

November 26, 2013

**USDA Forest Service
Objection Reviewing Officer
EMC, RPC-6th Floor
Attn: Judicial and Administrative Reviews
1601 N. Kent St
Arlington, VA 22209**

Emailed to: objections-chief@fs.fed.us

Pursuant to 36 CFR 219 regulations, this is an objection to the Land Management Plan – 2013 Revision (LMP) and draft Record of Decision for the Idaho Panhandle National Forests (IPNF) on behalf of the Alliance for the Wild Rockies (AWR), Friends of the Clearwater (FOC), Kootenai Environmental Alliance (KEA), the Sierra Club - Idaho Chapter & Upper Columbia River Group, Selkirk Conservation Alliance, Barry Rosenberg, and Paul Sieracki (collectively, “Objectors”). The Responsible Official is Faye Krueger, Regional Forester of Northern Region, USDA Forest Service.

Collectively, Objectors have several decades of collective participation in management of the IPNF. Adoption of the LMP and FEIS into a final ROD would directly and significantly harm the Objectors and memberships of the Objector groups. The Objector groups are conservation organizations working to ensure protection of biological diversity, water quality, and ecosystem integrity in the Inland Northwest bioregion (including the IPNF). Our organizational missions and personal interests include ecological sustainability of forest management, including clean water, clean air, well-distributed and viable populations of native fish, wildlife and plants, and abundant opportunities for quiet recreation, solitude, and wilderness quality experiences. The LMP, if implemented as written, would adversely impact and irreparably harm the natural qualities of the IPNF and would further degrade the watersheds and wildlife habitat.

Selection of Alternative B-modified and approval of the LMP would not be in accordance with the legal requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and its implementing regulations, the National Forest Management Act (NFMA) 16 U.S.C. 1600 et seq., and its implementing regulations, the Administrative Procedures Act, 5 U.S.C. Sec. 706, and its implementing regulations, the Multiple-Use Sustained Yield Act and its implementing regulations, the Forest and Rangeland Renewable Resources Planning Act of 1974 and its implementing regulations, the Clean Water Act, and its implementing regulations, state water quality regulations, and the Endangered Species Act (ESA) and its implementing regulations.

NEPA AND NFMA PROCEDURES FOR RESPONDING TO PUBLIC COMMENT

OBJECTION STATEMENT: The NEPA regulations contain provisions directing how government agencies are to respond to comments on Environmental Impact Statements (EISs). Also, the Forest Planning Regulations state that while conducting forest planning procedures

under the NFMA, public comments shall be analyzed according to NEPA procedures. NEPA regulations at 40 CFR §1503.4 state:

(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

- 1) Modify alternatives including the proposed action.
- 2) Develop and evaluate alternatives not previously given serious consideration by the agency.
- 3) Supplement, improve, or modify its analyses.
- 4) Make factual corrections.
- 5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

From our reading of the FEIS Response to Public Comments (Appendix G), it is obvious that few of Objectors' comments resulted in the Forest Service taking any of the steps outlined in subparts a(1) through a(4). However, we note numerous instances where the approximate wording, gist or the meaning of our comments was omitted from the summary Response to Public Comments, and therefore no responses appeared. In those cases, the Forest Service failed to comply with FEIS requirements under 40 CFR §1503.4(a)(5).

Based upon so few substantial and meaningful changes resulting from comments, the contents of this Objection are quite voluminous. It should come as no surprise that we request a Supplemental EIS be prepared to remediate the many unresolved issues remaining because of the inadequacies of the FEIS and LMP.

RANGE OF ALTERNATIVES

OBJECTION STATEMENT: The Draft Forest Plan does not include an adequate range of alternatives.

The difference between the alternatives is in most regards be insignificant. This is apparent when we look at the output of timber and the assessment of net benefits. Given that the Plan models or predicts outputs, the range of alternatives for these factors might not even be statistically significant, or only marginally so.

A true conservation alternative would have offered far more wilderness and it would have provided a real emphasis on ecology-based management. In addition, the range of alternatives for the land area allocated for over-snow vehicles shows little variation and certainly no real spread between alternatives.

Alternative C is not a conservation alternative or anything close to it. Alternative D is much more of a development alternative than C is a conservation alternative. Quite simply stated, the FEIS does not assess a true conservation alternative. As a result, the Proposed Alternative B-modified does not strike a balance. Alternative C comes closest to a balanced alternative, but

because the IPNF did not offer a genuine conservation alternative, there is nothing to compare it to.

REMEDY:

- Prepare a Supplemental Draft EIS that includes a truly wide range of alternatives. We request that the IPNF base a true conservation alternative on the contents of this Objection, and on the December 1, 2002 scoping comments submitted by the Ecology Center “on the proposed EIS and Plan Revision for the Kootenai and Idaho Panhandle National Forests.”

FOREST PLAN DIRECTION AND PLAN ELEMENTS

OBJECTION STATEMENT: The heading for “Goals” was omitted from page 1 of the LMP.

REMEDY:

- Clarify that Goals are Forest Plan Elements

OBJECTION STATEMENT: Many LMP Objectives are not linked with LMP Goals, as required.

REMEDY:

- Link each Objective with a corresponding Goal.

OBJECTION STATEMENT: The use of the word “Should” in Forest Plan Direction raises red flags in terms of the level of discretion it allows land managers to have in following the letter of the Standards, Guidelines, etc. AWR comments stated:

That and so many other Guidelines state that such-and-such **should** occur, instead of “shall” occur. The word, “should”, although according to the dictionary imparts duty and obligation, is not the Forest Service’s preferred interpretation, as the IPNF itself has gotten a court to rule in *Lands Council v. McNair*:

“We cannot conclude that (should) creates a mandatory rule that strictly limits...”
Rather, this Court explained, “[t]he section is cast in suggestive (i.e., “should” and “may”) rather than mandatory (e.g., “must” or “only”) terms. . . . It suggests how old growth should be managed, not how it must be designated.”

Also, Barry Rosenberg’s comments stated, “(A)ccording to recent court rulings, use of the word “should” in guidelines does not insure adherence to the guideline. Thus, the intent to protect water quality through this guideline, like the water quality standard WTR-O1, can be easily circumvented.”

REMEDY:

- The Forest Service must replace “should” with more unambiguous wording or state the intent of its use in several sections of this Objection.

OBJECTION STATEMENT: “Short term” and “long term” are not defined. Barry Rosenberg’s comments stated, “What qualifies as “long term benefit” or “short term effects” will of necessity be discretionary since these terms are not defined in the DLMP, DEIS or the Appendices.”

REMEDY:

- The Forest Service must define “Short term” and “long term” in each instance where they are used in the LMP.

VEGETATION

OBJECTION STATEMENT: FW-DC-VEG-01. The desired ranges for dominance groups are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.

In their comments, FOC noted:

With regard to white pine and larch (presumably species the agency wants to bring back, their competitors--Doug-fir, grand fir, and western red cedar--also do well in conditions that favor early seral species. Also Doug fir is very fire resistant making it highly adapted to fire. Thus, the question must be asked if recent changes in climate are not favoring those other competitors and the previous assumed dominance of the pines and larch was either a point-in-time that changes or the result of a new and likely irrevocable climatic region to which the competitors are better adapted.

FOC also provided scientific evidence from a researcher familiar with blister rust that suggests efforts to short circuit evolutionary time and bring back white pine are doomed to failure. The process we are dealing with is one of evolutionary time. In any case, the full benefits of white pine return won’t be present for at least 200 years. Further, the historical dominance of white pine is based on stand data. (NOTE: historical photographic data is unreliable for overall forest conditions as early photos were generally not taken at random, statistically valid grid points and early photos are fairly rare). However, stand data protocol was different at the time, specifically in how dominance was defined. It was a much lower percentage than in current protocols. Thus, comparing stand data from the early 1900s may not be possible to stand data from today, especially if the raw data, original data sheets and protocols from the early 1900s are no longer in existence.

REMEDY:

- Disclose the information sources and scientific research basis that has been used to demarcate these desired ranges for each of the Dominance Groups.
- Disclose the scientific information regarding the effects of climate change and white pine blister rust that has been used to demarcate these desired ranges.
- Correlate historic white pine abundance with the current day abundance, based upon data, recognizing protocols have changed and that dominance was previously defined at a lower level than it is today.

- Assess whether it makes any scientific and social sense to try and increase white pine abundance versus allowing natural processes to, over the long term, recover white pine to whatever level it may be capable of achieving given changes in climate.
- Modify/correct this Desired Condition, as well as the corresponding MA6 Desired Condition, based upon the above data and science.

