Flathead River Grizzly Bear Project be applied to project planning? Specifically, how should road densities be calculated for effects analysis, what is the relationship to existing Forest Plan standards, and what interpretations or conclusions should be drawn from this analysis?

FOREST DIRECTION:

To demonstrate compliance with Forest Plan standards, continue to follow the interim direction contained in Implementation Note #8.

To analyze effects of road construction and management, use a moving window GIS procedure to create maps of "precise" road density. This will allow for comparison with preliminary results from the South Fork Grizzly Bear Project (SFGBP). Before extrapolating the findings from the SFGBP to another area, evaluate the area to ensure that it is similar in terms of grizzly bear habitat and foraging strategies, bear population structure, and human use levels and patterns.

A moving window procedure assigns a value describing the road density within the surrounding one-square mile window to the center pixel. The SFGBP analysis used a 30-meter pixel size, but the 50-meter pixel size available on our GIS is acceptable. To create maps comparable to those being used for the SFGBP, use the following definitions:

Road: all roads except those sufficiently revegetated with shrubs and/or trees to deter travel by foot or ATV. Roads that are closed seasonally are included.

Open road: road open to public use permanently or seasonally, during the March 15 to November 15 period.

Descriptions of existing conditions and the effects of alternatives should portray open and total road density classes, in the context of the relative value or importance of the habitat being affected. Habitat components, seasonal habitat value, available space, or bear preference value are examples of factors or measures of relative importance.

The results of the moving window analysis can be used to infer bear response to road management. On a Bear Management Area basis, the maps may be useful for describing the availability of habitat to bears. Preliminary results of the SFGBP indicate that bears use areas with $>1 \text{ mi}/\text{mi}^2$ precise open road density and areas with $>2 \text{ mi}/\text{mi}^2$ precise total road density significantly less than expected based on availability. In addition, at the scale of a Bear Management Unit or Subunit, the GIS maps may be useful in identifying secure habitat (contiguous habitat located farther than 1/2-mile from roads and trails) that is important for adult females.

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in the last two pages of this PDF.

calculating "precise" road densities, as contrasted with "average" road densities, to analyse grizzly bear response to roads should be used as a tool to describe the existing conditions and expected effects, in the context of the relative importance or value of the habitats being affected.

A significant portion of the SFGSP core area exceeded the $1 \text{ mi}/\text{mi}^2$ of open road class (26%) and the $2 \text{ mi}/\text{mi}^2$ of total road class (22%). The area continues to support a productive population of grizzly bears at a relatively high density. It is not known what the desired or threshold levels of various road density classes should be, in order to maintain effective habitat within the home range of a grizzly bear.

The relationship between open and total road densities, seasonal elevational movements by grizzly bears, elevational distribution of seasonal habitats, and expected use by grizzly bears has not been fully analysed. Analysis of effects, therefore, must clearly define the seasonal use expected by bears, and the relationship of important bear habitats to the distribution and density of roads. Preliminary results from the SFGSP indicate that $>1 \text{ mi}/\text{mi}^2$ open road density and $>2 \text{ mi}/\text{mi}^2$ total road density result in statistically significant declines in expected use of habitat by grizzly bears. However, the overall effect of exceeding these levels in a specific area must be evaluated in the context of the relative value or importance of the underlying habitat.

Protection of existing secure habitat is of high priority. Analysis of the effects of human use of trails is not yet complete. Preliminary analysis indicates that the response of grizzly bears to trails is very similar to that described for roads. Analysis of road and trail construction/reconstruction and management proposals should include consideration of effects on secure habitat and possible reductions in habitat capability to support adult females. Within Management Situation 1, it is of high priority to ensure that adult females, the reproductive segment of the population, continue to have high-quality secure habitat available within their home ranges.

For the SFGSP, all roads except those sufficiently revegetated with shrubs and/or trees to deter travel by foot or ATV were included in the total road density calculation. Currently available road inventories may not include spur roads. In analyzing effects, the completeness of the inventory data used to create a "precise" total road density map may need to be considered.

Barriers placed at closure sites to deter human use are probably not sufficient to eliminate road effects, although they will improve the effectiveness of the closure. Because many of our road closures occurred recently and the use of closed roads have continued to change, there is insufficient information available as yet from the SFGSP to assess changes in grizzly bear response to road closures. It seems likely that grizzly bears (particularly females) will respond slowly in "recolonizing" habitat from which they have been displaced, and that the avoidance behavior will be easily reinforced by occasional use of closed roads. Analysis of effects should include consideration of the expected frequency of timber management entries and the expected duration of closures to human access.

calculating "precise" road densities, as contrasted with "average" road densities, to analyse grizzly bear response to roads should be used as a tool to describe the existing conditions and expected effects, in the context of the relative importance or value of the habitats being affected.

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References:

- Mace, R., T.Manley, and S.Riley. 1992. Grizzly bear response to forest road densities and timber management in a multiple use environment: research update. Unpubl. Report, Montana Dept. of Fish, Wildlife and Parks. 17 pp.
- Manley, T.L. and R.D. Mace. 1992. Grizzly bear habitat use and disturbance studies: South Fork of the Flathead River. Progress Report for 1991. Unpubl. Report, Montana Dept. of Fish, Wildlife and Parks. 41 pp.

"Draggoo, Michele -FS" <mdraggoo@fs.fed.us> 
To: Keith Hammer <keith@swanview.org>
FW: FOIA Response

September 1, 2016 5:13 PM

5 Attachments, 446 KB

Hi Keith,

I have looked for the missing pages from the 4/28/93 Draft LRMP Implementation Note #12 you provided...and I cannot find them.

