

Objection Reviewing Officer
USDA Forest Service, Northern Region
P.O. Box 7669
Missoula, MT 59807

September 17, 2015

These objection comments are respectfully submitted on behalf of Friends of the Rattlesnake, Wilderness Watch and the Wildwest Institute pursuant to the objection process 36 CFR 218.8(d) and 36 CFR 219.54(c). The lead objector is Cass Chinske, 717 Cherry Street, Missoula, Montana 59802; 406-544-2030, whose signature appears on the final page.

The decision objected to is the Decision Notice on the Marshall Woods Project, Missoula Ranger District, Lolo National Forest, signed by Jennifer Hensiek, Missoula District Ranger.

The Decision Notice (DN) addresses several of our concerns from an action standpoint (removal of commercial timber harvest units and machine piling from the RNRA). This is a vast improvement from Alternative B and we recognize and appreciate the positive reaction to public input. However, we continue to have objections to the project that we wish to resolve amicably.

Many issues are left unresolved by the DN. Most importantly, there is scant information on the what, where, when and why of the prescribed treatments. The EA has conflated fuels reduction with ecological restoration and vice versa.

Presumably, the treatments will not be broadcast across every single acre of each treatment unit. Where will the trees be thinned and piled? Where will the drip torch initiate ignitions and when? What standards will be applied for thinning? For example, what definition of "thinning from below" will be applied? Will stems to be removed be limited to 8" dbh or less? To what height will leave trees have their lower branches removed?

Residual fuel loading remains an unresolved issue. We were told at each field trip that the bulk of the project would be completed within two field seasons (partially due to funding). In the comment analysis, the FS claims the project may last 7-10 years. If the project is to last only two seasons, the thinning treatments might not match up with the project goals. The opportunity for burning all the thinned material may not occur over the project time frame, leaving hazardous fuels to either be consumed by wildfire or dealt with in a subsequent project.

The public also deserves a reasonable projection of activity proposed within the RNRA. How many pumper trucks will be employed on each burn and will they be deployed off trail? How many ground personnel will be involved and how many vehicles will be required to transport them?

Moreover, the rationale put forth in defense of Alternative B, if left unchallenged, may well provide precedent for future actions on the Lolo National Forest, and specifically, within the RNRA. For example, the DN states the new decision will not accomplish the benefits claimed under Alternative B.

We are very disappointed in the Comment Analysis (CA) prepared by the Marshall Woods ID Team. Rather than a reasoned, open-minded analysis that takes advantage of the many serious issues raised in the public comment period, the Forest Service has instead produced a blind defense of Alternative B. Literally every issue included in public comments submitted by the Friends of the Rattlesnake, et al., and other forest scientists, ecologists, recreation managers and legal experts are summarily brushed aside, oftentimes relying on inaccurate or false reasoning.

We are taking this opportunity to correct the public record that is neglected and distorted by the comment analysis. We stand by our comments submitted during the public comment period.

One of our most important concerns was not addressed in the CA. We specifically provided a cited and detailed commentary on the disconnect between the purpose, need, goals and objectives of the project, and the treatments the Forest Service recommended. We are disappointed that the Forest Service continues to portray the vegetative conditions in the Rattlesnake as somehow unnatural or outside the range of historic conditions and in need of treatment by the Forest Service, when the evidence does not support such claims. Similarly, we are concerned that the Marshall Woods project perpetuates the myth that fires, especially stand replacing fires, are unnatural and harmful to the Rattlesnake NRA and Wilderness. There is little doubt that throughout millennia the Rattlesnake country has experienced every type of fire from short interval ground fires to stand replacing fires, such as the fire that swept through the area in the early 1900s, and has experienced small to large insect and disease infestations for longer than humans have walked upon its soils. The forest has naturally shifted from one condition to another in a mosaic of change and evolution.

Active management is only required if the goal is to create conditions that are not natural (created by nature), but instead are preferred by managers. The Rattlesnake does not need to be saved from nature, which will continue to evolve in response to changing natural conditions as it has from time immemorial. It will continue to thrive

and provide numerous benefits to the denizens of the Missoula area if we simply let it be the natural area that it is and was officially designated to protect.