OBJECTION STATEMENT: FW-DC-VEG-02. The desired ranges for Size Class are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges. And as AWR’s comments stated:

The use of only four “size classes” also oversimplifies the heterogeneity found across the IPNF. For one example, the highly important habitat features found in old growth are not recognized. For stands to start meeting the old growth criteria, trees would have to be roughly 150 years older depending on forest type, to allow time for other important stand characteristics not recognized by the “size class” categorization to develop—still at a relatively young age of 150 years. The Draft Plan entirely fails to even mention the “Large/Very Large” size class, as discussed in the DEIS; not until the DEIS Appendix discussion of Spectrum modeling does the IPNF finally use a “Very Large” size class (20”+ dbh, age starting anywhere from 131 to 181 years), separate from the “Large” size class. Also, there is no explanation why there are differences in size classes between the Draft Plan and the Spectrum modeling.

REMEDY:

- Disclose the information sources and scientific research basis that has been used to demarcate these desired ranges for each of the Size Classes.
- Disclose the scientific information regarding the effects of climate change and white pine blister rust that has been used to demarcate these desired ranges.
- Adjust LMP Desired Conditions to include the additional size class, “Very Large” as AWR comments cited from the DEIS Appendix, or else “old growth” that meets all LMP criteria.
- Disclose why there are differences in size classes between the Draft Plan and the Spectrum modeling.
- Modify/correct this Desired Condition based upon the above data and science.

OBJECTION STATEMENT: FW-DC-VEG-03. The term “substantial amounts” is not defined. The desired “greater increase” related to the identified tree species is not supported by citation to specific reliable historic data taken from IPNF surveys or scientific research. The Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those increases.

REMEDY:

- Define the term “substantial amounts” for each of the contexts this Desired Condition describes.
- Disclose the information sources and scientific research basis for each desired “greater increase.”

- Cite scientific research that explains how the effects of climate change and white pine blister rust affect the attainability of those increases.
- Modify/correct this Desired Condition based upon the definitions, data, and science requested.

OBJECTION STATEMENT: FW-DC-VEG-04. The implied assertion that trees are generally too dense on the IPNF is not supported by specific reliable historic data gathered from IPNF surveys or science that we are aware of. As AWR comments stated:

Such a forestwide, blanket “desired condition” is scientifically questionable. In fact, the DEIS admits that “it is difficult to quantify historical forest densities” and only “general inferences can be made...” (p. 73). Utilizing this Element as Plan implementation direction would be ecologically damaging over much of the IPNF.

REMEDY:

- Disclose the information sources and scientific research basis for this LMP direction for each of the various Biophysical Settings and Dominance Groups.
- Modify/correct this Desired Condition based upon that data and science.

OBJECTION STATEMENT: FW-DC-VEG-05. The desired increase in size of forest patches in the seedling and sapling size classes and decreases in size of forest patches in the small and medium size classes is not supported by specific reliable historic data gathered from IPNF surveys or science that we are aware of.

REMEDY:

- Disclose the information sources and scientific research basis for this LMP direction for each of the desired increases and decreases.
- Modify/correct this Desired Condition based upon that data and science.

OBJECTION STATEMENT: FW-DC-VEG-06. The implied assertion that root fungi and forest insects are causing too much tree mortality on the IPNF is not supported by specific reliable historic data gathered from IPNF surveys or science that we are aware of.

REMEDY:

- Disclose the information sources and scientific research basis for this LMP direction.
- Modify/correct this Desired Condition based upon that data and science.

OBJECTION STATEMENT: FW-DC-VEG-07. The desired ranges for snags are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. The scientific basis for the delineation of snags into two diameter groups using 20” d.b.h. as the division point is not disclosed.

REMEDY:

- Disclose the information sources and scientific research basis that has been used to demarcate these desired ranges for snags.
- Disclose the scientific basis for the delineation of snags into two diameter groups using 20” d.b.h. as the division point.

- Modify/correct this Desired Condition based upon that data and science.

OBJECTION STATEMENT: FW-DC-VEG-11. The desired ranges for forest composition, structure, and pattern for each biophysical setting are not supported by reliable historic data taken from IPNF surveys or scientific research that we are aware of. AWR included at least two pages of comments on this topic. This includes the text starting under the heading, “VEGETATION MANIPULATION” and ending with this sentence: “Since the DEIS does not cite the documents that represent this assessment of landscape patterns in three areas of the IPNF, we ask that you cite those specifically.”

Also, the Forest Service has not explained how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.

As stated in AWR comments:

The IPNF does not use any scientifically-validated or peer reviewed metrics, in order to describe the “complex (landscape) pattern” created predominantly by fire and therefore reflective of the vegetative HRV. Therefore the IPNF cannot make any assurances that its management actions result in habitat conditions for wildlife that actually contribute to viability for wildlife, to adequately compensate for the unavoidable adverse effects of the mechanical treatments.

And as AWR quoted from Frissell and Bayles, 1996, “Any simple index for measuring the range of variation will likely exclude some physical and biotic dimensions important for the maintenance of ecological integrity and native species diversity.”

At p. 13, the FEIS Appendix B describes a process from the 1990s that “completed assessments of landscape pattern.” The FEIS does not cite the documents that represent this assessment of landscape patterns.

REMEDY:

- Disclose the information sources and scientific research basis that has been used to demarcate all of these desired ranges, including those resulting from the process in the 1990s that “completed assessments of landscape pattern.”
- Cite scientific research that explains how the effects of climate change and white pine blister rust affect the attainability of those desired ranges.
- Modify/correct this Desired Condition based upon that data and science.

FURTHER VEGETATION REMEDY:

- Modify/correct FW-OBJ-VEG-01 based upon the modifications and corrections of each of the Vegetation Desired Conditions requested above.

OBJECTION STATEMENT: FW-STD-VEG-01. This Standard’s allowance of active mechanical treatments in old growth ignores the scientific fact that such active management is the very antithesis of old growth. The Forest Service cites no scientific research or monitoring results from the IPNF that demonstrate such manipulations will create net ecological benefit and not net ecological harm to old growth and old-growth associated wildlife.

AWR's comments stated:

So under the ... Plan's old-growth management scenario, the Forest Service could choose to log large, old trees down to the degree that a stand could barely qualify as old growth, and that would be consistent with the Forest Plan. Detrimentially disturbed soil conditions would affect much of the treated old-growth areas, some being dedicated (essentially permanent) skid trails affecting soil productivity over the long term, and that would be perfectly consistent with the Forest Plan. Logged stands would no longer need to remain effective habitat for any particular species of wildlife, and in fact could lose a large proportion of existing snags, large logs, canopy cover, ground vegetation, and other characteristics so vital for supporting wildlife. And if the IPNF continues to not monitor population trends, the chance for managers to change to a wiser course would be minimized.

AWR comments also stated, "the Draft Plan does not contain a Standard to protect old growth from firewood gathering. Current roads adjacent to and through old growth result in the loss of important habitat components when snags and down logs are removed for firewood."

REMEDY:

- Modify this Standard to prohibit firewood gathering and active mechanical treatments in all old growth.
- Delete FW-GDL-VEG-01.
- Modify FW-GDL-VEG-02 to prohibit all road construction in old growth.

OBJECTION STATEMENT: Old Growth. As stated in AWR's comments, the LMP contains no minimum acreage or distribution requirements for maintaining old growth, as does the 1987 plan. Those acreage and distribution requirements responded to 36 CFR 219.19 viability provisions, their purpose being that large areas of the Forest would not become devoid of old growth or old-growth associated wildlife. The Sierra Club's comments stated:

Despite the draft Forest Plan's desired condition to increase old growth forests, the non-binding, vague Guidelines, Goals, Objectives and Standards that purport to address old growth in the draft Forest Plan fail to guarantee that current levels of this forest type will be maintained, let alone that old growth habitat will be increased to historic levels on the IPNF.

The Forest Service has never completed an analysis, based upon the best scientific information available, that adequately analyzes the wildlife viability implications of managing the IPNF well outside the HRV for old growth. The LMP's elimination of quantitative old-growth standards poses dire consequences for old-growth associated wildlife species.

AWR's comments further stated:

The Draft Plan has no Standard to protect the amount and distribution of old growth to resemble historic conditions. The Draft Plan contains no requirement to manage for the amount and distribution of old growth that has been determined by scientific research to be necessary in order to sustain old-growth associated wildlife species. The Draft Plan lacks even a "Desired Condition" relative to extent and distribution of old-growth habitat. There

is no guarantee in the Draft Plan that the amount of old growth that will “exist” on the IPNF will be adequate to maintain viable populations of old-growth associated wildlife species. None of the direction cited in FW-DC-WL-12 requires specified amounts and distribution of old growth to be maintained on the IPNF, as found in the 1987 plan’s old-growth standards 10(b), (c), and (f). The scientific basis on old-growth associated wildlife species found in the 1987 Forest Plan EIS is being forgotten—indeed the Draft Plan and DEIS ignore the science on old growth altogether.

