

Middle East Fork Project Summary of Objection Issues and Suggested Remedies

Project Name: Middle East Fork Hazardous Fuels Reduction Project
Objector: Matthew Koehler, The Native Forest Network
Objection Number: 0004

Issue 1. (PROCESS) The proposed action is in violation of the HFRA Act. HFRA states that the Secretary shall implement authorized hazardous fuels reduction projects on land that contain threatened and endangered species habitat only if, “the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).”¹

Suggested remedy: None.

Regional Review and Response: The objector's quote is from projects authorized under Section 102(a) (5) of the Healthy Forests Restoration Act (HFRA). The Forest is not using that authority for this project. Additionally, the United States Fish and Wildlife Service (USFWS) has reviewed the biological assessment and concurs with the determination that the proposed action is not likely to adversely affect the threatened Canada lynx (*Lynx canadensis*) or the threatened bald eagle (*Haliaeetus leucocephalus*). The Service acknowledges the no effect determination for the threatened grizzly bear (*Ursus arctos horribilis*) and the not likely to jeopardize the continued existence determination for the nonessential experimental gray wolf (*Canis lupus*) (PF-AGEN-013). The Service has also reviewed the BA and critical habitat analysis and determined that the proposed project is not likely to adversely affect the threatened bull trout and bull trout critical habitat. The Service does not anticipate any incidental take of this listed species or adverse modification of critical habitat as a result of the proposed project (PF-AGEN-012).

Issue 2: (PROCESS) The proposed action is in violation of the HFRA Act. No Annual Program of Work

Suggested remedy: None.

Regional Review and Response: The Middle East Fork (MEF) project is high priority because it implements what Congress intended under Section 103 A. This project was entered as a Healthy Forests Restoration Act project in the National Fire Plan Operation and Reporting System (NFPORS) in the fall of 2003. Congress said to prioritize projects that implement Community Wildfire Protection Plans. The project implements fuel reduction in an at risk community prioritized by the Bitterroot Community Wildfire Protection Plan. The proposed project is consistent with the 10 year Implementation Plan.

¹ HFRA Section 102(a)(5)(C).

Issue 3: (OG) The proposed action is not consistent with the HFRA Act due to impacts to Old Growth. 1) All treatments that log large trees will negatively impact old growth stands. 2) Not successfully mapped old growth and potential old growth in the planning area as required by HFRA based on a fully reliable field inventory. 3) USFS “manipulated” language to comply with HFRA old growth requirements but not change anything on-the-ground.

Suggested remedy: None.

Regional Review and Response: 1) There is no logging of “large trees” in old growth habitat. The preferred alternative does not include commercial logging in old growth habitat. This is explained in Section 3.6.5 A of the Final Environmental Impact Statement (FEIS). Public concern statements also respond to this issue: 3605 (p. 34), 33201 (p. 126), 33203 (p. 127), 36125 (p. 155), 36127 (p. 157) and 63009 (p. 172).

2) HFRA does not require field inventories of old growth. Regardless, reliable field inventories and verification of old growth habitat has occurred extensively in the Middle East Fork project area (p. 3.6-7 of the FEIS). Old growth habitat was verified and mapped based on review of all proposed treatment areas and field surveys, as needed, in 2004. Over 4,421 acres were evaluated on the ground. Every unit considered for treatment in the preliminary proposed action, that may have had old growth habitat had a field review in the summer of 2004 to determine if it was old growth habitat. Areas not planned for treatment were mapped with the Timber Stand Management Record System (TSMRS) data base and reviewed by a wildlife biologist and or silviculturist familiar with the Middle East Fork area and with a knowledge of the habitat requirements (See Section 3.2.5 for information on the MEF specific 2004 field verifications and updates made to the TSMRS data base). Because of the high level of Douglas-fir bark beetle mortality stand exams were repeated in the summer of 2005 in old growth stands with proposed treatments to assess current conditions. Exams were completed on stands within 5 units planned for treatment prior to this document being published. Reexamination is continuing.

Some members of the public have indicated that they view individual large, old, live trees and large, old, dead trees as old growth. These same trees may be a component of old growth habitat but do not constitute old growth habitat as defined in the Forest Plan or the scientific literature by themselves. Old growth habitat classification, consistent with the Forest Plan is based on stand-wide structure and characteristics. Large snags are important to wildlife and the effects of this project on snags are presented in Section 3.6.5 B. Mature trees that are not in old growth habitat as defined here, are important to various wildlife species as well. The effects on mature stands, as they relate to impacts to specific wildlife species habitat, are discussed in the effects analysis Sections 3.6.5 E – marten and fisher, F-pileated woodpecker, N-flammulated owl, and O – northern goshawk.

3) The proposed action is consistent with HFRA Section 102(e)(4)(A), the project meets the requirements for old growth stands by implementing the current Forest Plan direction (FEIS page 1-15). The emails reviewed by the objector were simply draft language. Internal email messages simply represent internal discussions between staff. The Region is confident that the project meets the language and intent of HFRA and the Interim Field Guide.