In order to amicably resolve our objections, we seek the following actions from the Forest Service:

- provide an accurate, field-based definition of the where, what, when and why of thinning, piling and burning treatments
- revert to the 8" or less dbh guideline for stems to be cut;
- thinning of stems should be non-species selective;
- brushing standard on the main Trail 515 should comply with the LAC standard of 10' and not 14';
- provide slope gradient information for all treatment units;
- inform us how high on each tree branches will be removed;
- inform us how many pumper trucks and other vehicles and personnel will be involved and will vehicles be used off-trail?;
- clear up the disconnect between the EA's purposes, goals and desired outcomes (ex- there is obvious conflict on whether it is a fuels project or a restoration project). The project purports to serve multiple purposes while thinning and burning should have very specific, measurable outcomes such as number of trees to be removed, residual fuel load in tons/acre and so forth. The EA does not currently provide a field-derived baseline and an endpoint. Without baseline data, or knowledge of how many tons/acre will be felled or where, how can anything be calculated or predicted or efficacy be measured?;
- do not use the Comment Analysis for any future project analyses;
- in the event Unit 1 (outside NRA) cannot be sold, no linkage whatsoever must be made to Grant Creek or any other area to entice buyers;
- Roads-explain decommissioned vs. "stored" and why;
- adjust the confusing, oversized project boundary to remove the Broadway strip and City of Missoula Open Space lands (managed under separate process and funding). Marshall Woods is not a Healthy Forests Restoration Act project and it should not be

conflated with the Missoula County Fire Protection Plan, which does tier to HFRA;

•workforce suggestion- use Youth Conservation Corps, Job Corps and Fire Management students from UM to make it a truly community project where they have an opportunity to learn and gain experience.

Rebuttal and Objection to the Comment Analysis on the Marshall Woods EA

Our response to the CA is limited to those which respond to the comments we submitted on the EA and those from Dr. Hutto, since the CA directs us to the responses to Dr. Hutto as a response to comments we submitted. Our review of responses to comments submitted by others reveals a similar pattern of solid defense of Alternative B, the Alternative that was *not* chosen in the DN.

Forest Service Response to Comment 1. on page A-11 of the CA erroneously states that the RNRAW provides no management direction. When legislation is silent on an issue, it is well-known legal practice to divine legislative intent by reviewing the legislative history of the bill. The only available document is the Committee Report from the House of Representatives, which states the area is not suitable for timber harvest. In 1980, the practice of Congress was not to produce the voluminous bills that are produced today. Committee reports were routinely used to provide definition to a bill's legislative intent.

Not surprisingly, the Lolo National Forest Plan, developed just five years after the enactment of the RNRAW, has consistent standards for MA28 (not suitable for timber harvest).

Forest Service Response to Comment 2. on pages A-11 and A-12 provides an overly broad definition of "safety hazards." This definition could apply to every tree within the NRA and project area. As written in the Forest Plan, we believe it applies to individual hazard trees that are threats to recreational users, not firefighters. The firefighter efficiency and safety reason for commercial fiber removal does not appear to have a regulatory basis in Forest Planning documents because it really has no ground-based way of measuring it because it is so hypothetical.

The Forest Service comment regarding MA28 Standard 15 is totally subjective. The Forest Service has placed itself within the minds of all recreational users and concluded that natural ecosystem processes such as disease, insects and forest succession are undesirable, without providing any evidence whatsoever. Vague public opinion surveys from other areas are not a sufficient basis for such comments. The Forest Service conveniently assumes almost all recreational users will agree with and like the results of the proposed treatments.

Forest Service Response to Comment 3. on page A-13 is incorrect. The work outlined in the EA for Trail 515/Road 99 goes well beyond the routine maintenance allowed by the Forest Plan. Best Management Practices were intended to be implemented for the sort of high-impact activities contemplated in Alternative B. and not routine maintenance. The proposed bridge abutment work at Spring Creek is meant to increase load capacity beyond the current administrative uses allowed. Brushing and clearing on Trail 515 departs the LAC Standards for the NRA, from 10' to 14'. These departures from Forest Plan and LAC Standards must be removed from the project.

Forest Service Response to Comment 4. on pages A-13 and A-14 is inaccurate for the same reasons listed above. Moreover, the exceptions listed apply virtually everywhere yet are wholly inconsistent with the RNRAW and the Lolo Forest Plan. Exemptions for "national emergency, war, etc." apply to all federal lands but are never raised in the context of regular management activities. The Forest Service is citing to the wrong authorities. The RNRAW is not just another piece of land on the Lolo National Forest, it is a nationally designated area with special management. Wilderness and NRAs are part of the Multiple Use spectrum but are not designated for the purpose of providing for all the multiple uses outlined in the Multiple Use Sustained Yield Act of 1960.