The Forest Service itself developed the concept that “well-distributed” means that analysis should occur at approximately 10,000-acre divisions, which is roughly the size of the Old Growth Management Units used for old growth analysis under the 1987 Plan.

AWR’s comments also stated:

The Draft FP contains no requirement to maintain old growth in large enough contiguous blocks to meet the habitat requirements of old-growth associated wildlife. The 1987 Plan Appendix 17 for the Kootenai National Forest contains a lengthy description of the positive attributes of old-growth habitat for a whole host of vertebrate species. Therein is found a discussion about the optimal size of old-growth blocks that research indicated would support viable populations of old-growth associated wildlife. It states that 1000 acres are optimal for old-growth associated wildlife while 50-acre stands are marginal and therefore should be the absolute minimum block size and should be “the exception rather than the rule”. The 1987 KNF Plan Appendix 17 also discusses the fact that isolated small patches are not likely to sustain viable populations of some wildlife species with short dispersal distances.

...The Draft Plan **contains no requirement to designate specific stands of mature forest, i.e., “recruitment” old growth, to be protected from logging so that they evolve into old growth for the future.**

...The Vegetation section of the DEIS indicates that the medium size class (ranging in age up to 100 years old) “became a larger percent of the landscape and the average patch size generally became much bigger.” This means that the IPNF now has the opportunity to identify those specific areas where the medium size class can evolve into the very much below HRV large and very large size classes, and in the proper patch size to support wildlife.

... Addressing the magnitude of this issue requires special Management Area recognition for the old growth and recruitment old growth. Old growth and recruitment old growth could be protected under special management designation such as MA3 Botanical – “unique, unusual, or important characteristics” (Draft Plan at 59).

...Alternatively, old growth and recruitment old growth would be designated as MA4 Research Natural Areas – “a long-term network of ecological reserves established as baseline areas for non-manipulative research, education, and the maintenance of biodiversity” (Draft Plan at 63). Some of the MA Elements would be adjusted to serve the ecological and aesthetic character of old growth.

Sieracki et al. comments requested:

The new Forest Plan must also include minimum standards that require at least 30% of the Forests be managed for old growth and old growth recruitment, well-distributed across the landscape, in accord with scientific information. Areas should be designated for recruitment future old growth. Past logging and natural disturbances have reduced the current amounts below the historic norm. Present old growth will eventually be lost over time due to successional forces such as fire, insects, windstorms, and other natural events.

The latter is in accord with AWR's comments that stated:

Zack et al. (1997) is the Coeur d'Alene River Ranger District's proposal to respond to the Columbia Basin scientific studies, for management of mature and old growth forests of the Coeur d'Alene River Basin.

Zack et al. (1997) was actually responding to the belief that the Columbia Basin scientific studies (part of the ICBEMP process) would result in major amendment or forest plan revision for the IPNF and other national forests. Zack et al. (1997) state:

Desired condition maintains **30% total mature and old forest** on National Forest lands, assessed at the scale of the entire National Forests ownership in the Coeur d'Alene Geographic Area. Desired future condition is **15% mature forest and 15% old forest**. **However, since there is not currently that much old forest, a compensating amount of mature forest will be designated as replacement old forest.**

AWR comments stated, "the Draft Plan does not contain a Standard to protect old growth from firewood gathering. Current roads adjacent to and through old growth result in the loss of important habitat components when snags and down logs are removed for firewood."

REMEDY:

- The IPNF must set forestwide Standards for setting a minimum amount of old growth on the Forest, which includes a buffer amount above what is considered the minimum to insure viable populations of old-growth associated species, so that natural processes that result in loss of old growth do not result in threats to species' viability.
- The IPNF must set Standards for distribution of old growth within each Old Growth Management Unit.
- The IPNF must set a minimum size of blocks of **effective** (meeting all criteria) old growth, below which existing block sizes do not contribute to the forestwide minimum Standard or distribution Standard.
- The IPNF must adopt a forestwide Desired Condition that maintains 30% total mature forest and old growth on National Forest lands, assessed at the scale of the entire National Forests ownership and at the scale of each Geographic Area. Desired future condition is 15% mature forest and 15% old growth. Where there is not currently that much old growth, a compensating amount of mature forest will be designated as replacement future old growth.
- The IPNF must adopt a forestwide Standard that requires that NEPA documents for site-specific project areas identify the areas of forest to meet the above Desired Condition in each Old Growth Management Unit affected by the project.

- Protect old growth and recruitment old growth under Management Area designation such as MA3 Botanical – “unique, unusual, or important characteristics.” Alternatively, old growth and recruitment old growth would be designated as MA4 Research Natural Areas – “a long-term network of ecological reserves established as baseline areas for non-manipulative research, education, and the maintenance of biodiversity.” Some of the MA Elements would be adjusted to serve the ecological and aesthetic character of old growth.

OBJECTION STATEMENT: FW-GDL-VEG-03. The Forest Service does not cite the scientific basis for the minimum amounts of coarse woody debris to be retained under this Guideline. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary, as courts have interpreted “should.” Also, the exception allowed where minimum amounts “are not available” could lead to a delay in the development of coarse woody debris in treated stands because of retaining too few snags or live replacement trees as recruitment.

REMEDY:

- Disclose the scientific basis that has been used to set these minimum amounts of coarse woody debris to be retained under this Guideline.
- Modify the Guideline as necessary to be consistent with the science.
- Clarify the Forest Service’s intention in using the word “should” in this Guideline.
- Also see Remedy for FW-GDL-VEG-04.

OBJECTION STATEMENT: FW-GDL-VEG-04. The Forest Service does not cite the scientific basis for the minimum amounts of snags to be retained under this Guideline. The scientific basis for the delineation of snags into two diameter groups using 15” d.b.h. as the division point is not disclosed. AWR comments stated:

The Draft Plan’s use of only two size classes of snags and live tree recruitment threatens more widespread loss of diversity and vital structures for wildlife. USDA Forest Service, 1990 uses an index of the “Number of potential nesting trees >30” dbh per acre” for the current MIS pileated woodpecker, and the McClelland and McClelland (1999) study in northwest Montana found the average pileated woodpecker nest tree was 73 cm. (almost 29”) dbh. The Table 4 guideline fails to address viability for this species. Whereas the guideline says “Emphasize retention of the largest...” that still needs to be more prescriptive towards retention **starting with the very largest available on the specific site** to provide the desired diversity.

The Guideline also does not utilize science which recognizes that western larch and other tree species are disproportionately important in providing cavity habitat for wildlife. The Guideline allows removal of snags > 20” d.b.h. by use of the word “generally.” The Guideline does not specify the area over which “per acre” is to be applied. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary, as courts have interpreted “should.” Also, the exception allowed where minimum amounts “are not present” could lead to a delay in the development of snags in treated stands because of retaining too few live replacement trees as recruitment.

REMEDY:

- Disclose the information sources and scientific research basis that has been used to set these minimum amounts for snags.
- Disclose the scientific basis for the delineation of snags into two diameter groups using 15” d.b.h. as the division point.
- Modify/correct this Guideline based upon the science requested.
- Modify the Guideline to prohibit the removal of any snag > 20” d.b.h.
- Modify the Guideline to specify the area over which “per acre” is to be applied in each treatment unit.
- Modify retention requirements in this Guideline and in FW-GDL-VEG-04 to insure that where minimum amounts of coarse woody debris and/or snags are not present, the total of each component plus recruitment from its source component (snags and green tree replacements for coarse woody debris, and green tree replacements for snags) would be the same as if there are adequate amounts of each component to meet all minimums.
- Clarify the Forest Service’s intention in using the word “should” in this Guideline.

OBJECTION STATEMENT: FW-GDL-VEG-05. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary, as courts have interpreted “should.” Also, the “fire salvage” provision for using untreated areas to meet snag requirement would lead to insufficient retention in logged areas.

REMEDY:

- Clarify the Forest Service’s intention in using the word “should” in this Guideline.
- Delete the bullet sentence allowing untreated areas be used to meet snag requirements in “fire salvage” areas.

OBJECTION STATEMENT: FW-GDL-VEG-06. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary as courts have interpreted “should.”