Issue 4: (OLD GROWTH) Not in compliance with HFRA large tree retention requirements. 1) “The fact that large green, dead and dying trees 18” dbh and over will be cut down in the treatments...are in direct conflict with this HFRA requirement to retain large trees. 2) USFS “manipulated” language to comply with HFRA large tree retention requirements but not change anything on-the-ground.

Suggested remedy: None.

Regional Review and Response: 1) Both Alternative 2 and 3 are in compliance with the large tree retention requirements. In fact, the project meets the large tree retention intention even where 102(a)(4) is the authority. The FEIS states on page 3.2-27; in both action alternatives, treatments authorized under Section 102(a)(1) of the Healthy Forests Restoration Act of 2003, **the largest healthy trees will be retained** to the degree the purpose of reducing wildfire risk to the Middle East Fork community can be met. As is consistent with the Healthy Forests Act (Sec. 102(f)), in general, the covered project will:

- focus largely on removal of small diameter trees; thinning; strategic fuel breaks; and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type; and
- maximize the retention of large, trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands.

Pursuant to the Healthy Forests Restoration Act of 2003 Section 102 (e)(1)(B) “The term ‘covered project’ means an authorized hazardous fuel reduction project carried out on land described in paragraph (1), (2), (3), or (5) of subsection (a)” (Authorized Projects). Still, treatments proposed under Alternative 2 that are authorized under Section 102(a)(4) (see Table 2.3 and 2.4) are designed to retain large, healthy trees to the degree this practice is consistent with the objective of maintaining or restoring healthy fire-resilient stands.

2) The Forest did not manipulate language to comply with the HFRA large tree retention requirements. The FEIS repeatedly states the treatments will retain the largest, healthiest, and dominant trees on site (pages 1-12, 1-15, 2-15, 2-17, 2-26, 3.2-27, 3.2-35, 3.2-43, 3.2-44, 3.2-45, 3.2-46, 3.2-48, 3.2-50, 3.6-14, 3.6-15, 3.6-17, 3.6-18, 3.6-43, 3.6-108).

Issue 5. (PROCESS) The BNF has failed entirely to respond to some comments that were provided during scoping (The Pacific Rivers Council, The Wilderness Society and Dr. Joe Fox) and failed to respond directly to any comments on the proposed project.

Suggested remedy: None

Regional Review and Response: All comments received during the comment period were reviewed, considered and incorporated into the FEIS and Appendix H by the Forest. To our knowledge there are two exceptions to this, which are explained below. As explained in the FEIS (Volume II, Appendix H, page H-1), the public comments were analyzed using a process

called content analysis, which is a systematic method of compiling, categorizing, and capturing the full range of public viewpoints and concerns regarding a plan or project.

All three of the comments mentioned by the objector have been reviewed and analyzed by the IDT to see if any new information or issues were raised that were not addressed in the FEIS (PF-RESPONSE-001, 002, and 004). The Forest received the Pacific Rivers Council's email on June 14th, after the June 13th deadline, so it was correctly not included in the FEIS. These comments have subsequently been reviewed and responded to by the IDT and this information will be reviewed by the deciding officer before a decision is made. Since this email was received only 34 minutes after the June 13th deadline the Forest Supervisor subsequently extended the comment period to include any comments received on June 14.

Dr. Joseph Fox emailed his comments on June 10. On June 20 Sandy Mack emailed Dr. Fox explaining that due to a processing error they had lost the attachment containing his comments. In the note she apologized for the error and requested that he resend his comments (PF-SCOPE-083). Dr. Fox did not respond nor resend his comments. Dr. Fox, told Sandy Mack in a phone conversation on October 16 (PF-SCOPE-152) that he had forwarded her email to Matthew Koehler and Matthew told him he did not need to respond; that the problem was with the form letter emails. The same email Sandy sent to Dr. Fox went to three other commenters whose comments in the form of email attachments were inadvertently lost on June 10th as well. All three of those commenters understood the request in the email and resent their comments which were considered in the FEIS. Dr. Fox's comments have subsequently been reviewed and responded to by the IDT and this information will be reviewed by the deciding officer before a decision is made.

The Wilderness Society's letter was received on June 13th but was not included in the FEIS because of a processing error. When the letter was printed for coding the date on the letter was a date after June 13th. This was due to an option the Wilderness Society author used to have the current date printed on the letter whenever it is printed. In error, when a Forest Service employee saw that this date was after the public comment period the letter was incorrectly put into a late comment folder. Once the error was brought to our attention the Forest addressed the issue. These comments have subsequently been reviewed and responded to by the IDT and this information will be reviewed by the deciding officer before a decision is made.

The Forest has professionally and responsibly considered all public comments. When an error or problem was found in the processing of the comments they worked conscientiously to try to correct the issue or problem in the best manner possible.

Issue 6. (PROCESS) HFRA including its Section 106 retractions on judicial review violate the U.S. Constitution and its separation of powers.

Suggested remedy. None

Regional Review and Response: We disagree with this opinion.

Issue 7. (SOILS): 1) The proposed action would violate NFMA (16 U.S.C. 1604(g)(3)(E)(i)) and the Forest Plan because detrimental soil loss will cumulatively exceed the 15% Forest Plan standard, which is also a requirement in the FSM and NFMA.