Forest Service Response to Comment 6. on page A-15 is not accurate. Two of the Alternatives called for construction of lead-line harvesting systems which would "violate the natural appearance of the area." Site modification is the major goal of all the action alternatives including the new DN and all are expected to some degree to "violate the natural appearance of the area."

Forest Service Response to Comment 7. on page A-15 acknowledges violation of the LAC Standards but doesn't provide a justification. Again, the Forest Service conveniently assumes that recreational users will all believe these unilateral changes are favorable without providing any evidence. The logic applied will also change the recreational use of the area, leading to faster and faster travel, which also increases safety risks to users. The existing LAC process is the place for suggesting these changes, not a vegetation management project.

Forest Service Response to Comment 8. on page A-15 is wrong for the same reasons listed above. The Sawmill Gulch project had border slopover that included 79 acres within the NRA that were lightly thinned in an area previously logged and directly adjacent to houses. This slopover was illegal and should never have been allowed. Breaking the law and Forest Plan standards once is not a precedent that allows future violations.

Forest Service Response to Comment 10. on page A-16 is absolutely wrong. The Page i we refer to is included in the electronic version of the Lolo National Forest Plan provided by the Planning Documents section of the Forest Service. The version the Forest Service presents to the public is the only version. Moreover, if this was meant to be guidance to forest employees, the guidance is clearly that roadbuilding is not allowed within MA28. The CA attempts to create new exemptions for new roadbuilding where they do not exist.

Forest Service Response to Comment 11. on page A-16 is totally subjective, somehow equating commercial logging and roadbuilding with recreation values. Logging in the Rattlesnake NRA is not a "part of the Missoula lifestyle." We insist the Forest Service remove this rationale from it's thinking.

Forest Service Response to Comment 16. on page A-19 may be accurate, but reflects the EA does not comply with NEPA. NEPA requires a reasonable range of alternatives including a clearly identified preferred alternative. Alternative B fulfilled this function despite the Forest Service claim it never had a preferred alternative. The ID Team sure thought Alternative B was the preferred alternative at the public meeting and both field trips. The EA states it has a "Proposed Action." Definition of a Proposed Action is the first step in the NEPA process according to the Council on Environmental Quality Citizens Guide to the NEPA (2007).

Forest Service Response to Comment 25. on page A-22 doesn't make sense and it does not address our comment that the project area includes lands that have no relationship to the project or its proposed treatments. The City of Missoula Open Space lands are not a part of the Marshall Woods Project and are being treated under a separate management plan. Having them within the project area boundary is confusing and unnecessary. Should an assessment of the University of Montana campus include the airport? Please remove city lands and the Broadway strip from your forest management plans.

Forest Service Response to Comment 27. on page A-22 is inadequate. Slope gradient information is easily available and should have been included in the EA and the GIS database supporting it. Slope is vital in planning prescribed burns. Please add this data layer to your maps and make it electronically available.

Forest Service Response to Comment 34. on page A-24 skirts the issue raised in the letter from Jake Kreilick, Chair of the Lolo Restoration Committee. The Forest Service added commercial units within the NRA without approval from the LRC, while representing to the public that the LRC supported the project and Alternative B. This is false and has never been true. Future attempts at public process need improvement.

Forest Service Response to Comment 35. on page A-25 is non-responsive. It simply cites to comment 22 without addressing our specific comment.

Forest Service Response to Comment 36. on page A-25 is weak. Everybody knows the Forest Service wanted to implement Alternative B. It promoted it in the newspapers and at the public events. The process was rife with bias unproductive to positive cooperation. Once again, NEPA requires a clearly defined alternative, whether an EA or an EIS. Your claim to not have had one is not credible.

Forest Service Response to Comment 37. on page A-25 repeats the same weak claim.

Forest Service Response to Comment 42. on page A-27 seems to indicate that working with the LRC relieves it of its responsibility to describe in detail how the project affects recreation in a NATIONAL RECREATION AREA. The project goals are related to restoration and reduction of fire danger. Having no goals for recreation is inconsistent with the existing management regime.