REMEDY:

- Clarify the Forest Service’s intention in using the word “should” in this Guideline, or make this a Standard and substitute the word “shall” for “should”.

OBJECTION STATEMENT: FW-GDL-VEG-08. The first sentence, coupled with the consistency requirement on page 4, suggests that any silvicultural system may be used in any proposed treatment unit, regardless of its appropriateness.

REMEDY:

- Omit that first sentence, or modify it to state, “All silvicultural practices may be considered for managing forest vegetation.”

FIRE

OBJECTION STATEMENT: FW-DC-FIRE-02. Essentially, this Desired Condition can be used to justify treatments regardless if they result in forest conditions that would not likely occur naturally, or if the biophysical setting would require frequent, intensive fuel treatments to maintain the Forest Service’s desired fuel conditions. Regardless of natural fire regime, “Fire behavior is characterized by low-intensity surface fires with limited crown fire potential.” Also, this Desired Condition prioritizes fuel reduction over natural processes that create important wildlife habitat components and maintain soil productivity. The LMP Glossary definition of WUI under (A) has allowed entities other than the general public to set WUI boundaries outside of NEPA and NFMA processes, and under (B) defines it so vaguely as to expand the delineation of the WUI greatly—again outside NFMA and NEPA processes. As AWR’s comments stated:

The Forest Service ...does (not) adequately analyze the impacts on forest resources from treatments generally favored in a given WUI. Our understanding is that the WUI has been defined, and can be re-defined, without any NEPA process. The Draft Plan does not even show the location of the WUI. Given the uncertain location of the Draft Plan WUI, the DEIS cannot possibly analyze the implication of Plan implementation of WUI management.

Further, this Desired Condition would be applied beyond the Wildland Urban Interface, vaguely to “areas where values are at risk.” In other words, just about anywhere in the forest. The Desired Condition does not contain any scientific perspective regarding the home ignition zone, nor does it prioritize treatments in the WUI where property owners have taken proper steps to minimize fire risk on their own property. The language of this Desired Condition would nullify the language in FW-DC-FIRE-03 that recognizes the desirability of wildland fire because of the latter’s vague language.

REMEDY:

- Rewrite this Desired Condition to state, “Hazardous fuels are reduced within the WUI”—period.
- Add language that prioritizes treatments on national forest land within the home ignition zone, after steps are taken by landowners to minimize fire risk on adjacent private property.

OBJECTION STATEMENT: MA6-GDL-FIRE-01. This Guideline directs “fuels are reduced, particularly within the wildland urban interface, to reduce the threat of wildland fire” and has the same problems as FW-DC-FIRE-02. It is also redundant.

REMEDY:

- Remove this Guideline from the LMP.

OBJECTION STATEMENT: FW-DC-FIRE-03. It is likely that the vague language in this Desired Condition would essentially nullify its intent that recognizes the desirability of wildland fire.

REMEDY:

- Rewrite this Desired Condition to add detailed specificity to the term, “many areas.”

OBJECTION STATEMENT: FW-OBJ-FIRE-02. AWR’s comments on this element stated: “the numbers must specify acres rather than fire starts; and this should affect a much more significant portion of the IPNF than the wording of this objective implies—to be determined ‘subject to the test of good science and full and fair analysis’ as we stated above.”

REMEDY:

- Rewrite this Objective to specify acres (rather than fire starts) so as to be adequate to meet the Desired Conditions that recognizes the desirability of wildland fire.

OBJECTION STATEMENT: FEIS analysis of fire suppression. AWR’s comments included:

The wildland fire issue is, in many ways, the most daunting and perplexing one facing management of the IPNF. On one hand, the Draft Plan implicates it as a “catastrophe”, a threat to life and property, a natural force to be controlled at all costs—even if those costs bust the agency budgets. On the other hand, it is recognized as a vital creative force that sustains practically all components of the forest ecosystems—wildlife, fish, soil productivity, species composition, landscape pattern and structure---you name it. In addressing the issue of wildland fire, we see the occasion of the revision of the forest plan as the defining moment when overall management of the IPNF can shift boldly towards sustainably, or lurch dizzily onward in the present direction towards ecological disintegration.

Given that a predominant driving purpose for much of the vegetation management is to compensate for what is often claimed to be landscape-level adverse effects of fire suppression, we are encouraged that the Draft Plan and DEIS recognize the 1987 Plan as out-of-date on this issue, and propose solutions that would allow fire to play a much more natural role. We fear, however, that the pressing unmet need for public education on this issue, coupled with the vested economic interests in carrying on fire suppression (limited only by equipment and firefighter availability), other political forces that prioritize timber over ecology, and the culture of the agency itself (favoring manipulation and control rather than embracing wildness)—all stand as significant barriers to accomplishing the necessary change in fire policy.

Furthermore, as AWR’s comments recognized, foreseeable agency budgets would not even result in enough vegetation management under the agency’s paradigm to “fix” the problems perpetuated by fire suppression:

The DEIS discloses that, with the likely scenario of a constrained budget as reflected by the 5-year average of funding allocated to the IPNF from 2006 to 2010, the preferred alternative would be able to “Move towards Desired Vegetation Conditions” only 956,063 acres—**only 38% of the IPNF over the next 250 years!**

Clearly, the Draft Plan Elements needs much stronger direction and certainty for use of wildland fire for resource benefits. The DEIS does not present an analysis that faces up to this constrained budget scenario, in regards to the Draft Plan’s strong management emphasis to “Move towards Desired Vegetation Conditions” using active management, mostly mechanical manipulations.

The FEIS's analysis is still fatally flawed for the same reasons. The implication is clear: fire suppression will continue to dominate, except in those weather situations when and where suppression actions are ineffective, in which case fires of high severity will occur across relatively wide areas. The FEIS's analysis fails to adequately recognize or consider that scenario's likelihood.

REMEDY:

- Prepare a Supplemental Draft EIS that fully analyzes a scientifically based Conservation alternative utilizing natural processes as the prime method of vegetative restoration outside a wildland urban interface that is delineated using the NEPA process including the best scientific information available.

WATERSHED

Barry Rosenberg's comments stated: "The ... DEIS acknowledges that previous land management activities 'continue to affect watershed health and the aquatic ecosystem.' "

The FEIS at p. 156 acknowledges that human induced disturbances "are likely to continue to accumulate, and the press-nature of those disturbances still exists."

The FEIS at p. 156 discloses that this will not change, since the priority of the IPNF remains the same as it did since 1987 Forest Plan—watershed restoration will continue take a back seat to logging activities:

With the direction and emphasis in the Forest Plan, watershed restoration may tend to be prioritized and directed by more commodity-based resource decisions, such as restoration associated with timber harvest activities."

Barry Rosenberg's comments stated

... In order to achieve the "allowable sale quantity" (ASQ), also known as the timber target, the IPNF crafted language for its aquatic standards and guidelines that would allow logging activities to take place no matter what the existing condition of the affected area. The agency has drenched the DEIS with so much discretion as to render the aquatic standards arbitrary. The standards pertaining to watersheds and water quality, riparian, aquatic species and habitat are limited, narrowly focused, and contain language that could subvert the intent of the standard. The standards are written to allow reliance on discretionary judgment, which can result in little to no consistent significant environmental protection as mandated by NFMA.

...The major flaw in these Watershed Condition Ratings is that there is no enforceable threshold associated with the conditions of the watersheds to impede or approve of a level of permitted activities. ...No matter how badly degraded a drainage might be, in this FP DEIS and DLMP there are no aquatic standards or thresholds that would absolutely limit timber sale activities. Without them there is no assurance that the watersheds and aquatic habitat and species will receive the protection mandated by NFMA.

REMEDY:

- Prepare a Supplemental Draft EIS, utilizing the Watershed Condition Ratings to set nondiscretionary aquatic standards (numeric thresholds) that would limit road building and timber sale activities.
- The Supplemental Draft EIS must disclose the impacts due to the “press-nature of those disturbances” caused by chronic damage because of deferred maintenance of roads and motorized trails.

