



SIERRA CLUB

MONTANA CHAPTER

Objection Reviewing Officer
USDA Forest Service, Northern Region
26 Fort Missoula Road
Missoula, MT 59804

Submitted electronically via: appeals-northern-regional-office@fs.fed.us

Dear Objection Reviewing Officer,

In concordance with 36 C.F.R. § 219, the Montana Chapter of the Sierra Club hereby objects to the Draft Record of Decision for the Final Environmental Impact Statement for the Flathead National Forest. Sierra Club's Montana Chapter and Our Wild America have worked together to develop and submit comments for both the March 2015 Proposed Action and the June 2016 Draft Plan and Environmental Impact Statement. The objections contained herein are in addition to objections the Sierra Club is submitting with WildEarth Guardians and Western Watershed Project dated February 8, 2018.

The lead objector and main contact for this objection is:

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Objections herein are based on:

I. Failure to adequately address or respond to comments in a meaningful way.

The following concerns were raised in earlier comments and are repeated here as they relate to the Forest Service's response (or failure to respond) to comments in a meaningful way, which occurred in part after the close of the official comment period. The Forest Service failed to respond to many of our comments in a meaningful way, in violation of NEPA's implementing regulations. 40 C.F.R. § 1503.4 [requiring an agency to "assess and consider comments" and "respond by one or more of the means listed below" including (1) modifying alternatives, (2) developing and articulating new alternatives, (3) supplementing, improving, or modifying its analysis, (4) making factual corrections, or (5) explaining why the comments do not warrant further agency response].

In our comments to the proposed action (March 2015) dated May 15, 2015, we specifically requested an alternative based on restoration principles of forest management, built around the Citizen's reVision (2014) authored by Swan View Coalition and Friends of the Wild Swan, and supported by over a hundred individuals and organizations, including Sierra Club. Formulating such an alternative would have allowed the FNF to comply with the 2012 planning rule and create income and jobs in the community. Alternative C emphasized recommended wilderness and, like Alternative A, would have implemented 518 miles of road decommissioning consistent with existing forest plan Amendment-19. However, it was not a full-spectrum alternative built around restoration, as a primary forest activity and economic driver to communities served by the Flathead National Forest.

Proposed Solution:

- Develop an alternative around ecosystem restoration.
- Revise the analysis in Appendix 8 of the FEIS, and the FEIS itself to meaningfully respond to and address public comment.

II. Failure to Provide an Adequate Economic Analysis for Ecosystem Restoration

Ecosystem restoration is a requirement of the 2012 Planning Rule: "36 CFR 219.7(f) (1) *Other required content in the plan.* Every plan must: (i) Identify watershed(s) that are a priority for maintenance or restoration. § 219.8 **Sustainability.** The plan must provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area, as follows: (a) *Ecological sustainability.* (1) *Ecosystem Integrity.* The plan must include plan components, including standards or guidelines, to maintain or restore the ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition, and connectivity, taking into account: (i) Interdependence of terrestrial and aquatic ecosystems in the plan area. (ii) Contributions of the plan area to ecological conditions within the broader landscape influenced by the plan area. (iii) Conditions in the broader landscape that may influence the sustainability of resources and ecosystems within the plan area. (iv) System drivers, including dominant ecological processes, disturbance regimes, and stressors, such as natural succession, wildland fire, invasive species, and climate change; and the ability of terrestrial and aquatic ecosystems on the plan area to adapt to change. (v) Wildland fire and opportunities to restore fire adapted ecosystems, (vi) Opportunities for landscape scale restoration, and under 219.8 (a) 3. F, the restoration needs in riparian areas."

In our October 2016 comments on the DEIS, we pointed to omissions in Volume 2 Environmental Consequences Section 3.26.8 (USDA 2015b). Table 78: Labor income by resource by alternative in which income from recreation (non-local), Wildlife and Fish (non-local), Ecosystem Restoration, Payments to Counties/States, and FS expenditures are constant across all alternatives. The only sector that showed change to the economy was timber, with a decline of 0.7% in Alternative B and -3.6% in Alternative C. Table 79: Employment by resource by alternative compares the same sectors with similar results; - 0.6% for Alternative B and -3.4% for Alternative C.

According to DEIS Tables 78 and 79 there will be zero dollars in income and employment resulting from ecosystem restoration. We questioned the accuracy and rigor of this analysis and in our comments of October 2016 suggested several approaches to remedy. Some examples of ecosystem restoration funding and resulting economic benefit to the local economy included: restoration work needed on Legacy lands acquired in the Swan Valley; review of Forest funding and expenditures as a result of American Reinvestment and Recovery Act (ARRA, 2009), which the FNF applied for and received; road decommissioning and reclamation for Alternatives A and C on the more than 500 miles of road already promised in decision documents and needed to meet requirements of Amendment 19; and work in riparian areas to meet Total Maximum Daily Load (TMDL) and other standards.