Forest Service Response to Comment 44. on page A-26 indicates the Forest Service feels no need to provide the public with information on the history of the establishment of the NRA and the collaborative public process represented by the LAC. Why not? Just because it isn't required?

Forest Service Response to Comment 46. on page A-28 again indicates the Forest Service lacks institutional memory of the history of the establishment of the NRA. Moreover, not knowing of the Friends of the Rattlesnake is amazing. It was a major mistake to not have invited the Friends of the Rattlesnake and others in at the beginning. Controversial proposals deserve even more analysis and knowledge of the legislative history and management of the RNRAW and contacting key persons should have been step one.

Forest Service Responses to Comments 52, 53, 54, 55 and 56. on pages A-31 – A-37 are not informative. The comments submitted by Dr. Hutto, a renowned forest and fire ecologist are not directly responded to. He cites several of the papers we cited. There is a succession of “the forested vegetation specialists’ report says...” You do not address the comments, but merely rehash the erroneous information and conclusions from the EA. It's neither a response or analysis.

Forest Service Response to Comment 59. on page A-39 is weak. Just because the issue was not raised in scoping doesn't mean it should not be in the EA. The amount of tons/acre to be felled is absolutely vital to understanding the project and its implications. Leaving it out was irresponsible and made it impossible to assess the

efficacy of fuel reduction projections and residual fuel loads. Hiding it in the Project File is insufficient.

Forest Service Response to Comment 61. on page A-41 is insufficient. It simply lumps our comments with those submitted by Dr. Hutto. There is no direct response or analysis of our specific comments, which differ significantly from those submitted by Dr. Hutto.

Forest Service Response to Comment 62. on page A-41 is not consistent with the information presented at the public field trips. The CA states a project such as this could take 7-10 years to complete. However, at the two field trips we were told the bulk of the vegetation removal would take place over two field seasons. Which is it? Two years or ten? It makes a huge difference for fuel reduction and residual fuel loading calculations. If its ten years, the slash from thinning may be on the ground for up to ten years, which is unacceptable. The Forest Service Response (A-41) indicates downed fuel will remain unburned for at least 5 years. That is also an impact on visual quality and visitor enjoyment.

It also states ecosystem management burning would not occur until year ten, even then dependent on weather and air quality. Why the delay?

Forest Service Response to Comment 86. on page A-50 simply repeats the same inflated definitions of WUI. It should be noted that the National Interagency Fire Center states a meaningful map of WUI cannot be produced because every county gets to provide its own definitions. We would hope the Forest Service would rely more on reason than use whatever the most expansive definition it can find. If you are telling people the Broadway strip is WUI, you are undermining the WUI concept, confusing the public and leaving yourselves open to ridicule.

Forest Service Response to Comment 87. on page A-50 provides no data to back up its claim that the area "contains higher fuel conditions." As we noted in our comments, the fuel specialist found average fuel loadings consistent with estimated historic levels. Just because you think they are higher doesn't make it true. There is no evidence provided that the forests in the Marshall Woods project area are wildly outside HRV.

Forest Service Response to Comment 88. on page A-51 is wrong. The numbers we cited are correct. You cite a study that was not done in the project area estimating fuel loads up to 74 tons/acre. So what? That is not representative of average fuel loads per acre in the project area. Again, historic fuel loads reported as 5-15 tons/acre, and the aftermath of Marshall Woods project, 5-25 tons/acre. That's obviously an increase that makes a difference.

And why doesn't the project have fuel loading goals? That's ridiculous for a project designed to reduce fuel loads and severe fire risk. But then again, the Forest Service doesn't provide the amount of tons/acre to be felled and burned. There is no baseline starting point, an amount to be cut or how much will be left. We strongly object to this vagueness and insist this information be assembled and provided prior to any project implementation.

Forest Service Response to Comment 80. on page A-51 is off base. First, our comment never said much about Rate of Spread. Having said that, while some may question its importance as an indice, ROS remains an important component in most fire modeling programs. Fire severity directly relates to rate of spread. In fact, in addition to where a fire is and in what fuel types and how close it is to structures, a fire commander will immediately want to know: how big is it? how severe is it? how fast is it moving? Then she or he can make a reasonable assessment of where and how to deploy initial resources.