Michele



Michele Draggoo
Environmental Planning Coordinator

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Caring for the land and serving people

From: Keith Hammer [mailto:keith@swanview.org]
Sent: Wednesday, August 31, 2016 1:04 PM
To: Draggoo, Michele -FS <mdraggoo@fs.fed.us>
Subject: Re: FOIA Response

Michele;

Thanks for your response to our August 2 FOIA request. I did indeed look at the Implementation Notes you had provided previously, but that Note 12 is different subject matter than the draft Note 12 we referenced in our request. Hence our question of whether the draft Note 12 was ever finalized or not - and the answer is looking like "no, it wasn't" as indicated by Nancy Warren's fax cover sheet in the attached pdf of an incomplete version of draft Note 12.

In taking a second look at the draft Implementation Note 12, I note that the copy we received quite a while ago contains two copies of page 3 and no copy of page 2.

Please consider this a FOIA request for a full copy of draft Implementation Note 12, preferably as a pdf if possible.

I've attached a pdf of the incomplete version received previously so you can see the problem and also some filing notes that may make it easier for you to locate this.

A fee waiver is requested for the same reasons given in our August 2 request.

Your continued assistance in this matter is greatly appreciated,

Keith

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<http://www.youtube.com/user/swanviewcoalition>

"Nature and human nature on the same path."

On Aug 30, 2016, at 5:22 PM, "Draggoo, Michele -FS" <mdraggoo@fs.fed.us> wrote:

<image001.png> **Michele Draggoo**
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<image002.png><image003.png><image004.png>
Caring for the land and serving people

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United States
Department of
Agriculture

Forest
Service

Bridger-Teton
National
Forest

P.O. Box 1888
Jackson, WY 83001

REPLY TO: 2670

Date: May 24, 1994

SUBJECT: Grizzly Bear/Access Management Taskforce Report

RECEIVED BY
WILDLIFE & FISHERIES

MAR 31 1994

TO: National Grizzly Bear Coordinator, R1

Access management is one of the toughest issues the Forest Service deals with. We do not envy your task. Our comments are based on lessons learned while working on Forest Plans and Travel Management Plans.

Striving for consistency among land management agencies is essential. Though it was not your assigned task, we believe a more universal product should be envisioned while still allowing the measurement of the effects of human access on grizzly bears. There should not be a separate set of definitions for grizzly bears, for elk modeling, for recreation travel management, etc. There should be a set of definitions which meet all planning needs, where one or a combination of those definitions would provide the needed grizzly bear data. What is needed is a set of definitions to implement ecosystem management which could be used universally in planning documents for consistency.

When finalizing the definitions, recreation planners, law enforcement personnel, and engineers should be included on the team to ensure the above happens while avoiding inconsistency with other definitions commonly used in land management.

As an example, a restricted road is already defined for use in Forest Service land management as a road where travel is restricted a part of the year. Perhaps in the overall planning scheme we need to retain that definition, yet have various levels of restricted roads entered into the roads database for special management needs or measurement. Then anyone updating the roads data layer for the CEM could go to the agencies' access data base, locate the roads defined as restricted roads, level X (your proposal) and attribute them as such and remaining roads with motorized travel would be attributed as open roads and CEM data and land management planning data needs would both be met.

Specific comments on the definitions.

ROAD

Suggest replacing "prudently drivable with a" which is subjective with "currently being driven on by" or "passable by"

CLOSED ROAD

Looks like multiple objectives are being addressed with this definition. Suggest that you insert "currently" before physically and a period after "legally prohibited." A closed road is then defined. Wheeled motorized access does not occur. A need exists to develop a definition for over-snow vehicles to address your motorized travel concern. The definition should not only include the road bed, which in our case it becomes a motorized trail as over-snow vehicles are involved, but any area where over-snow motorized travel will impact the bear.

RESTRICTED ROAD

Replace with RESTRICTED ROAD, NONMOTORIZED, OR MOTORIZED TRAIL and define as "roads and trails which use is restricted seasonally or yearly. Dates of restriction coincide with specific



resource concerns such as: grizzly bear security, elk calving, crucial big game winter range, potential erosion areas, etc.' The specific levels of restriction with their more specific language can be developed under the broad definition (see paragraph 4 of this letter).

RECLAIMED/OBLITERATED ROAD

Unnecessary definition. Once a road is reclaimed/obliterated, it becomes a part of the landscape and should be measured vegetatively. Road densities are what is important and reclaimed/obliterated roads are measured by removing them from the open or restricted road categories. Calculated road densities will measure the change.

TRAIL

Rename NONMOTORIZED TRAIL. Replace 'are not ... or pick up' with 'where motorized travel is prohibited.'

MOTORIZED TRAIL

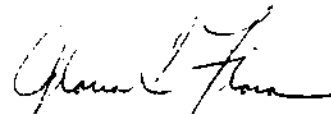
Replace with 'a created or evolved access route identified for travel by motorized vehicles such as 4-wheel drive pickups, off highway vehicles, trail bikes, and snowmobiles.' Key to this definition is *identified* which means the vehicles must stay on the designated route. Another definition is needed for areas where the types of motorized vehicle listed above are allowed to travel cross country which would have an entirely different effect on the bear.

Again, I must emphasize that we feel it is key that the definitions utilized to measure the effects of human access on bears be compatible with the overall definitions of access management in a ecosystem based land management context is key.

Addressing the methodology and procedures section, the concept is good. We suggest that it be more far reaching than grizzly bear or other species. There are other resource concerns which require road density analyses and they should be included.

The highlighted sections conceptually work to evaluate habitat security. To allow for our suggested definition changes and access management to be dealt with in an ecosystem management philosophy, the text would have to be rewritten.

If you have any questions, contact Bill Noblitt (307) 739-5525 or Lis Novak (307) 739-5522 of my staff.



BRIAN E. STOUT
Forest Supervisor