OBJECTION STATEMENT: The Forest Service entirely disregarded the Sierra Club’s comments pertaining to mine waste pollution. The Sierra Club’s comments stated:

New since the 1987 plan is the recognition that mine wastes (notably “heavy metals” lead, cadmium, zinc) pollute the Spokane River – Lake Coeur d’Alene watershed. Mine wastes move downstream during high water events. Eutrophication of Lake Coeur d’Alene (including from nutrient loading from waters tributary to the Lake), may alter water chemistries sufficient to re-suspend metals in the Lake (potentially with profoundly adverse consequences for Lake Coeur d’Alene and the Spokane River). [See, for example: The Impact of Mining and Related Activities on the Sediment Chemistry of Lake Coeur d’Alene and the Spokane River System, Arthur J. Horowitz, USGS, September 12-14, 2011: mn.water.usgs.gov/projects/tesnar/2011/Presentations/Horowitz.pdf

As the planning team has noted, the Coeur d’Alene National Forest is located partly within elevations susceptible to “rain-on-snow” events, making these forests susceptible to rapid snow melt and flooding. Downstream from the Coeur d’Alene National Forest is a 14,000-acre area of wetlands and lakes covered with about 100-million tons of toxic media from the mining district: floods from the National Forest sweeping across this toxic floodplain are source for the Coeur d’Alene’s toxic floods.

...During the February 1996 floods, USGS measured lead concentrations in Coeur d’Alene River water, and estimated that over 1 million pounds of lead flowed into Lake Coeur d’Alene in a single day.

In 2005 the National Academies of Science published Superfund and Mining Megasites: Lessons from the Coeur d’Alene River Basin.

www.epa.gov/superfund/accomp/coeur/index.htm The Committee of Scientists found that scientific and technical practices used by EPA for decision-making regarding human health risks at the Coeur d’Alene River basin Superfund site were generally sound. The exceptions were minor. However, for EPA’s decision-making regarding environmental protection, the committee had substantial concerns, particularly regarding the effectiveness and long-term protection of the selected remedy. Included in their concerns was the way in which flooding increases the complexities and costs of the Superfund cleanup in the Coeur d’Alene Basin, including the following:

The Coeur d’Alene River basin is a system where floods have a fundamental role in the resuspension and distribution of contaminants and particularly in the potential recontamination of remediated areas, including wetlands and riverbanks, by contaminated sediments. An understanding of the source areas of these contaminated sediments is evolving. Although impacts to waterfowl in the lower basin are severe,

the durability of proposed remedial efforts to protect waterfowl is highly questionable. In addition, recontamination of wetlands by floodwaters containing lead-contaminated sediments would quickly undo the benefits of remediation. . . .

Recontamination of remediated areas from flooding is a major concern. In selecting sites for remediation, EPA should consider the potential for recontamination and proceed with remedies that are most likely to be successful and durable. **The extent that water yield and flooding can be managed through land-use practices, it is important to include these practices in schemes designed to protect human and ecosystem health.** (Emphasis added.)

During the January 2011 floods the USGS estimated that floods carried 352,000 pounds of lead into Lake Coeur d'Alene, on January 18.

...The IPNF and DEIS is silent on the relationships between the forested watersheds and stream flow. During the 1980s, conservationists raised concerns about road-building and clearcutting. The KING affiliates produced a television special, "Roads to Nowhere" that included an interview of former IPNF Supervisory Hydrologist Allen Isaacson walking on boulders in a dry streambed to emphasize that impacts of logging in altering hydrographs, increasing flows during rain-on-snow events and spring runoff, and then reducing stream flows during late summer and fall.

Climate change is projected to accentuate the shifts in stream and river hydrographs, with important impacts both on-forest as well as through the river systems downstream. Because of the problems with mine wastes that generally move during high flow events, climate change is of concern regarding mine waste cleanup: "It is also predicted that some extreme events will occur more frequently or with greater magnitude"

REMEDY:

- The Plan needs to acknowledge and describe the existence of extensive mine waste pollution and the Coeur d'Alene Basin cleanup. The agency may refer to EPA's website: Bunker Hill Mining and Metallurgical Superfund Site (Coeur d'Alene Basin) <http://yosemite.epa.gov/r10/cleanup.nsf/sites/bh>
- The Plan needs to acknowledge and describe the relationship between river and stream flows, movement of mine wastes downstream, and increased challenges and costs of remedial actions. The USFS may wish to reference: The National Academy of Sciences Report on Superfund and Mining Megsites: Lessons from the Coeur d'Alene Basin <http://www.epa.gov/superfund/accomp/coeur/>
- The Plan needs to provide information on the association between removal of forest canopy, road networks in IPNF watersheds and increased water yields. Discussion needs to include rain-on-snow belts especially prone to flooding - flooding that carries lead and other mine wastes into Lake Coeur d'Alene and the Spokane River.
- The Plan needs to include a full range of alternatives on restoring IPNF watershed damage that relate to the Coeur d'Alene River Basin cleanup.
- The IPNF planning team needs to address climate change, stream and river flow regarding both on-forest and off-site.

- USFS planning staff should confer with other federal agencies (e.g., EPA, USGS, BLM) and undertake a supplemental EIS to assess the off-forest impacts of floods, mine-waste movement, and contributions to nutrient-loading of the 160 miles of lakes and rivers that comprise the Coeur d'Alene Basin Superfund cleanup. In the interim and recognizing the environmental and human health consequences and Superfund cleanup costs, USFS priority should be to protect and restore the watershed forests of the Coeur d'Alene Basin. Until such time as the USFS has completed the above remedy, the agency should impose a moratorium on further forest disturbing activities in that part of the IPNF that may impact the Superfund site.

OBJECTION STATEMENT: FW-OBJ-WTR-01. This Objective seems to prioritize management (logging, fuel reduction) in the watersheds in best condition on the Forest, because of use of vague language “toward a better condition” and “risk factors.”

REMEDY:

- Rewrite this Objective to state that “risk factors” are not vegetative conditions but are rather sources of erosion, pollution, sedimentation, excessive water yield, and the like.

OBJECTION STATEMENT: FW-OBJ-WTR-02. This Objective seems to prioritize management (logging, fuel reduction) because of its language “improve... across **acres** of subwatersheds...”

REMEDY:

- Rewrite this Objective to focus management on risk factors as we suggest for FW-OBJ-WTR-01.
- Include a statement that prioritizes meeting existing TMDLs (and future TMDLs when they are developed).
- Include a statement that prioritizes meeting the “other pollution control requirements.”
- Include a statement that prioritizes reducing other sources of pollution that have resulted in beneficial uses becoming impaired.

OBJECTION STATEMENT: FW-GDL-WTR-01. Barry Rosenberg’s comments pointed out: This guideline offers little to no protection to the impaired waters on the IPNF. Even with an approved TMDL, there is no legal authority to enforce a violation of the TMDL. In the last decade, the IPNF has proposed and logged, supposedly with State concurrence, regeneration timber sales in 303(d) impaired drainages, without proposing or implementing any required validation and effectiveness monitoring to determine the validity of the predicted effects of the proposed and ongoing timber sales.

Also, it is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render the entire Guideline to be discretionary as courts have interpreted “should.”

REMEDY:

- Delete the sentence, “A short-term or incidental departure from state water quality standards may occur where there is no long-term threat or impairment to the beneficial uses of water and when the state concurs.”
- Clarify the Forest Service’s intention in using the word “should” in this Guideline, or make this a Standard and substitute the word “shall” for “should”.

OBJECTION STATEMENT: FW-GDL-WTR-02. The meaning of “hydrologic stability” is unclear.

REMEDY:

- Clarify that the intention is to leave decommissioned or stored roads and trails in a condition that has no adverse watershed effects.

OBJECTION STATEMENT: As AWR comments recognized, the Watershed Disturbance Rating strongly suggests forestwide direction to attain watershed restoration. Yet, there are no forestwide standards for those parameters, which would provide much stronger prioritization towards meeting forestwide Watershed and Water Quality Desired Conditions than the LMP includes.

REMEDY:

- Include in the LMP forestwide Standards for each of those factors (Percent equivalent clearcut acres, Percent intact riparian, Stream crossing density, Percent detrimental compaction, and Riparian area road density).

SOILS

OBJECTION STATEMENT: FW-DC-SOIL-01. The meaning of the sentence “Areas with sensitive and highly erodible soils or land types with mass failure potential are not detrimentally impacted or destabilized as a result of management activities” is unclear.

REMEDY:

- Define “sensitive and highly erodible soils or land types with mass failure potential” by reference to existing descriptions of IPNF soils, so it can be objectively determined if a given area on the Forest is subject to this Desired Condition.
- Define “destabilized.”

OBJECTION STATEMENT: FW-DC-SOIL-02. The meaning of the term “Managed areas” is unclear. The areal extent could be delineated as a certain area of a few square feet, a logging unit, a timber sale contract area, an entire watershed, or even a Ranger District.

REMEDY:

- Define “Managed areas.”

OBJECTION STATEMENT: FW-OBJ-SOIL-01. The Forest Service sets as its only soil Objective for the next 15 years what it would take a trained operator to do in 15 days. The meaning of “not meeting soil quality criteria” is unclear.

