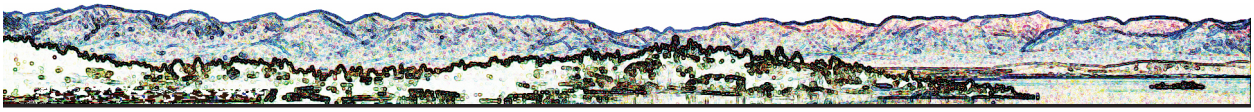
Swan View's News

Winter 2020



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"Nature and human nature on the same path."

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Winter: A Time to Reflect!

In this newsletter we take a moment to reflect on our work, the state of our climate, and how the two mesh. We have long held that every person has an obligation to reduce their negative impact on wildlife, which in turn helps reduce their negative impact on our climate.

Our lawsuits against the 1986 Flathead Forest Plan resulted in a halving of carbon-theft logging targets and a significant reduction in the road system, reductions credited with helping increase the grizzly bear population while restoring habitat for bull trout.

On page 2, we present our paper showing how timber sale projects being implemented under the revised Forest Plan have jammed the Flathead in reverse, increasing the road and trail systems that were decreased under the prior Plan! On page 3, we explain how the Flathead's reversal also breaks an interagency pledge to maintain grizzly bear habitat and security!

On page 4 we describe how the government is trying to deny us access to documents that might help us win our lawsuit against the 2018 Forest Plan!

On page 5 we show that the Forest Service's inclination to build more and more roads is not limited to the Flathead. It is an agency-wide bias to provide motorized access to every corner of our public lands, which runs contrary to limiting the consumption of fossil fuels and encouraging heart-healthy exercise in the outdoors.

We received some very positive feedback about our Holidays newsletter! We share some of that and other unsolicited praise for our work on page 6.

On page 7 we describe how you can help support our work financially. THANK YOU for making donations throughout 2019, as well as donations that helped us meet our Cinnabar Challenge Grant or took advantage of Patagonia's donation-matching in December!

TOGETHER WE CAN RAISE OUR CHINS AND LOWER OUR CARBON FOOTPRINT!

Keith

Reading a hard copy newsletter and want to access its linked citations? A pdf version is at http://www.swanview.org

Jammed in Reverse:

Flathead National Forest Now Increasing Its Road and Trail Systems, After Decreasing Them to Help Protect Grizzly Bear and Bull Trout

By Keith Hammer
keith@swanview.org

January 27, 2020

The 1986 Flathead Forest Plan initially intended to build 75 miles of new logging roads each year until its already abundant 4,000 miles of road system was increased to 6,000 [1]. In order to protect and recover threatened grizzly bears and bull trout, however, Amendment 19 was issued to the Forest Plan in 1995 to decrease the road system through road decommissioning. This required that culverts be removed from streams and that the roads no longer function as a road or trail, motorized or non-motorized [2].

With the 2015 release of its revised Forest Plan Proposed Action [3], the Flathead reversed course. Roads no longer had to be decommissioned, culverts no longer needed to be removed, and roads could be retained to function as roads and trails without being subject to limits on Total Road Density. According to the revised Forest Plan FEIS, "road decommissioning [removed from] the system 787 miles of classified roads from 1995-2015. Road management shifted to decommissioning roads in the late 1990s, with attention to maintaining grizzly security core area and the corresponding need to reduce watershed effects." An additional 518 miles of road would need to be reclaimed or decommissioned to finish implementing Amendment 19 [4]. A companion planning document found that only 3.2 miles of new system road was built from 1996-2010 in grizzly bear habitat (these were largely road relocations with a similar mileage of road decommissioned to not increase TRD or the road system).[5]

The attached table of Flathead National Forest projects shows that, since 2015, the Flathead has or is currently planning to: a) reconstruct 37 miles of previously decommissioned roads and retain them in the system, b) construct 68 miles of new system roads, c) construct 24 miles of temporary roads, d) construct 80 miles of new system trails, and e) renege on 60 miles of previously scheduled road-specific decommissioning (in addition to the 518 miles of unscheduled decommissioning required to finish implementing Amendment 19). All this is occurring in grizzly bear habitat and largely in bull trout habitat. It demonstrates a clear reversal and abandonment of prior limits on development found necessary to protect these and other wildlife species.