The Forest Service response to comment 62 states vegetation treatments may well happen in one year (year five) and not be burned until year ten. The Forest Service does not address our comment that removal of 30-60% of the canopy cover could result in increased wind speeds at ground level, increased solar radiation and increased drier, flashier surface fuels. Climate change is cited throughout the EA as an effect on forests, yet it fails to disclose how opening up the forest in a drying, warming climate will not result in even drier forest stands more susceptible to natural and man-caused ignitions. Less shade equals more heat. Where do we go on a hot day to sit? Under a tree.

Forest Service Response to Comment 90. on page A-52 is a cop-out. Moreover, the new DN nixes the argument. It claims the project can provide for firefighter efficiency and safety by creating conditions that will limit flame heights to 4' or less. But the Forest Service admits it doesn't know the tons/acre to result from the treatments. How can flame heights be estimated? Moderate slash creates 8' flame heights, rendering goals for firefighter efficiency and safety unattainable. We insist the vagueness be cleared up.

Forest Service Response to Comment 91. on page A-52 is vague and evasive. One definition of fuel break from 1977 is provided but the concept has evolved since then. Fuel breaks come in many different types. Also, fuel breaks are not "permanent" unless constructed of concrete and even then they can easily be spotted across. Few are effective under extreme conditions.

The basic purpose of the Marshall Woods project according to the DN is creating a break in the “fuel continuity” within the Rattlesnake drainage for “firefighter efficiency and safety.” The EA is replete with this. Stating that no fuel breaks are contemplated within Marshall Woods is wrong. That’s exactly what you is being proposed no matter what it is called it.

Forest Service Response to Comment 92. on page A-53 evades the comment. Whether George Wuerthner said it or the Chief of the Forest Service, everybody knows it’s true. The EA and CA do not address the issue of burning when plants are not evolved with fire or when it is so wet the fire doesn’t achieve its objectives. This is important and needs to be evaluated. The Forest Service doesn’t think George Wuerthner’s opinions are worth responding to because it isn’t a published science paper? He was the editor of *Wildfire, A Century of Failed Forest Policy* which was praised on the back cover by Dr. Michael Dombeck, former Chief of the U.S. Forest Service. Everything we quoted from his piece is widely known and accepted and has been taught in fire management classes for decades.

Moreover, Reinhardt, et al. say fuel reduction for fire suppression is counter-intuitive. What is the response to them?

Forest Service Response to Comment 93. on page A-53 doesn’t even comport with the EA or new DN. Alternative B did depart from the 8” standard contained in the other alternatives. The new DN reinstates the 8” dbh limit. The 8” dbh recommendation for thinning from below has been in use for nearly 30 years and was the standard on the 1988 Yellowstone Fires. It is commonly cited in the science literature.

Forest Service Response to Comment 94. on page A-53 is mostly non-responsive. Hiding things in the project file that should have been in the EA is no excuse. Again, the Forest Service has stated it does not know the important baseline information. How is it known that fuel loads won’t increase? An educated guess? We need more than that.

Forest Service Response to Comment 95. on page A-53 again raises conclusions which are not based on analyses. How can flame height be predicted without the information for fuel loads? It’s all conjecture based on opinions and not scientific facts. We looked for the data and it isn’t there.

Forest Service Response to Comment 115. on page A-61 misses the point. The fact is that the EA did not assess the effects of timber removal on hiding cover. In another response the Forest Service indicates that wider brushing standards for Trail 515 could frighten away big game, so our comment is a valid issue. The Forest Plan needs a

standard for hiding cover at ground level. It is totally related to elk security, especially during hunting seasons.

Forest Service Response to Comment 126. on page A-67 is incorrect. The project has anticipated violating the 300' INFISH streamside buffer by allowing brush removal and small tree cutting to within 50' of Rattlesnake Creek (see FS response to comment 128.) Departing from the INFISH buffers requires completion of a full watershed effects analysis and the EA does not qualify. No new field studies were done for the EA, such as McNeil core sampling to set baselines for fine sediment levels. BMPs are waved around like a magic wand when they are often marginally effective.

Forest Service Response to Comment 129. on pages A-68 and 69 is inadequate. The Fisheries Specialists' Report wasn't very good and isn't based on field sampling specific to the Marshall Woods project. It relies on BMPs as a cure-all. Too much faith is put in the Fisheries Report and not enough on solid, published science and court decisions.

Forest Service Response to Comment 130. on page A-60 is deficient. Once again it is assumed there will be no adverse effects on bull trout simply due to BMPs alone, in the absence of collected field data.