REMEDY:

- Define the term “not meeting soil quality criteria.”
- Disclose the total acres on the IPNF that are “not meeting soil quality criteria.”
- Rewrite this Objective to restore a reasonable percentage (50%) of those acres over 15 years, to ensure a genuine effort is made during that time period towards restoring ecological sustainability of productivity of the Forest’s soils, including fully contributing towards sustained yield.

OBJECTION STATEMENT: There are no soil quality standards in the LMP. Sieracki et al. comments stated:

Region 1, which includes the Idaho Panhandle National Forests, has a soil standard. Although there are significant questions remaining as to the long-term productivity of the forest, including forage for wildlife and timber yield, allowing actions that adversely impact productivity above 15% of each logging unit should not be allowed. That is the current Standard the Forest has committed to and that commitments should continue. The Regional Soil Quality Standards (FSM 2500-99-1) should be a part of the new Plan.

And in response to extensive AWR comments on this topic, the FEIS Appendix G refers to the “Regional Forest Quality Standards (FSM-2500-99-1)”. We are not aware of any public process (NEPA, forest planning) that went into the preparation of FSM-2500-99-1. That was a 1999 rewrite of similar earlier directives—themselves never subject to public process. FSM-2500-99-1 was also not included in the LMP Appendix B Retained Decisions. Many provisions of FSM-2500-99-1 are written with language that resembles guidelines, objectives, or other more discretionary components found in the LMP, so no Forest Service statement exists that insures everything in them is mandatory despite the FEIS using the word “required” in referring to them. Nowhere does the LMP or FEIS state that they are a part of the LMP and to be applied like other standards written in the LMP. There is no assurance that the Regional Forest Quality Standards would not be rewritten to weaken their soil protective measures, or eliminated altogether at any time without following the forest plan amendment process.

Nowhere in the LMP or FEIS did the Forest Service demonstrate that will actually prevent irreversible soil damage. To the contrary, in practice the agency interprets and implements FSM-2500-99-1 to **allow** permanent soil disturbance on 15% of every proposed logging unit. In addition, logging units are re-mapped for each project and may be “gerrymandered” to avoid areas of past disturbance in order to address the 15% limit. Perhaps even more significant is the fact that some land managers do not even make site visits to determine actual soil disturbance, but instead use a computer model to guess at existing disturbance. This is significant because the soil disturbance model may only consider past timber harvest and not consider other important factors such as compaction from livestock grazing, weeds, compaction and erosion from illegal ATV use, etc.

Moreover, in practice district-level land managers interpret and implement these standards to allow **more than** 15% soil disturbance so long as they promise mitigation, regardless of the actual efficacy of the mitigation measures or the likelihood that mitigation will even be funded.

The Forest Service is not ensuring that the LMP will not allow irreversible soil damage on the IPNF, simply by adopting FSM-2500-99-1. The failure to ensure that soils are not irreversibly damaged violates NFMA. Additionally, NEPA requires that the Forest Service ensure the scientific integrity of its management decisions and reference the scientific studies it relies upon for its conclusions. Nowhere in the LMP or FEIS does the Forest Service cite to any science that demonstrates that the implementation of the FSM-2500-99-1 will ensure that soils are not irreversibly damaged. Thus, the LMP also violates NEPA in this respect.

REMEDY:

- Prepare a Supplemental Draft EIS and LMO which adopt standards in the LMP that carry out the full intent of the FSM-2500-99-1, following the proper public process.
- The FEIS must ensure the scientific integrity of FSM-2500-99-1 by referencing the scientific studies it relies upon for its conclusion that the implementation of FSM-2500-99-1 will ensure that soils are not irreversibly damaged.

OBJECTION STATEMENT: There is no LMP requirement to quantify, minimize, or even consider the total amount of detrimentally disturbed soils. AWR comments stated:

After about ten years of claiming it's irrelevant for project NEPA analysis purposes, the IPNF finally employs a measure of cumulative detrimental soil disturbance in a geographic area larger than a timber sale "activity area." In describing factors relevant to its "Watershed Disturbance Rating" the DEIS at Appx. E p. 135 states:

Detrimental disturbance (%) - Percentage of a subwatershed considered to have detrimental soil disturbance, based on ground based harvest activities...

AWR comments stated:

The decrease in future timber yield due to cumulative soil damage forestwide is not quantified in the DEIS. Even if timber were the only accepted use of the IPNF, it would make no sense for the Forest Service to never factor in management-induced decreases in productivity, leading to unanticipated significant reductions over time in timber yields. In response to our comments on economics, the Kootenai National Forest stated:

Sustained yield was defined in the Kootenai Forest Plan, 1987, (Vol. 1, Chapter VI, Glossary) as "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the National Forest System without permanent impairment of the productivity of the land." Sustained yield is based on the lands' ability to produce.

Also, Sieracki et al. comments stated, "The potential loss of productivity from compaction should also be accounted for in the ASQ model runs."

REMEDY:

- Include a standard in the LMP which requires site-specific project NEPA documents to disclose the "Percentage of a subwatershed considered to have detrimental soil disturbance" (DEIS Appendix E p. 135) for each subwatershed affected by project activities.
- Include a standard in the LMP which places a scientifically-derived upper limit on subwatershed-level detrimental soil disturbance.

OBJECTION STATEMENT: The Forest Service utilizes a proxy—detrimental disturbance—rather than more direct measures of management-induced losses or reductions of soil productivity. The definition of detrimental disturbance does not recognize some effects that damage soils and/or reduce soil productivity, such as noxious weeds taking over a site. The LMP and FEIS do not consider cumulative losses of soil productivity due to noxious weeds in assumptions concerning timber growth and yield, or any biological feature positively correlated to the productivity of soils.

The Forest Plan did not implement any standards for noxious weed management that address the cause of the problem through prevention.

REMEDY:

- Quantify the forestwide extent of soils with impairment or experiencing detrimental impacts based upon the presence of noxious weeds.
- Add standards for noxious weed management that address the cause of the problem through prevention.

OBJECTION STATEMENT: AWR comments included:

In response to TLC’s comments on the Kootenai NF’s Brush Creek Environmental Assessment, the Forest Service stated:

Forest (“land”) productivity is “the summation of productivities of the individual landscape elements (stands) that comprise the forest and is the integration of soil productivity, species composition and stocking, and stand history (Grgal 2000)”. If soil productivity is adversely affected due to compaction, then this will have an impact on the overall productivity of the forest. Forest productivity is difficult to measure, so oftentimes, soil quality is used to estimate the potential productivity (Little et al., unknown year).

Also, the Forest Service’s utilization of its proxy (amount of detrimental disturbance) results in some levels of observable or measurable soil damage to be zero, because it falls below a threshold amount—even though it may cumulatively affect the productivity of the soil. So some level of damage will always be disregarded in any analysis.

We are aware of no scientific information based upon IPNF data that correlates the proxy (areal extent of detrimental soil disturbance in activity areas) to metrics of long-term reductions in soil productivity in activity areas, in order to validate the use of the proxy as a scientifically meaningful estimate of changes in soil productivity.

REMEDY:

- Disclose scientific data that correlates measures of detrimental disturbance on the IPNF with measures of changes in soil productivity.

OBJECTION STATEMENT: FW-GDL-SOIL-01, 02, 03, and 04. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the

LMP, or if it is intended to render these entire Guidelines to be discretionary, as courts have interpreted “should.”

REMEDY:

- Clarify the Forest Service’s intention in using the word “should” in these Guidelines, or make them Standards and substitute the word “shall” for “should”.

OBJECTION STATEMENT: FW-GDL-SOIL-04. Activities on landslide-prone activities can always be avoided.

REMEDY:

- Clarify this direction to explicitly exempt soil and watershed restoration activities such as decommissioning roads, or upgrading drainage structures where needed.

RIPARIAN

OBJECTION STATEMENT: FW-STD-RIP-01, 02. The meaning of “intact and ...functioning at desired conditions” is unclear. There is no reference to any established objective criteria.

REMEDY:

- Clarify the meaning of “intact and ...functioning at desired conditions” by specific reference to established objective criteria.

OBJECTION STATEMENT: FW-STD-RIP-02.

“When RCAs are not intact and not functioning at desired condition, management activities shall include restoration components that compensate for project effects to promote a trend toward desired conditions. Large-scale restoration plans or projects that address other cumulative effects within the same watershed may be considered as compensatory components and shall be described during site specific project analyses.”