Endnotes and the table accompanying this paper can be viewed or downloaded at:
http://www.swanview.org/reports/Jammed_in_Reverse_200127.pdf

Flathead National Forest Breaks Pledge to Maintain Grizzly Bear Habitat Security!

The revised (2018) Flathead Forest Plan pledged to maintain the on-the-ground grizzly bear habitat conditions that existed in 2011, in order to be consistent with the NCDE (Northern Continental Divide Ecosystem) Grizzly Bear Conservation Strategy and plans to remove Endangered Species Act protections from NCDE grizzlies.

Now the Flathead says it will not maintain those levels of habitat security as it increases human development of bear habitat - and claims it isn't required to do so under its revised Forest Plan! We discovered these claims and admissions while filing Objections to logging and ski area development plans summarized on page 2.

The Flathead is essentially keeping a phony set of books! It says it will maintain its 2011 baseline security parameters, but then intentionally doesn't quantifying the additional displacement of bears caused by new roads, trails and ski runs - so it can't be measured against those parameters. This makes it appear the 2011 baseline isn't being degraded.

This same "phony numbers" system is being applied to all projects being implemented under the revised Forest Plan, masking the on-the-ground impacts of 105 miles of new logging road construction, the construction of 80 miles of new mountain bike trails, and ski area development. We list five ways in which impacts to bears are not being included in, and hence limited by, the 2011 baseline security parameters:

1. Allowing unlimited miles of non-motorized trails to be constructed with no trail density standard - or 2011 Baseline parameter - to limit them.

2. Allowing unlimited miles of non-motorized "high-use" trails to exist in the Secure Core Baseline parameter by redefining the previous Plan's Amendment 19 "Security Core" in order to allow them to go undetected. "Security Core" did not allow such high-use trails.

3. Allowing an unlimited mileage of roads by not including roads with the entrance simply rendered "impassable" to motor vehicles in Total Road Density, even though the road will be retained as a road and continue to contribute human impacts to grizzly bear habitat. This was not allowed under the prior Plan, which required that roads had to be reclaimed and no longer function as roads or trails, motorized or non-motorized, to be omitted from TRD.

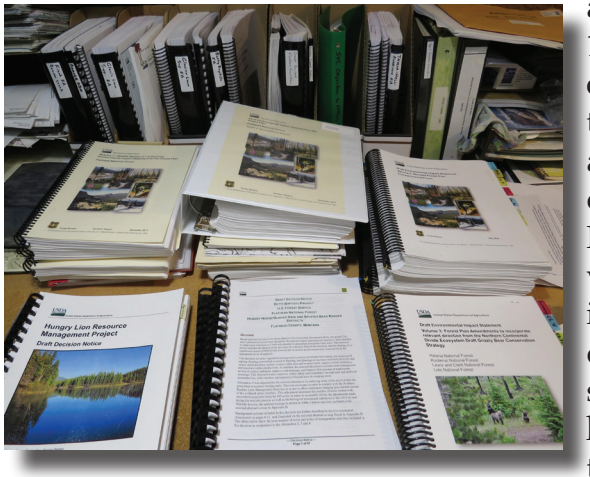
4. By not including Special Use Permit roads that are on Forest Service land, and often simply closed by gates, in calculations of TRD.

5. By allowing road construction and the relaxing of road closures to diminish the amount of "security habitat" (habitat greater than 500 meters from roads) simply because that habitat does not already remain in blocks of at least 2,500 acres (and hence does not qualify as Secure Core). This is essentially a license to further fragment already fragmented habitats and further relegate security habitat to higher elevations rather than allow it to persist in critical lower elevation areas.

