CONDITIONS-BASED ANALYSIS
Yet another Forest Service scam to evade environmental laws
By Jeff Juel

In April of 2022, the Forest Service publicly released details on the "Bitterroot Front Project", a management proposal "to address the wildfire risk to out communities and promote forest restoration" on the Bitterroot National Forest (BNF) in Montana. The project area includes almost all national forest lands from the BNF boundary just west of the Bitterroot River extending up to the boundary of the Selway-Bitterroot Wilderness.

What is new about this proposal is not that the Forest Service is raising the specter of wildfire to get the public to swallow industrial-scale logging as acceptable management. Nor is it new that the proposal is being promoted under dubious claims that this logging, much of it clearcutting, would somehow "restore" the Forest. Nor are the other euphemisms the FS is using for logging (e.g., make forests more "resilient" to the forces of nature) to smokescreen Smokey's timber agenda anything new. It is also not a novelty that the Forest Service is targeting nearly 86 square miles (including 13,245 acres within Inventoried Roadless Areas) for logging while only documenting its environmental impacts in a brief Environmental Assessment (EA) rather than conducting a thorough analysis in an Environmental Impact Statement (EIS).

Nor is it even slightly unusual that the Forest Service is planning to violate standards adopted into the original 1987 BNF Forest Plan—commitments made to protect old growth, soil productivity, elk habitat, and other aspects of biological diversity. No, it's been routine over the past 10-15 years for the agency to write such "project-specific amendments" into logging plans for the BNF.

What *is* new is the Bitterroot Front is the agency's first foray into "conditions-based analysis" in the Big Wild. Under conditions-based analysis (CBA), the Forest Service would be making a final decision to authorize management activities in general locations and intensities *before* informing the public—or even determining for themselves—the specifics of project plans. Normally the detailed information is disclosed in documents prepared under the National Environmental Policy Act (NEPA), such as in an EIS or in a less detailed EA.

The decision document will not identify which type of logging (thinning, clearcutting, etc.) is being proposed for any specific area that is allegedly not "resilient." Or that is allegedly experiencing an "epidemic of insects and disease." Or that is risking "catastrophic wildfire" to private property or presumably, firefighters. Or if the specific area will be burned rather than logged. They just somehow know it "needs treatment." Because. No need for specialists to verify such alleged conditions actually exist.

However, lacking specific project details, impacts on the numerous attributes of the forest ecosystem cannot genuinely be analyzed or disclosed in the EA, nor can alternative courses of actions be given due consideration as NEPA requires.

Under another CBA proposal on the Lolo National Forest—well after the decision is signed—the Forest Service says that every year agency specialists would choose which areas to "treat",

decide how to “treat” them, determine where and how much road building and upgrading would be needed, inform resource specialists so they can conduct the site-specific surveys to observe conditions relating to their areas of expertise, insure that the activities are consistent with the Forest Plan and the general parameters in the EA (and if they do exceed those parameters, write justifications explaining why it wouldn’t really be relevant anyway), and then finally share all such information with the public. Share, that is, unless they simply doesn’t want to because the new “analysis” is poorly done, shows this year’s annual activities are not really consistent with the EA or threatens to violate other laws. Not, mind you, that the public would have any leverage, besides hiring a lawyer, to actually influence anything or enforce compliance with laws. This is because there is no comment, appeal, or objection process in the regulations that apply to this post-decision CBA situation. In other words, there would be no feasible way to hold the agency accountable to the public.

So with the NEPA process largely being sidestepped, the agency would be denying the public its opportunity for fully informed participation in the process of deciding what management is appropriate for the BNF.

So, why is the agency inviting litigation on potential claims that CBA would be a violation of NEPA? This writer believes the agency is coming under increasing political pressure, to both produce timber and act like it can address the growing wildfire issue, with fewer appropriated dollars for everything but firefighting. So the Forest Service is forced to propose vaguely described management actions over bigger and bigger landscapes despite NEPA compliance—and therefore the public interest—being shortchanged. For example, with the Rim Country 4FRI plan in Arizona, up to 953,130 acres across multiple national forests are alleged to need “treatments” over a 20-year period using CBA. That is an area of land larger than any one of over 30 individual U.S. national forests!

With support from its members and supporters, Friends of the Clearwater will be scrutinizing Bitterroot Front and any other CBA proposal the Forest Service attempts to bring to the Big Wild. Along with our grassroots allies, we will find a way to maintain the kind of influence over the national forests that the promise of democracy provides citizens through NEPA and other environmental laws.