Forest Service Response to Comment 131. on page A-60 is without basis. Like many other of the EA's numbers, the calculations for the number of truck loads does not correspond to the volume of timber by board feet that was proposed to be removed. It's way more than 80-90 truckloads. We did read the various specialists reports and we object to their methods and conclusions.

Forest Service Response to Comment 132. on pages A-70 and 71 is insufficient. The EA proposed removing 30-60% of the canopy cover including small trees to within 50' of the streambanks. The EA presents no analysis to support a conclusion there would be no effects on stream temperature.

Forest Service Response to Comment 133. on pages A-70 is not scientifically valid and is false in regards to INFISH buffers. A *departure* was proposed from the buffers. The reference we provided from Rieman and McIntyre was not understood. Metapopulation structure is critical to bull trout survival as it spreads risk throughout the system. When there are very few individual populations, the importance of each increases. Annual redd counts show Rattlesnake Creek is the primary spawning habitat for bull trout in the Middle Clark Fork. Any threat to it increases risk to the entire metapopulation. The conclusions in the EA are based on the Fisheries Specialist's opinions and data collection has been done by others and for different purposes than analysis of timber cutting activity. The EA does not qualify as a

comprehensive watershed analysis. First the Forest Service states it isn't required, and then says it did one. Neither is true.

Forest Service Response to Comment 134. on page A-72 doesn't address the issue. The Forest Service admits the Forest-wide goal is maintain or *increase* water quality but then admit sedimentation will increase. That does not equate with improvement. Then the response says the proposed action is not expected to exceed state water quality standards, which is a different goal than maintain or increase water quality.

Forest Service Response to Comment 135. on page A-72 reaches the erroneous conclusion that removal of 30-60% of the canopy cover would not increase air temperature. That flies in the face of numerous scientific papers, including Reinhardt, et al. The Rattlesnake is a south-facing drainage. Increased solar radiation at ground level will increase temperatures.

Forest Service Response to Comment 169. on pages A-84 and 85 cites the LAC but ignores that the project departed from LAC standards. No detailed analyses appear in the EA.

Forest Service Response to Comment 170. on page A-85 merely admits violation of the Visual Quality Objective without an adequate justification. Again, a subjective definition of visual quality is provided which equates with fire-free green forests, when natural ecosystem processes are visually appealing to many users.

Forest Service Response to Comment 171. on page A-85 doesn't address the comment. We asked for a cumulative effects disclosure and discussion but did not get it.

Forest Service Response to Comment 173. on page A-85 doesn't answer the question.

Forest Service Response to Comment 174. on page A-86 does not answer the comment.

Forest Service Response to Comment 190. on page A-94 is ridiculous. Numbers in an EA are *supposed* to add up correctly.

Forest Service Response to Comment 191. on page A-94 is very weak.

Forest Service Response to Comment 210. on page A-99 is non-informative. The Forest Service admits impacts, but does not provide an analysis.

Forest Service Response to Our Literature Cited shows the Forest Service does not adequately address or understand the context in which these references are intended. For example, the Forest Service response to Alexander and Butler (2008) from the proceedings of a wildland fire safety conference is that it does not have relevance to the Marshall Woods Project. The EA is strongly predicated upon improving “firefighter safety and efficiency.” How can this link not be understood?

Throughout the Forest Service response to the literature we cited on bull trout science and habitat threats, the Forest Service claims “the commenter did not make a specific connection as to how these comments are relevant to the Marshall Woods project, so the citation is not considered,” or “is considered as general information.” Given that the Fisheries Specialist believes BMPs are a cure-all for bull trout, obviating the need for site-specific analysis directly related to the project, it’s not surprising that the review of science findings and requirements would not be understood to be related to Marshall Woods. Our comments are on the Marshall Woods Project and EA and all our citations were used in direct comment on the EA.

Bader (2000) is not an “opinion.” It is a peer-reviewed scientific paper published by the Forest Service. Likewise, Bader (2004) is also not an “opinion”, but a professional review of bull trout science as part of an official U.S. Fish & Wildlife Service process. We will add that we enjoyed a nearly spotless record in U.S. Federal Courts, which included these summary findings of science in crafting their decisions requiring listing of bull trout and subsequent designation of critical habitat and a schedule for recovery planning. Rattlesnake Creek is designated critical habitat for bull trout. The claim we did not make a specific connection to the Marshall Woods project is flat out wrong. The information is cited in response to the EA and Fisheries Specialist’s Report, which failed to take this information into account prior to finding “not likely to adversely affect bull trout” for Alternative B.