Click here for more details and supporting documents on our web site.

Government Trying to Hide Flathead Forest Planning Documents from Public and Judicial Review!

Government attorneys admit they have withheld deliberative documents considered in the writing of the revised Flathead Forest Plan from the Administrative Record (AR) they filed with the U.S. District Court in Missoula for our lawsuit. They claim a blanket executive privilege allows them to omit deliberative documents, like intra- and inter-agency emails, without firstly naming those documents and describing why the "deliberative process privilege" should exempt them! They claim the public and Court should be left totally in the dark about what documents exist!



Plaintiffs Swan View Coalition and Friends of the Wild Swan, along with their Earthjustice attorneys, noticed this huge omission while reviewing the 224,000-page Administrative Record the government filed electronically with the Court in early November.

Why does this matter? The law does not allow federal agencies to only include in its AR those records that support its decision to approve a plan or project. It must also include dissenting opinions from the agencies' own experts, as well as facts that may not support the agencies' conclusions. The Court, after all, is trying to determine if the agencies arrived at a rational conclusion based on the facts and advice considered by the agency.

Our successful lawsuit against the prior 1986 Flathead Forest Plan serves as an example of the importance of public access to a complete AR. We spent days going through a room full of planning records at the Flathead Forest Supervisor's Office, in the days before electronic documents prevailed.

We found that all five Ranger Districts on the Flathead reported in writing to the Forest Supervisor that they could not collectively log 100 million board feet of timber each year and also meet the new Plan's grizzly bear management standards. The Ninth Circuit Court of Appeals ruled that the Supervisor's decision to nonetheless approve a Plan to log 100 MMBF of timber each year was "arbitrary and capricious" and could not be excused simply because Fish and Wildlife Service went along with it during interagency consultation! The result was that the Flathead redid its analysis to include better protection of bears, old-growth forests and big game habitat. It issued Plan Amendment 19 that reduced logging levels to 54MMBF/year and also transformed the Flathead's road building program into a road decommissioning program as described on page 2 of this newsletter!

We aren't about to let the government bury important public records in our current Forest Plan lawsuit without a fight over the AR, which we are still engaged in. To learn more and get a taste for how ridiculous the government's arguments for executive privilege are, you can read our Earthjustice Reply Brief here.

Forest Service Promotes Roads, Trashes Climate!

The Flathead National Forest is not alone in reversing course on its road-minimization policies, even though the Forest Service knows roads are the most damaging thing it can force upon public lands. As the 12/20/19 Facebook post on this page reveals, the Forest Service is not below promoting its out of control road system as though it is some sort of Christmas gift to the public!

The Facebook post boasts that "any person can travel to within one mile of over 88 percent of forest land." That single statement speaks volumes about the agency's deliberate road-building war against wilderness, roadless lands, biodiversity, and the forests themselves.

It is also an appeal to our selfish nature, in an attempt to sweep under the rug the science-based, selfless initiatives of the 1990's to greatly reduce the road network in order to conserve wildlife, fish and water quality. Though the numbers are now a bit outdated, Forest Service Chief Mike Dombeck summed it up this way in his 1/22/98 press release: "Of all the things we do on National Forests, road building leaves the most lasting imprint on the landscape . . . An estimated 373,000 miles of authorized roads and an additional 60,000 miles of unplanned and unmanaged 'ghost roads' traverse the National Forests - a road network far larger than the Interstate Highway System . . . We cannot afford to manage our existing road system . . . Roads that are no longer needed or that cause significant environmental damage will be removed."

Nowadays, the Forest Service claims we need all those roads and more in order to make our forests healthy. There is no end to agency and industry scams whose bottom line is to build roads at taxpayer expense so public trees can be hauled to private sawmills for private profit. Besides enabling the hauling away of our forest carbon storage capacity, roads become the avenues by which immeasurable amounts of fossil fuels are burned in the name of motorized recreation.