2) 36 units were not traversed on the ground but were analyzed “based on aerial photo and professional interpretation which may not be legally sufficient to determine the actual condition of soils on the ground.

3) R-1 SQS’s has never received public review and comment nor has it been peer reviewed. They are not conducive to insuring against irreversible damage to soils from repeated logging that effects productivity.

Suggested remedy: None

Regional Review and Response: 1) See response to public comment 31214 FEIS Appendix H, page 103 of 193, and 3121 FEIS Appendix H, page 1 of 193. In addition, FEIS page 3.5-49 provides a discussion of how this project meets the National Forest Management Act. To summarize these sections, it is recognized that ground disturbing activities can have impacts on the soil resource; the key is to minimize the impact. The SQS were developed based on the best available science (Powers 1990). The 15% SQS is only part of what the Forest looks for in evaluating NFMA and soil and site productivity; they also look at the vegetation and hydrology of the site to ensure that it is functioning to capture, store, and safely release water and erosional materials.

As stated in the FEIS, page 3.5-2, the analysis area for soils is the individual treatment unit. Given that, site-specific information was collected for approximately 75% of the ground-based units and 40% of the skyline and helicopter units (see #2 below).

A watershed scale analysis was conducted during January and February 2005. The objective of this analysis was to help evaluate overall watershed condition related to soil and water processes at the 7th level sub-watershed. The Forest found, based on field review, the GIS analysis did not give them information they could correlate to either site-specific detriment soil disturbance or stream channel condition. Though the analysis did provide information as to the location of disturbance on the landscape (maps in PF-SOIL-082, 083, 084), this disturbance could not be linked to detrimental disturbance and the Regional SQS. This site-specific link is not possible because of the variability in soil texture, the amount of organic matter and ground cover, soil response to past projects, and the intensity of the past project. It should be noted that this exercise did not replace the unit-specific soil condition surveys or determinations. Unit-specific soil condition surveys were conducted during the summer of 2004 (PF-SOIL-078, 079). It is this unit-specific information that is evaluated against the Regional SQS (FEIS Table 3.5-2)

As found on FEIS page 3.5-49, the MEF project meets the intent of the National Forest Management Act. Soil resources are being protected through unit-specific mitigations and BMP implementation. In addition, a review by the Regional Soil Scientist found the project to meet Regional Soil Quality Standards and all applicable laws and policy.

Where activities are to occur on units that currently exceed Region 1 SQS, a restoration plan has been developed (PF-SOIL-101). A restoration plan was completed in August 2005 for all units, including those not field surveyed in 2004 that are listed in Table 3.5-2 and 3.5-3 as exceeding SQS. A general finding is that active amelioration opportunities are in fact limited as noted in the FEIS. The primary reason for little active soil amelioration opportunities within the units is the presence of noxious weeds and the desire to limit further spread by not providing a seed bed through active amelioration. Further, many of the roads and old skid trails identified in the FEIS were found to have good native grass, shrub, and tree cover. Moving equipment into these sites would negate the vegetation and hydrologic recover that is already occurring. This means that no additional detrimental disturbance can occur in these units after treatment. Project design, mitigations and BMP's have been proposed to limit any additional detrimental soil disturbance in these units.

Relative to the peer review, the Bitterroot National Forest requested a Regional Review of the DEIS Section 3.5. This review was conducted July 6-8 2005 (Notes PF-SOIL-090). The findings from this group of Forest Soil Scientists and Forest Soil Researchers were:

1. The DEIS Soils Chapter 3.5 (with recommended edits incorporated into the FEIS) and revised mitigations (Public concern 3123 and FEIS Chapter 2) meet the Regional Soil Quality Standards and NFMA and are consistent with work being done within the region.
2. The existing condition write-up (DEIS 3.5.5.C:7-9, Table 3.5-1 and Table 3.5-2) is conservative regarding the level of existing detrimental soil conditions. The Review Team field checked five units and found the overall level of soil disturbance is close to that stated in DEIS Table 3.5-1, but the amount of detrimental soil disturbance is over-estimated. In the units reviewed, all met soil quality standards (SQS) and had existing detrimental soil damage at less than 15 percent.
3. The review did not change any of the unit recommend harvest techniques, winter ground-based, summer ground-based, helicopter, or skyline. Any changes in harvest techniques are due to other factors.

2) This issue is addressed in response to Public Concern Statement 3121. It is recognized that ground-disturbing activities can have impacts on the soil resource; the key is to minimize the impact. The Middle East Fork DEIS discloses potential effects and consistency with the Forest Plan standards and other regulatory requirements (DEIS 3.5.6.A:14-27; DEIS 3.5.7:28; FEIS 3.5.6; FEIS 3.5.7).

Detailed site-specific soil investigations were conducted for the MEF on 75 percent of the ground-based units and on 40 percent of skyline and helicopter units (there were no changes in data to tables DEIS 3.5-1 or 3.5-2 other than they are renumbered in the FEIS and are now Tables 3.5-2 and 3.5-3). The Forest Soil Scientist did not conduct detailed site-specific reviews of the precommercial thinning units or non commercial fuel treatment units since no heavy equipment was going to be used and also did not conduct detailed reviews of the terraced units, those to be pre-commercially thinned, as they are known to be above soil quality standards (DEIS 3.5.5.D; FEIS 3.5.6 Cumulative Effects Existing and Past Activity).