In the Final EIS, instead of providing a more accurate analysis for ecosystem restoration activities, the Forest addressed our concern by deleting the ecosystem restoration line item from the FEIS Tables 178 and 179. In so doing, the Forest is deliberately unresponsive to reasonable and substantive public comment, as described in Objection I above. By not analyzing for the economic benefit to communities, the Flathead National Forest fails to measure employment and economic opportunities, including objectives to restore and improve land health and water quality consistent with laws and regulations below, including but not limited to:

- Secure Rural Schools and Community Self-Determination Act of October 30, 2000 (Pub. L. 106-393, 114 Stat. 1607; 16 U.S.C.500 note): This act provides provisions to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure; implement stewardship objectives that enhance forest ecosystems; and restore and improve land health and water quality. [FEIS v.2 pg 2 and pg 36]
- 36 CFR § 219.19 Ecological, Social, and economic Sustainability: The Forest Service is directed to “contribute to ecological, social, and economic sustainability by ensuring that all plans will be responsive and can adapt to issues such as the challenges of climate change; the need for forest restoration and conservation, watershed protection, and species conservation; and the sustainable use of public lands to support vibrant communities.”
- 36 CFR § 219.8 Sustainability: The forest plan must provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area, as follows:
 - (b) Social and economic sustainability. The plan must include plan components, including standards or guidelines, to guide the plan area’s contribution to social and economic sustainability, taking into account specifically provision 3) Multiple uses that contribute to local, regional, and national economies in a sustainable manner;
- The Road Management Rule was published in the Federal Register on January 12, 2001. The Rule “removes the [prior rule’s] emphasis on transportation development and adds a requirement for science-based transportation analysis.” In addition, “The intended effect of this final rule is to help ensure that additions to the National Forest System network of roads are those deemed essential for resource management and use; that, construction, reconstruction, and maintenance of roads minimize adverse environmental impacts; and, finally, that unneeded roads are decommissioned and restoration of ecological processes are initiated” (Federal Register Vol. 66, No 9, p. 3206). [Final EIS V.2, pg. 37].

Information contained within the planning documents show that a reasonable estimate for ecosystem restoration could be made from existing information. According to the Assessment Part 2, page 199, Tables 174 and 175, expenditures on road related work associated with ARRA approached \$12,000,000 of the over \$15,000,000 spent on Flathead National Forest roads in fiscal year 2010. This is not a trivial amount of money that the American taxpayer allocated, much of it deriving meaningful restoration. To remind us, ARRA was a jobs stimulus Act, passed to help improve economic conditions. While \$12,000,000 was spent on roads, we are uncertain how much was spent on other ecosystem restoration activities. Still, there is no justification for omitting ecosystem restoration activities from the economic analysis.

The Assessment disclosed that funds may be available for road-related project work including: other appropriations such as Southwest Crown of the Continent (CFLRP funding) and Legacy Roads and Trails funding for implementing road best management practices, providing aquatic organism passage, and replacing bridges; American Recovery and Reinvestment Act (ARRA); stewardship retained receipts for implementing road best management practices and providing aquatic organism passage; Federal Highway Administration (FHWA); and other funds such as resource advisory committee (RAC) funding and cooperator-deferred maintenance funds. Table 174 provides a summary of funding to the roads program from these other funding sources over the 5 years leading up to the assessment.

Benefits to the community in terms of jobs and income derived from restoration activity, including but not limited to decommissioning 518 miles of road consistent with Amendment 19, were not analyzed and disclosed in the DEIS or the FEIS. The Forest should be able to provide a reasonable range of costs to decommission a mile of road, depending on type of drainage features to be removed, road location, condition, whether the road is returned to contour, revegetation and other factors. This is similar for the numerous other ecosystem restoration elements provided for throughout the final forest plan.

The forest plan provides guidance for project-and-activity-level decision making on the Forest for approximately the next 15 years. This guidance includes: forest-wide components to provide for integrated social, economic, and ecological sustainability and ecosystem integrity and diversity as well as ecosystem services and multiple uses; components must be within Forest Service authority and consistent with the inherent capability of the plan area (36 Code of Federal Regulations (CFR) § 219.7 and CFR § 219.8–219.10); and 8.

The forest plan provides elements for ecosystem recovery. Our objection is centered on the failure to provide an economic analysis for these programs and activities and to demonstrate economic benefit to communities.

Following is a list of restoration opportunities in the forest plan that could provide jobs and income and economic benefits to communities.