The last sentence is a vast loophole that allows this standard to be ignored in project development as long as the project documents make any claim that the project has some “large scale” restoration component. It has been typical for at least a decade for the Forest Service to state that every timber sale restores the affected watersheds, even if there were no measurable or demonstrable large-scale direct benefit to riparian functioning.

Barry Rosenberg’s comments stated, “Since there is no legal standard mandating the frequency, timing and location of site-specific, scientifically credible quantitative/qualitative monitoring, discretionary judgment on part of the decision maker or specialist will again determine whether the ‘restoration components’ will mitigate proposed logging activities and promote a trend toward desired conditions.”

Also, Barry Rosenberg’s comments stated, “FW-STD-RIP 02 contradicts the Amended LRMP Direction for PACFISH and INFISH as presented in the IPNF Draft Land Management Plan, Appendix B-Retained Existing Decisions, Watershed and Habitat Restoration.”

WR-3. Do not use planned restoration as a substitute for preventing habitat degradation (i.e., use planned restoration only to mitigate existing prob[lems] not to mitigate the effects of proposed activities). DLMP at p. 252

In response, the IPNF stated in FEIS Appendix G Response to Comments:

The commenter has confused the direction in FW-STD-WTR-02, by not considering the entire statement, which starts with, “When RHCAs are not intact and not functioning at desired condition...” The standard does not promote restoration as a means to mitigate effects from proposed activities, but rather requires restoration when RHCAs are not functioning towards desired conditions and projects cannot further degrade RHCAs. This direction does not conflict with INFISH WR-3;

That is a highly disingenuous statement, distorting or ignoring the comment and the plain language of FW-STD-RIP 02. Then, perhaps in tacit acknowledgement of the conflict Barry Rosenberg identifies, **the IPNF omitted INFISH WR-3 from the LMP Summary of Retained Decisions.**

This illustrates a problem with the LMP including only a **Summary** of the Retained Decisions. Obviously, the IPNF was selective in which portions it included, making it difficult for the public to know what is actually included as LMP Direction, and misleading the public into thinking that the “Summary” is comprehensive.

REMEDY:

- Delete the final sentence from the Standard.
- Delete the phrase, “that compensate for project effects” from the Standard.
- Include within the LMP the entire text of the documents that are Retained Decisions.
- Include INFISH WR-3 as an LMP forestwide Standard.

OBJECTION STATEMENT: FW-GDL-RIP-01, 02, 03, 04, and 05. It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render these entire Guidelines to be discretionary, as courts have interpreted “should.”

REMEDY:

- Clarify the Forest Service’s intention in using the word “should” in these Guidelines, or make them Standards and substitute the word “shall” for “should”.

OBJECTION STATEMENT: FW-STD-RIP-03. This Standard incorporates the INFISH direction in the 1995 forest plan amendment. The LMP and FEIS fail to acknowledge the known limitations of the INFISH direction by supplementing it with sufficient other LMP Direction. Barry Rosenberg’s comments pointed out these deficiencies:

INFISH standards presented in the DLMP fail to provide sufficient protection to watersheds and aquatic biota and bull trout for several reasons. It deals primarily with riparian zone protection, and does not consider instream and stream bank erosion and sediment deposition during high water yield events, such as spring runoff and rain-on-snow (ROS). It also fails to adequately consider cumulative effects or acknowledge that ROS

events are not limited to occur between 3000 and 4500 feet elevation. There are many areas of 2500 feet or less where ROS events occur, such as in the Priest Lake region.

According to the August 1998 Bull Trout Biological Opinion regarding INFISH (BO) high water yield events are an important factor and need to be considered.

Patterns of stream flow and the frequency of extreme flow events that influence substrates are anticipated to be important factors in population dynamics (Rieman and McIntyre 1993). With overwinter incubation and a close tie to the substrate, embryos and juveniles may be particularly vulnerable to flooding and channel scour associated with the rain-on-snow events common in some parts of the range (Rieman and McIntyre 1993). DLMP at p. 265.

INFISH, established in 1995 was supposed to be an interim strategy lasting 18 months—it is now 17 years old. According to the BO, INFISH does not provide sufficient protection for bull trout and thus the reliance of the DEIS on INFISH does not ensure against further violations of the Endangered Species Act.

In considering both PACFISH and INFISH the BA (USDA and USDI 1998 a) concluded that indefinite extension of PACFISH and INFISH aquatic conservation strategies delays the recovery of bull trout and increases the risk that key population segments will be irretrievably lost. The PACFISH and INFISH aquatic conservation strategies maintain a fragmented network of habitats in degraded condition, where they presently exist, because they lack a comprehensive management strategy which protects and restores bull trout watersheds. The interim direction does not provide adequate assurance that future actions will not result in adverse effects to listed bull trout DPSs. DLMP at p. 282

AWR comments stated:

Riparian Standard FW-STD-RIP-03 incorporates the Inland Native Fish Strategy (INFISH) direction/plan amendment/ DN and the terms and conditions in the PACFISH/INFISH Biological Opinion into the Draft Plan. We note that the Draft Plan does not contain those sets of direction within the corresponding sections in the body of the Draft Plan, instead relegating them to Appendix B.

REMEDY:

- Prepare a Supplemental Draft EIS that utilizes the direction in the 1998 Bull Trout Biological Opinion to create riparian, watershed, and fisheries standards into the LMP.

AQUATIC HABITAT

OBJECTION STATEMENT: FW-OBJ-AQH-01. The Forest Service sets as an Aquatic Habitat restoration Objective for the next 15 years an inadequate length of stream channels, hardly addressing the LMP Goal for this topic. AWR comments stated:

The Aquatic Habitat (AQH) Objectives (FW-OBJ-AQH-01, FW- OBJ-AQH-02, FW-OBJ-AQH-03) which appear to contain specific commitments for watershed restoration, are minimal in terms of accomplishing restoration of impaired aquatic habitat. The AQS Objective for impaired streams that contain sensitive or T&E Aquatic Species (FW-OBJ-AQS-01) is also minimal. Instead of taking bold steps to restore the damage from intensive

logging and roadbuilding in recent decades, the Forest Service does not want to be held accountable for doing little about it.

REMEDY:

- Disclose the total miles on the IPNF that have restoration needs for “structure, composition, and function of habitat for fisheries and other aquatic species” and designate those on a map.
- Rewrite this Objective to restore a reasonable percentage (50%) of those miles over 15 years, to ensure a genuine effort is made during that time period towards restoring structure, composition, and function of habitat for fisheries and other aquatic species.

OBJECTION STATEMENT: 36 CFR 219.27. NFMA regulations at 36 CFR 219.27(e) state: “No management practices causing detrimental changes in water temperature or chemical composition, blockages of water courses, or deposits of sediment shall be permitted within these areas which seriously and adversely affect water conditions or fish habitat.” (Emphasis added.) The LMP does not contain direction that explicitly limits the **amount** of sediment that would be allowed to enter water bodies from management activities.

AWR’s comments stated:

One important component of aquatic habitat that that can be measured and is missing is sediment loading. Standards must be included, along with their associated monitoring methodology, for cobble embeddedness, turbidity and total suspended solids.

Unfortunately, the only Element recognizing sediment as an adverse impact on aquatic habitat is in Aquatic Species Guideline:

FW-GDL-AQS-01. Management activities that may disturb native salmonids, or have the potential to directly deliver sediment to their habitats, should be limited to times outside of spawning and incubation seasons for those species, as identified in Table 7.

In other words, according to the Draft Plan, it is acceptable to proceed with management activities that have the potential to deliver sediment to native salmonid habitat, as long as it is not during spawning or incubation. The revised forest plan must include strict limits on the amount of sediment delivered to fish bearing streams due to ground disturbing activities.

Also, due to the inability of the Forest Service to perform routine maintenance, a very substantial portion of the IPNF road system is not up to BMP standards, meaning that sediment and other pollution that result are violations of state water quality standards and the Clean Water Act (CWA). Barry Rosenberg’s comments stated:

Neither the CWA nor NFMA make “budget constraints” a provision to allow the deposition of sediment into streams from roads that are inadequately maintained. Due to the lack of funding there was no routine road maintenance on the Priest Lake Ranger District during FY 2011, and due to budget constraints it is possible this would be repeated in FY 2012. It is common knowledge that the IPNF is woefully behind on its road maintenance. Many Operational Maintenance Levels roads 1-5 as described in Table 51, p. 279 are being neglected.

The IPNF states that, “The draft Forest Plan, does not include any objectives specifically for road construction as it relates to soil and aquatic resource protection or restoration.” DEIS at p. 179. Given this statement and the notorious lack of road maintenance, how does the IPNF justify the current violations of the Clean Water Act? What is in the Draft Forest Plan that will guarantee compliance with the Clean Water Act regarding pollution from roads?