Units that were above SQS prior to harvest would be left such that post-activity detrimental soil damage is not more than was found prior to activities and that the unit is on an improving trend.

For the units that did not receive a detailed soil survey, soil investigations encompassed aerial photography review based on the soil scientist's knowledge of the area and site-specific review of other units.

Reviews were conducted by the Forest Soil Scientist with 14 years of experience on the Bitterroot NF, experience which includes mapping of forest soils for the Bitterroot Landtype Inventory (NRCS Soil Survey). The Forest Soil Scientist undertook soil conditions surveys on the units he perceived to be sensitive and most at risk. Further, in September 2005 the restoration technician field visited units 42, 8, 7, 39, 237, 31b, 31a, 30b, 41, 46, 44a, 382 and 407.

As stated in both the DEIS (3.5.4:3; 3.5.5.C:6-7) and FEIS (3.5.4; 3.5.5.B), all calls were conservative, if there were any questions regarding a unit, it was assumed existing soil disturbance exceeded the soil quality standards. Regional direction provides policy to mitigate for detrimental soil disturbance above 15% (refer to public concern 31214). This policy states "Design new activities that do not create detrimental soil conditions on more than 15 percent of an activity area. In areas where less than 15 percent detrimental soil conditions exist from prior activities, the cumulative detrimental effect of the current activity following project implementation and restoration must not exceed 15 percent. In areas where more than 15 percent detrimental soil conditions exist from prior activities, the cumulative detrimental effects from project implementation and restoration should not exceed the conditions prior to the planned activity and should move toward a net improvement in soil quality."

3) This concern is similar to item 1 above. See also response to public comment 31214 FEIS Appendix H, page 103 of 193.

The Forest Soil Scientist undertook soil condition surveys on approximately 41 units with ground-disturbing activities during 2004. This site-specific review was used in the analysis and provided the basis for the unit specific mitigations and BMP's that are found in FEIS Chapter 2. Detrimental soil damage is defined in the manual direction. There is also a productivity difference between soil disturbance and detrimental soil damage. Detrimental damage equates to site impairment; the natural community can't grow or is not sustainable. Size and extent of the disturbance is an important consideration here, for example, small areas of compaction may not impair root development and plant growth while large areas of deep or dense compaction may result in conversion of a site to annual species. Soil disturbance acknowledges that man has changed the site and affected the soil but that the natural community and soil processes are still in place and sustainable. Soil disturbance, when severe enough to meet SQS definition, is detrimental.

Issue 8. (PROCESS) Failures to comply with the Forest Plan, the NFMA, the MBTA and E.O. 13186, FRA, the US constitution, and NEPA by implementing the proposed action as is would all be in violation of the Administrative Procedures Act because that decision would be arbitrary, capricious, or otherwise not in accordance with the law.

Suggested remedy: None.

Regional Review and Response: We disagree with this opinion

Issue 9. (LANDSCAPE/COMM) Fire: 1) Lack of peer-reviewed scientific support for the method of alternative analysis used. Questions basis for use of fire regime condition class, flame length, crowning index and rate of spread as proxies for community protection. 2) The analysis did not reveal treatments proposed by Jake Cohen. 3) Thinning makes forests hotter, dryer and windier. 4) Without continued maintenance, Alternative 2 will likely increase fire risk to the community.

Suggested remedy: None.

Regional Review and Response: 1) Objector incorrectly states that these measurement criteria were averaged over the entire landscape, thereby rendering it an inappropriate means to analyze alternative 3. FRCC is a landscape measurement not specifically tied to the community protection. Flame length, crowning index and rate of spread were assessed to display changes in community protection and acreages of reductions in the WUI, not averages as incorrectly stated by the objector. From response to Public Concern 63037, it states... “Finney (1998), Hann et al. (2003) and Stratton (2004) all discuss measuring the effects of treatments. Finney (1998) discusses the method of analysis utilizing Rate of Spread (ROS), Flame Length (FML), and Crown Fire Risk (CFR) as utilized in this proposal. Hann et. al (2003) discusses in depth the use of FRCC and the methodology to change condition classes. These first two articles are cited in the DEIS [and FEIS]. Stratton is cited in the FEIS discussion on the use of Farsite and FlamMap. FRCC is used as an indicator for the entire MEF area as required by HFRA; ROS, FML, CRF are used only as indicators in the WUI portion of the MEF. DEIS 3.1.4.”