The Forest Service does not provide a response to the information we cited in our comments and which we provided to the Forest Service on our disk of references from the Ecological Research Institute at Northern Arizona University. It provides cautions relevant to the Marshall Woods project in regards to thinning and burning strategies.

The Forest Service response to Fox and Ingalsbee (1998) evades the quotations we submitted in our comments. The Forest Service simply agrees with the part of the paper it likes, and ignores the gist of the paper and our citation of it. Instead the Forest Service throws out the same deficient argument that “mechanical removal of material is required.”

Likewise, the Forest Service response to Ingalsbee (2005) reveals the internal conflict the Forest Service has with the Marshall Woods Project. Is it a fuels project or a

restoration project? The EA is strongly predicated upon improving “firefighter safety and efficiency” by reducing the continuity of fuels and limit flame heights to less than 4’ allowing direct attack methods. That’s one of the definitions of a fuel break. That’s why we cited the paper as it relates to fuel reduction for firefighter safety. And again, Reinhardt, et al. state that “fuel reduction for fire suppression is counter-intuitive.” The Forest Service has still not responded to these science papers.

The Forest Service is non-responsive to the letter from Jake Kreilick, chair of the Lolo Restoration Committee. The Kreilick letter was not simply a review of the LRC’s involvement with the Marshall Woods project and the Forest Service, it is also a complaint that the Forest Service added the commercial units within the NRA without their having consensus.

The Forest Service did not respond to our citation of the Sawmill Gulch Press Release from the Lolo National Forest using a 0.34 mile definition of WUI, simply saying “we are familiar with this document.”

Rather than respond to our citation of Odion, et al. (2014) and the context in which we cited it, we are told to see the response to Dr. Hutto’s literature cited.

The Forest Service missed the context in which we cited Oliver (2014) as part of the paper relates to drier, mixed-conifer forests, of which there are plenty within the Pacific Northwest Region of the Forest Service. Findings from east-side forests in central and northeast Oregon are directly relevant to Marshall Woods, which is a mid-elevation, south-facing area.

Perhaps the biggest cop-out in the Forest Service CA is the non-response to our citation of Reinhardt, et al. in which the Forest Service states “We cited this document.” Okay, but how about the quotations from their paper we cited in refutation of the EA’s goals and methods?

To reiterate what we seek from the Forest Service in order to resolve our objections, we seek:

- provide an accurate, field-based definition of the where, what, when and why of thinning, piling and burning treatments
- revert to the 8" or less dbh guideline for stems to be cut;
- thinning of stems should be non-species selective;

- brushing standard on the main Trail 515 should comply with the LAC standard of 10' and not 14';

- provide slope gradient information for all treatment units;

- inform us how high on each tree branches will be removed;

- inform us how many pumper trucks and other vehicles and personnel will be involved and will vehicles be used off-trail?;

- clear up the disconnect between the EA's purposes, goals and desired outcomes (ex- there is obvious conflict on whether it is a fuels project or a restoration project). The project purports to serve multiple purposes while thinning and burning should have very specific, measurable outcomes such as number of trees to be removed, residual fuel load in tons/acre and so forth. The EA does not currently provide a field-derived baseline and an endpoint. Without baseline data, or knowledge of how many tons/acre will be felled or where, how can anything be calculated or predicted or efficacy be measured?;

- do not use the Comment Analysis for any future project analyses;

- in the event Unit 1 (outside NRA) cannot be sold, no linkage whatsoever must be made to Grant Creek or any other area to entice buyers;

- Roads-explain decommissioned vs. "stored" and why;

- adjust the confusing, oversized project boundary to remove the Broadway strip and City of Missoula Open Space lands (managed under separate process and funding). Marshall Woods is not a Healthy Forests Restoration Act project and it should not be conflated with the Missoula County Fire Protection Plan, which does tier to HFRA;

- workforce suggestion- use Youth Conservation Corps, Job Corps and Fire Management students from UM to make it a truly community project where they have an opportunity to learn and gain experience.

Respectfully yours,



Cass Chinske

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George Nickas

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