Appendix C: Possible Management Strategies and Approaches:

- Provides for recovery work for bull trout and bull trout critical habitat (pages C-9 through C-11).
- Multiscale analysis section discusses passive and active restoration options.
- Storm-proofing priority conservation watershed network identifies high priority watersheds and work to protect roads and streams against effects of climate change.
- Riparian Management Zones

Appendix E: Watershed Condition Framework and Conservation Watershed Network. This required section identifies watersheds that are a priority for maintenance or restoration (36 CFR § 219.7 (c)(3)(e)(3)(f)). It addresses watershed restoration, provides an approach to allocate resources for restoration, improves reporting and tracking of watershed condition and enhances coordination with agencies and partners.

The Forest Plan aquatic ecosystems section (page 15) shows that sediment continues to impair aquatic life in the following creeks on the Forest: Logan, Sheppard, Coal, Goat, and Jim Creeks. The Forest has been working to restore soil, watershed, and aquatic habitat conditions by implementing best management practices, removing roads not needed for management or access by other landowners, improving road conditions (reducing sediment), removing man-made fish migration barriers, and implementing riparian conservation strategies and threatened and endangered species conservation strategies. Big Creek was removed from the list for sediment because of restored function, but it remains listed for habitat alteration.

Forest Plan Objectives for the Conservation Watershed Network (FW-OBJ-CWN) page 19 are:

01 The conservation watershed network is the highest priority for restoration actions for native fish and other aquatic species. The storm-proofing of 15 to 30 percent of the roads in the conservation watershed network is prioritized, as funding allows, to benefit aquatic species (e.g., bull trout). See appendix C for specific strategies for treatment options and for prioritization, such as of roads paralleling streams vs. ridgetop roads.

02 Over the life of the plan, storm-proofing the transportation system (e.g., upsizing culverts, reducing sediment on roads, realigning stream-constraining road segments, etc.) will be accomplished as opportunities are identified on the following prioritized sub-watersheds: Sullivan Creek, Wounded Buck Creek, Trail Creek in the North Fork, Whale Creek (includes Upper

Whale, Lower Whale, and Shorty Creeks), Granite Creek, Bear Creek, Goat Creek, and Lion Creek.

While objective 01 states as ‘funding allows’, the 2012-planning rule defines *Objectives*. An objective is a concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions. Objectives should be based on reasonably foreseeable budgets. [Emphasis added].

Three of four forest-wide standards for soil resources (FS-STD-SOIL) address restoration (pg 24-25).

Forest-wide Objectives for Terrestrial Ecosystems and Vegetation (FW-OBJ-TE&V) (pg 42) include:

- **02** Vegetation management treatments (e.g., timber harvest, planned ignitions, thinning, planting) occur on 16,000 to 21,000 acres of the Forest to contribute to restoration of blister rust-resistant western white pine and achieve desired conditions for this species’ presence across the landscape.
- **03** Vegetation management treatments (e.g., timber harvest, planned ignitions, thinning, planting) occur on 500 to 5,000 acres of the Forest to contribute to restoration of diverse native hardwoods and associated wildlife species.

Standards for Energy and Minerals (Pg 79) within the NCDE primary conservation area include:

- Reasonable and appropriate measures regarding the maintenance, rehabilitation, restoration, or mitigation of functioning aquatic systems and riparian management zones shall identify how reclamation will occur, plant species to be used in reclamation, a time frame of when reclamation will be completed, and monitoring criteria; and
- Reclamation and revegetation of motorized routes, drilling pads, and other areas disturbed from mineral activities shall be completed as soon as practicable by the operator.

Monitoring elements also serve as a guide to restoration activities. For example: the number of acres in critical lynx habitat pre-commercially thinned; acres treated to promote grass/forb/shrub habitat; and acres of key winter ungulate habitat treated to control invasive species. (pp. 163-165)

By not including Ecosystem Restoration in its economic analysis, the Final Forest Plan and FEIS are inconsistent with the 2012-planning rule. The Rational for the Decision in the ROD (pp. 6-7) relies only on contributions to the economy from labor income and jobs of the timber and recreation industries, and omits contributions of ecosystem restoration to the local economy. This omission in the FEIS and ROD exacerbates rather than alleviates the fears of some in rural communities who perceive their livelihood tethered to a timber-based economy. Ecosystem restoration is not only required by the 2012-planning rule and other laws as described, it offers real economic benefits to rural communities.

Proposed Solution:

The Forest Plan provides a range of ecosystem restoration elements, not limited to the above examples. We request an adequate economic analysis based on:

- Ecosystem restoration elements within each program in the forest plan and not limited to vegetation management;
- Estimates of the economic benefits to the community in term of jobs and income, and
- Disclosure of these in a supplemental FEIS; and
- A Final Record of Decision that includes ecosystem restoration as a primary decision criteria with a discussion of how these were considered.