2) On page 3.1-10 of the FEIS it states: According to Cohen and Stratton (2003) and Graham (2004), losses of homes during wildfires are predominately due to fire brands igniting the structures and the fire behavior that creates fire brands is crowning fire. Crowning Index, which is a measure of crown fire potential, is therefore a good indicator for evaluating changes in risk of property loss due to wildfire by alternative actions. It also projects fire-caused tree mortality which is the primary scenic and recreational detriment of undesirable wildfire. The response to PC 63007 states: The Bitterroot Community Wildfire Protection Plan (CWPP) identified the Middle East Fork as at high risk from wildland fires. The CWPP states that, “It is easy to become fixated on the idea that the entire objective of the Fire Plan is to reduce fire losses to human structures...” (DNRC 2005, p. 35). It goes on to say that doing so “...ignores the values that a healthy forest provides to our communities and our quality of life. Severely burnt forests are not sustainable forests and healthy sustainable communities need sustainable forests for life, health, social comfort and mental equanimity.” During the development of the Community Wildfire Protection Plan strong agreement was reached that “simply preserving a structure provides a very limited and unacceptable approach to protecting the attributes of the interface that valley resident’s value so strongly.” Therefore analysis of treatments to just protect structures was not included in the FEIS. The Region and Forest do agree that Cohen’s work and recommendations for structure protection immediately around homes is important and should be implemented by home owners on their private properties. The Forest Service manages the National Forest around homes and this project is intended to compliment the work on private lands.

3) A relative increase in temperature and surface wind, as well as a decrease in fuel moisture is accounted for in the fire effects predictions. The focused look was provided, as documented on page 3.1-38 of the FEIS. The MEF analysis used FVS-FFE modeling that predicted changes in micro-climate due to human and natural alterations in vegetation and the resulting fire effects where modeled with FlamMap and Farsite. Efficacious fuel treatments, including prescribed fire treatments (which are not a part of "industrial logging", the term the objector uses) are dominate in Alterative 2. Caution should be used when comparing the MEF treatments to studies that do not include post-treatment prescribed fire.

The effects of tree removal on evapotranspiration rates (as expressed in water yields) are discussed in the Hydrology section. A substantial reduction in tree canopy will occur with or without harvesting due to deterioration of Douglas-fir beetle killed trees. There will be a corresponding increase in understory vegetation. The impacts are therefore short term and the effects are predicted to be relatively minor.

4) On page 3.1-27 and 28 it states: "Middle East Fork Hazardous Fuel Reduction Final EIS 3.1-27. The actions being proposed are effective in changing the key indicators for varying amounts of time. Landscape level changes in FRCC are in affect until an historic fire cycle is missed or vegetative ingrowth causes structural change. Therefore the duration of effectiveness ranges 0-100 years. Two examples of the potential effectiveness duration are grasslands and lodgepole pine forest. The fire frequency of the grasslands is 0-10 years and the FRCC may revert from Class 1 to Class 2 after one or two missed fire cycles. The fire frequency of lodgepole is 60-100 years and the FRCC may remain in an improved class for a hundred years.

With the addition of follow-up treatments, e.g. prescribed fire at the historic return interval, it is possible to maintain post treatment levels of effectiveness. For example a 2 foot flame length resulted following the typical mechanical and prescribed fire treatments, within 10-15 years the flame length increases to 4 feet. By simulating another prescribed fire treatment, without mechanical treatment, the flame length was returned to 2 feet. Planning for follow-up treatments is not covered in this analysis."

Response to PC 63019 states: Section 3.1.6.A, Direct and Indirect Effects, Rate of Spread cites research by Pollet and Omi (2002) as well as Finney (2000) that document a decrease in fire behavior with actual and modeled wildfire in thinned stands. Also the results of the Farsite and FlamMap (FEIS, Section 3.1.6.A) show an overall decrease in fire behavior and associated risk to the community.

Issue 10. (LANDSCAPE/COMM) Fuel loads may not be determinative of how wildand fires behave. 1) weather vs. fuel. 2) little contrary evidence that timber will impede stand-replacing fires 3) no baseline data for hazardous fuel accumulation in the absence of the DFB outbreak. 4) effectiveness of treatments 5) treatment three miles away, effect on WUI.

Suggested remedy: None.

Regional Review and Response: Response to Public Concern 36411 mentions that FEIS Section 3.1.6.A shows the effects of fuel levels on fire behavior and intensity. Response to

Public Concern 63040 lists literature that addresses the fuel and weather issue. It states: “Finney (1999), Finney and Cohen (2003), Graham (Hayman Fire Case Study: Summary 2003), Agee (1997), Agee and Skinner (2005) and Stratton (2004) all discuss the effectiveness of fuel treatments in reducing the severity of wildland fire. DEIS section 3.1.6 Environmental Consequences.”

The Agee 1997 article is cited in the FEIS because it directly addresses the question of weather vs. fuels in dry forest types typical of the MEF analysis area (FEIS page 3.1-36 through 3.1-37). Agee reports that fuel conditions are the dominant factor. There have been other citations mentioned by members of the public but they are from lodgepole pine forests, southern Rocky Mountain forests, Canadian boreal forest and coastal Oregon forests, and the reported post-fire evaluations are for fires occurring under greater than 90th percentile weather conditions.

The Forest believes that the research and modeling presented in the FEIS best represent the site specific, local vegetation-fuel components and the likely fire effects under 90th percentile weather conditions. Other relevant information can be found in response to Public Comments 63040, 63004, and 63037.