Forest fires release carbon from only about 5% of the tree. Mostly the limbs and needles burn, while the trunk does not. Logging removes the trunk as logs, then burns the remainder as slash - removing all the tree's carbon from the forest.

As the climate warms and weather gets more erratic, firefighters in Montana are seeing fire warnings and grass fires "year round any more." Nature's gift of major carbon storage is called a forest, and it continues to store the majority of its carbon even when dead. We should respect this gift and quit building roads into our forests in order to haul the carbon away!

Unsolicited Praise For Our Work!

"Thank you for sinking your teeth into the lying bastards who are trying to turn our public lands and wilderness into bank deposits and estates."

Carol E.

"Wreck-Creation essay - you took the words right out of my mouth."

Billi W.

"Keep up the good work! With a record # of griz mortality this year, your work and support from folks like me is more important than ever."

Jim C.

"You and your friends work hard to keep the wilderness we cherish safe forever."

Leslye T.

"When it comes to protecting big wild critters and the big wild places necessary for their survival, Swan View Coalition gets 5 Stars."

Brian P.

"Thanks for keeping all of us informed about the Swan!"

Hank B.

"The recent Swan Views News was really well written."

Jon H.

"The Ranger hikes are one of my best memories."

Susan F.

We love what you do!

Mark S.

February 1, 2020, Swan Ranger outing at Noisy Creek.

Your Financial Support is Critical to our Work!

We rely in large part on member donations to fund our work protecting habitat for fish, wildlife and people. **You can help us broaden our membership by giving Gift Memberships at $25 each,** either on-line or using the form below! **It's easy to join with and help others support our work:**

1. Send a check to Swan View Coalition at 3165 Foothill Road, Kalispell, MT 59901 - or -

2. Use your credit card securely on-line at https://swanviewcoalition.networkforgood.com or by clicking on the Donate Now button at right)!

Network for Good handles your transaction securely for us and informs us immediately via email of your donation by credit card. You can also choose to give monthly, quarterly or yearly there to make it easier or more affordable (or change your mind anytime)! If you have other info you want to get to us, such as Gift Membership info, simply email it to keith@swanview.org or mail it to the address in #1, above.

THANK YOU for joining others in supporting our work through donations!

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If there is pink on your mailing label, it means you haven't donated in nearly a year or more. Please make a donation so we can keep sending you our newsletter and continue our work!

[ ] Here's $25 to cover my minimum dues, newsletters, alerts, and Swan Ranger Reports.
[ ] Here's $50 to help restore a bit of peace and quiet to America's public lands.
[ ] Here's $100 to help keep forest roads from ending up in America's bull trout streams.
[ ] Here's $500 to help secure grizzly, lynx and wolverine habitat for future generations.
[ ] Here's $_____ to help save the world, one mountain range and one river at a time!
[ ] Here's $_____ for ____ Gift Memberships at a minimum of $25 each. I've included each recipient's name, mailing address, email address, and my greeting on separate paper.
[ ] As a gift of appreciation for my donation, please send me [ ] the Swan/Flathead history booklet "The Lineage of Chief Aeneas: A History of People and Place" and/or [ ] a Swan Ranger patch (circle "hang-loop" or "sew-on").
[ ] Save paper! Email my newsletters to _____

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3165 Foothill Road
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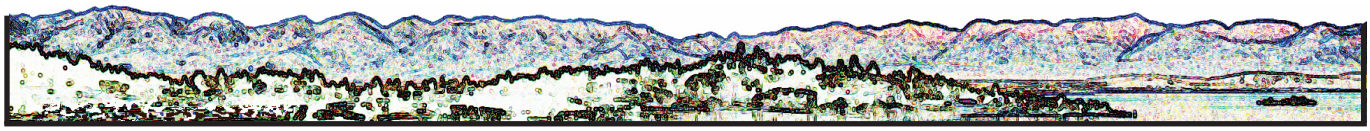
Swan View's News

Winter 2020



Winter: A Time to Reflect!

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