2) See response to public concern statements 63040 and 63037 for other citations and information. Some studies referenced by some commenters speak to silvicultural treatment without adequate slash disposal and prescribed fire. The treatments prescribed for MEF include post-harvest treatments that reduce the potential of crown fire initiation or spread. Efficacy of specific treatments in meeting that goal is depicted in the improved FlamMap output on pages 3.1-48, 49, and 50 in the FEIS. Farsite modeling has also been added to the final draft to depict improvements due to treatments, FEIS pages 45-46. A relative increase in temperature and surface wind, as well as a decrease in fuel moisture is accounted for in the fire effects predictions. Also see Public Comment Letter from Fox, Issue #3.

3) The MEF project uses standard FRCC protocol (Hann, Havlina, and Shlisky, et al. 2003.) as required by HFRA. This protocol establishes a baseline, Historic Range of Variability (HRV) for landscape conditions, including fuels that would have existed before active fire suppression and the Douglas-fir beetle outbreak. Vegetation Development Dynamics Tool Soft-ware (VDDT, Beukema and Kurz 2001) simulations are run for a 500 year period with a climate similar to present. American Indian influences on fire frequency are included. These simulations of fires burning without human interference form the reference point for the central tendency about which HRV is determined for veg-fuel class composition, fire interval and fire severity. The object is to identify major trends of conditions and processes that occurred in the HRV to use as broad references for determining departure. The estimated central tendency of the HRV represents the '*reference condition*' used in comparisons with the current conditions. The methods follow those of renowned works by ecologists Clements, and Mueller-Dubois and Ellenberg. The MEF project does not use this point as a '*desired condition*' for the Fire Regime restoration treatment prescriptions. Site-specific treatments are prescribed for meeting the MEF forest health and fire behavior goals based on diagnosis of current conditions and predicted future conditions. Also see Public Comment Letter from Fox, Issue #6.

4) See PC 63013, 63004, and 63038. Also see the response to public concerns 63037, 63040. Reported effects in the DEIS of treatments on flame length, rate of spread and fire type were for changes *in the WUI only*. The FEIS includes Farsite modeling that demonstrates the effect of treatments on adjacent stands. The effectively treated area is greater than the actual amount of acres treated.

In terms of costs and benefits of doing the work outside of the WUI, these treatments will also generate KV funds, Brush Disposal Funds and Stewardship funds which can be used for non-commercial fuel treatments, pre-commercial thinning, activity fuel treatment, TMDL improvements and other mitigations. This is explained in Appendix G (page G-2 and G-3). On page 3.12-4 project feasibility is discussed, showing Alternative 2 is economically feasible and Alternative 3 is not economically feasible, based on base rates and estimated selling costs. The benefits and costs depicted do not include anticipated future costs associated with failure to reduce risk. This type of analysis was conducted in 2004 by Mason, Lippke, and Zobrist (PF-FIRE-0017) for two western National Forests and the results show a positive net benefit from fuel reduction in high risk (fire interval of 30 years) of \$1,483 per acre. The authors state these conservative estimate "clearly show that the future risk of catastrophic (*defined earlier by the authors as a crown fire*) on the National Forests of the inland west is far costlier to the public than investments made today to protect against such eventuality."

5) This concern was addressed in the response to Public Concern Statements 63013, 63004, and 63038 in Volume 2 of the FEIS.

Part of the Purpose and Need of the MEF proposal is to restore fire adapted ecosystems and restore stands affected by the Douglas fir bark beetle to promote ecosystem function, composition and structure (FEIS, Section 1.2). The purpose of treatments outside the WUI is to improve FRCC, restore fire adapted ecosystems and forest health (FEIS, Section 1.2); however there is an associated benefit in that strategically placed fuel reduction treatments in the non-WUI landscape will reduce the risk of loss due to wildfire in the WUI by improving controllability (Finney, 2002) and by reducing fire severity. Pollet and Omi (2002) found that more open stands experienced lower fire severity than more densely stocked stands. Also see FEIS, Section 3.1.6.A. To quantify this benefit from non-WUI treatments we added FARSITE modeling to the FEIS see pages 3.1-40 through 3.1-48.

Issue 11. (DFB) No evidence treatments would help to treat the “beetle problem”

Suggested remedy: None.

Regional Review and Response: See the lengthy responses to PC 3614 and 3622, 3624.

Issue 12. (DFB) Incorporate the findings of “Logging to Control Insects: The Science and Myths Behind Managing Forest Insect “Pests”. A Synthesis of Independently Reviewed Research.

Suggested remedy: None.

Regional Review and Response: Much of this document appeared in the comments to the DEIS from the Xereces Society. Full responses to this report and the comments from the Xereces Society are in PF-SILV-061 and PF-SILV-068. In summary, in addition to fuel reduction, some treatments will reduce stand density which can reduce the susceptibility of stands at risk to Douglas fir bark beetle attack. We are not aware of any appropriate treatments that would end or “control” the DFB epidemic and the Forest has not stated otherwise. To the contrary, the FEIS explicitly states that "direct control is not the purpose or goal of any of the treatments proposed in the MEF project (FEIS page 3.2-29).

Issue 13. (OLD GROWTH) How can cutting large diameter trees (green, dead and dying) have no effect on old-growth status, structure or old growth? Large bole downed woody debris is important. What is the scientific basis for maintaining 3-8% old growth?

Suggested remedy: None.

Regional Review and Response: There is no commercial harvest proposed in old growth habitat. This is addressed in the FEIS in Section 3.6.5 and the response to public concern statements: 3605 (p. 34), 33201 (p. 126), 33203 (p. 127), 36125 (p. 155), 36127 (p. 157) and 63009 (p. 172). Also see response to PC 3618 and 3619. The scientific basis for the Forest Plan old growth standards were derived from the publication Wildlife Habitats in Managed Forests the Blue Mountains of Oregon and Washington (USDA, 1979) as stated in the Bitterroot National Forest Plan, 1987. The standards for Management Areas 1 (3%), 2 (8%), 3a (8%), 3b (25% and 50%) and 3c (8%), when taken collectively, equate to about nine percent old growth habitat in the portion of the Forest allocated to timber harvest activity. None of the old growth habitat occurring outside these Management Areas can be used to satisfy needs for old growth habitat in the “managed” portion of the Forest.

Issue 14. (PROCESS) USFS is ignoring opposition about the proposed action from PhD Scientists.

Suggested remedy: None.

Regional Review and Response: All comments received have been considered. The Region respects that PhD Scientists and others have different opinions. Where appropriate the Forest has displayed the different opinions and opposing science throughout the analysis in the FEIS. The Forest has not ignored any interests, opposition or otherwise. In fact, they incorporated and analyzed an alternative proposed by entities who plainly stated they oppose the proposed action.

Issue 15. (PROCESS) USFS has dishonestly responded to some comments in the FEIS. They have provided highly inaccurate notes.

Suggested remedy: None.

Regional Review and Response: The objector provided examples of what he perceived to be dishonest responses by the Forest. In reviewing the many diverse comments received on the MEF project, it is quite clear that the Forest was sincere in their efforts to honestly and

accurately capture and respond to the many comments and concerns they received. I find no attempts by the Forest to be dishonest or to make one group “look bad” or another group “look good.”

Issue 16. (PROCESS) USFS have dishonestly manipulated the “collaborative” process as set forth in the HFRA. 1) NFN was never invited to the March 18, 2004 meeting. 2) Names were intentionally crossed out to that March 18 meeting. 3) Was March 18, 2004 meeting part of HFRA collaborative meeting process? 4) NFN has invested nearly 2000 hours working to develop a common-sense fuel reduction plan. 5) Do all the residents of the East Fork support this project as BNF officials contend? 6) Requirements for NFN to submit FOIAs not so for Craig Thomas.

Suggested remedy: None.

Regional Review and Response: 1) Correct, the Native Forest Network was inadvertently left off the mailing list for notification of the meeting. A news release was issued.

2) In fact, upon review of the project file the following Environmental and Conservation groups, agencies and newsmedia were invited to the March meeting by direct mail invitation. The groups highlighted in **BOLD** are groups the NFN incorrectly stated were not invited. The names crossed off the list were crossed off because the notification was sent to a different person or address for that organization.

Alliance for the Wild Rockies
American Wildlands
Bitterroot Backcountry Horsemen
Bitterroot Audubon
Ecology Center
Friends of the Bitterroot
Montana Fish Wildlife and Parks
Montana Wilderness Association
Montana Chapter of the Sierra Club
National Wildlife Federation
Ravalli County Fish & Wildlife Association
Ravalli County Republic
US Fish and Wildlife Service

The local Montana Wilderness Association representative in Stevensville, MT was invited to the meeting but because the project is not located in wilderness or proposed wilderness other wilderness organizations were not included in this direct mailing. The Middle East Fork Project does not affect the Clearwater River so the Friends of the Clearwater, located in Moscow Idaho, were not directly invited. The local media was sent a direct invitation; the Missoulian and other media outlets, including radio were all sent our news release about the meeting.

In addition to the groups listed above, the following Conservation and Environmental Groups were directly invited to the September 2004 public meeting.

Bitterroot Trout Unlimited
Friends of the Clearwater
KLYQ Radio
Native Forest Network
Pacific Legal Foundation
The Wilderness Society
Wilderness Watch

3) The decision to use HFRA as the planning tool had not been made before the March 18th meeting. The Native Forest Network was invited by direct mail to the September 2004 meeting and did not attend. The HFRA public involvement process encourages early public involvement, which for the Middle East Fork project started right after the fires of 2000.

4) It is clear the NFN has invested time to this project. The original alternative proposed to the FS for consideration for analysis was developed collaboratively by Friends of the Bitterroot, Native Forest Network, National Forest Protection Alliance and the Ecology Center as stated on the cover of their proposal. This was completed between the time they attended a meeting in November 29, 2004 and when they presented the alternative to the FS prior to the close of the comment period on December 8, 2004. The conceptual alternative presented was lacking detail and site-specificity.

5) The Forest has stated that there is strong support from the Middle East Fork Community. The Forest has not stated that all residents of the East Fork support this project.

6) Craig Thomas's information requests for maps were logged and handled in the same manner as requests from the NFN (PF-FOIA-002 and 003). The NFN has made approximately 13 requests for information. They have asked twice for the same information and the FOIA process allowed us to inform them they had already received the information. I find that the Forest has been very responsive to requests from the NFN for information

Issue 17. (WATERSHED/PROCESS) USFS arbitrarily eliminated nearly all the watershed and road restoration components from Alternative 3.

Suggested remedy: None.

Regional Review and Response: This concern is addressed in the responses to public comments 10017, 3620 and 3152. In summary, in the draft the Forest did not include restoration beyond what was needed for mitigation to offset project effects. In response to public comment, additional mitigation was analyzed and included to reduce sediment impacts in the analysis area and to meet the direction described in the Draft Bitterroot Headwaters TMDL. In the FEIS additional watershed improvement projects were identified that would help to directly restore watershed conditions in Jennings Camp and Guide Creeks, two watersheds within the analysis area historically impacted by valley bottom roads and/or high road densities. This restoration/mitigation would eliminate or restore 13 stream crossings, decompacting and putting into long-term storage 4.2 miles of road, reduce potential access for OHV's along an intermittent tributary to Jennings Camp by recontouring old skid trails. The restoration/mitigation also

includes gating a non-system road in Springer Creek that currently allows for OHV access to a closed road system; allowing for only administrative or permittee access, and replacing or removing four fish barrier pipes that are located in Springer (2 pipes), Bertie Lord Creeks (2 pipes). This restoration work is included in both action alternatives with the difference being that in Alternative 2 all but the fish passage restoration would be accomplished using project related funds while in Alternative 3 appropriated dollars would be needed to complete the identified restoration work. Please see Table 3.3-4 and 3.3-5 for details on proposed restoration/mitigation and likely funding opportunities.

Issue 18. (PROCESS) Spent over \$160,000 for marking logging units during the public comment period and prior to decision which is legally questionable and serves to breed distrust of the USFS.

Suggested remedy: None.

Regional Review and Response: Dave Bull responded to this issue in an email which can be found in PF-SCOPE-106. It is inappropriate for Forests to make an irreversible or irretrievable commitment of resources prior to a decision. However, it is appropriate, and not uncommon, for some preliminary work to be done on the ground prior to decisions especially in northern tiered states where field seasons are so short. Forest Service policy in FSM 2432.31a states that marking timber is not implementation of a decision for the purposes of NEPA. In the case of vegetation treatments, early marking allows the public, FS and other agency specialists, and land managers to have a better visual understanding of how the proposed treatment will actually look. In the past, members of the public have expressed concerns that it is difficult to visualize what the Forest was proposing. If the marked trees are part of the final decision, the early marking allows for more efficient implementation of the decision.

Issue 19. (PROCESS) USFS has hidden and not included total number of comments received during the DEIS period.

Suggested remedy: None.

Regional Review and Response: The content of comments were analyzed whether the comment came from one or numerous commenters. It is explained in the FEIS that "It is important to understand that this process makes no attempt to treat comments as votes." (Volume II, Appendix H, page H-10). The Region understands the objector has a personal investment in the numbers of comments because of the time that their organization invested in successfully encouraging members of the public to comment. The names of the 285 individuals who sent in unique comments on the project appear in the FEIS. Additionally a list of four form email letters and comment cards were also included in the FEIS. The total number of form email letters and comment cards was 11,786. The public comment process is not a quantitative vote, but rather a qualitative process designed to ensure that all concerns related to the project are considered in our final analysis.

Approximately 11,000 of the form letter emails were sent, "on behalf of" an individual, by a commercial company that generates public comments "to influence public policy" (as quoted

from their website). Of those comments generated commercially, many came from email addresses that, when the Forest responded, were not valid. Some others were from senders who did not know how their names and emails appeared on the project mailing lists and who asked the Forest to remove their names because they had no interest in the project.

Again, regardless of the source of the correspondence, or whether ideas expressed were in a form letter email or a personal letter, the Forest considered each piece of correspondence that was received. Then, all of the relevant concerns were addressed in the final environmental impact statement and will be considered prior to making a final decision.

Issue 20. (OTHER) Ignored request to analyze if logging and skid trails could have the unintended consequences of increasing the likelihood of vandalism, illegal dumping and illegal ATV trails in the East Fork Area.

Suggested remedy: None.

Regional Review and Response: This concern was addressed in response to public comment 45002 which directs readers to Section 3.7. Page 3.7-3 of the FEIS states: “The Bitterroot NF has mapped known motorized trails as of January 2001. The Forest has an OHV Ranger, numerous Forest Protection Officers, and two Law Enforcement Officers who enforce this order. There is not 100% assurance of compliance to this or any order, however the Forest has been successful in monitoring and restricting illegal OHV use in other areas that have been thinned. When adverse environmental effects are occurring from OHV use, local managers have the ability to immediately close the road, trail, or area and/or rehab the damage.”

Watershed mitigations discussed on pages 3.3-36 (Jennings Camp Creek), 3.3-40 (Springer Creek) state they will reduce potential illegal ATV use.