REMEDY:

- Standards must be included, along with their associated monitoring methodology, for cobble embeddedness, turbidity and total suspended solids.
- The LMP Monitoring Program must include a Monitoring Question and Monitoring Indicators to confirm that water conditions and fish habitat are in compliance with 36 CFR 219.27(e), state water quality standards and the Clean Water Act.

OBJECTION STATEMENT: NFMA regulations and fish passage barriers.

FEIS Appendix G (Response to Public Comments) at pp. 408-409 includes response to KEA comments, stating in part: “The Forest Plan is in compliance with all NEPA and NFMA regulations” ... “Commenter does not provide examples of what waterbodies are in noncompliance with existing regulations and for what specific reasons.” The Forest Service response ignored specific information cited on p.7 of the KEA comment letter. KEA had cited USDA, 2008¹ which addresses fish passage barrier issues on NFS lands in the Northern Region.

Page three of USDA, 2008 specifically states the Forest Service has legal mandates that concern fish passage barriers. These include NFMA at 36 CFR 219.19 which requires the FS to maintain viable populations of fish populations, and 36 CFR 219.27(e) which concerns management practices that cause blockages of water courses. Also, AWR’s comments stated, “The Draft Plan and DEIS fail to address compliance with the majority of the various provisions of the NFMA planning regulations”. AWR comments also stated:

(A) striking feature of the Draft Plan is the relative absence of explicit reference to the 1982 36 CFR 219 planning rule—the guiding NFMA implementing regulations. This makes it difficult to see how the Draft Plan is prepared and meant to be consistent with and grounded in regulations written to fundamentally guide planning under NFMA.

KEA’s comments specifically cited the 70 full barriers, 149 partial barriers, and 100 indeterminate barriers located in watersheds on the IPNF. (USDA, 2008 p. 7, Table 1.)

The 1987 Forest Plan includes the following Standard from the INFISH Amendment: “**RF-5.** Provide and maintain fish passage at all road crossings of existing and potential fish-bearing streams.” USDA, 2008 reveals the 1987 Forest Plan and the revised LMP are not in compliance with NFMA regulations. We also note that the LMP changes INFISH Standard RF-5 from a Standard to a more discretionary Guideline.

¹ Assessment of Aquatic Organism Passage at Road/Stream Crossings for the Northern Region of the USDA Forest Service, USDA Forest Service, Northern Region, Hendrickson, et al, 12pp, March 2008

REMEDY:

- The LMP must contain watershed Standards that require full compliance with NFMA regulations regarding fish passage barriers, including those currently located in watersheds on the IPNF. INFISH Standard RF-5 in the LMP must be changed to a non-discretionary Standard so that any project affecting a stream with an existing fish passage barrier on national forest land or on a road under the jurisdiction of the Forest Service must eliminate the fish passage barrier.
- The LMP Monitoring Program must include a Monitoring Question and Monitoring Indicator that annually disclose the number and location of fish passage barriers on the IPNF.

OBJECTION STATEMENT: Best Available Science and WATSED model. KEA's comments addressed the issue of the Equivalent Clearcut Area (ECA) component of the WATSED model, the lack of information concerning locally calibrated coefficients, and validation of the ECA component of the model.

FEIS Appendix G (Response to Public Comments) does not include any response to the issues of the locally calibrated coefficients and the ECA component of the WATSED model. AWR also commented:

The models for determining ECAs, Percent Intact Riparian and Percent Compaction are based on input from databases which may or may not be up-to-date and/or accurate. These results are then further refined/manipulated by assigning coefficients.

FEIS Appendix G at pp. 202-204 states, "ECA values were originally determined from WATSED analyses (see discussions at the end of this section) and USFS Regional input. ...These recovery factors (see Table 211) are based on a moderate speed recovery curve, which was developed from the WATSED model. ...Based on analysis of WATSED data, the ECA recovery factor was determined as follows:

$$\text{ECA factor} = -.308(\text{LN (years since disturbance)}) + 1.440$$

The FEIS does not disclose when the ECA component was last calibrated, updated, and validated on the IPNF. There is no mention of locally calibrated coefficients being updated that are used as part of the ECA recovery factors shown in Table 211.

There is no mention of any locally calibrated coefficients being updated as part of the development of an ECA recovery factor by year. As is noted in the discussion on p. 204, "To develop an ECA recovery factor by year, rather than by decade, a logarithmic equation was developed to simulate recovery using years since activity and ECA recovery factors."

No further discussions of the model or the ECA component are found in the FEIS. Page 163 of the FEIS includes the following sentence. "See Appendix D for a more detailed discussion of the analysis for determining Watershed Disturbance Ratings".

REMEDY:

- The Forest Service must prepare a Supplemental DEIS that discloses when the ECA component of WATSED was last calibrated, updated and validated for each Zone on the IPNF.

OBJECTION STATEMENT: Management Indicator Species. AWR comments included:

The purposes of management indicator species, and NFMA, would be far better served by the choice of the Threatened bull trout and the Sensitive westslope cutthroat trout, inland redband trout, and western pearlshell mussel.

With the Draft Plan's preference for the Macroinvertebrate Assemblage as MIS, how will the IPNF be able to determine population trends of the Threatened bull trout and the Sensitive westslope cutthroat trout, inland redband trout, and western pearlshell mussel?

The Forest Service did not respond to those comments in the FEIS Appendix G (Response to Public Comments). At 36 CFR 219.19(a)(1) the 1982 NFMA regulations state, in regards to Management Indicator Species (MIS) selection:

In order to estimate the effects of each alternative on fish and wildlife populations, certain vertebrate and/or invertebrate species present in the area shall be identified and selected as management indicator species and the reasons for their selection will be stated. These species shall be selected because their population changes are believed to indicate the effects of management activities. In the selection of management indicator species, the following categories shall be represented where appropriate: **Endangered and threatened** plant and animal species identified on State and Federal lists for the planning area; species with special habitat needs that may be influenced significantly by planned management programs; species commonly hunted, **fished**, or trapped; non-game species of special interest; and additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality.

The LMP's selection of the aquatic Macroinvertebrate Assemblage as MIS does not comply with 36 CFR 219.19(a)(1), because the Forest Service does not explain how it assures well-distributed, viable populations of bull trout, westslope cutthroat trout, inland redband trout, western pearlshell mussel, and other native aquatic species will be maintained.

REMEDY:

- The Forest Service must prepare a Supplemental DEIS and LMP that designates bull trout, westslope cutthroat trout, inland redband trout, and western pearlshell mussel as MIS.

DIVERSITY

OBJECTION STATEMENT: Sensitive species.

The LMP includes Guideline FW-GDL-VEG-07 which states, "Evaluate proposed management activities and project areas for the presence of occupied or suitable habitat for any plant species listed under the Endangered Species Act or on the regional sensitive species list." The LMP also contains other Guidelines such as FW-GDL-WL-25, which states, "Management activities on

NFS lands should avoid/minimize disturbance at known active nesting or denning sites for other sensitive, threatened, or endangered species not covered under other forestwide guidelines.”

The Glossary defines Sensitive Species as “those plant and animal species identified by a regional forester for which population viability is a concern as evidenced by significant current or predicted downward trend in numbers or density” and... “habitat capability that would reduce a species’ existing distribution.”

The FEIS states:

Sensitive Species

The sensitive species analysis in this document and the wildlife specialist’s report in the project record meet the requirements for a biological evaluation as outlined in FSM 2672.42.

Sensitive species are administratively designated by the regional forester (FSM 2670.5) and managed under the authority of the National Forest Management Act. FSM 2670.22 requires the maintenance of viable populations of native and desired non-native species and to avoid actions that may cause a species to become threatened or endangered.

The National Forest Management Act (36 CFR 219.19) directs the Forest Service to manage habitat to maintain viable populations of existing native and desired non-native vertebrate species. A viable population is defined as one that has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area, the IPNF.

Region 1 updated the sensitive species list in 2011.

Then the FEIS presents analyses for some of the Sensitive wildlife species which conclude that implementation of the LMP “may impact individuals or habitat, but is not likely to result in a trend towards federal listing or loss of viability” for each species. However, the FEIS does not disclose the minimum viable population of any of the Sensitive species (plant, wildlife, or aquatic), nor does it describe the quantity and quality of habitat needed to maintain viable populations of any of the Sensitive species. As AWR’s comments stated, “Missing from Draft Plan direction are science-based habitat Standards that conform to the needs of Sensitive species.”

The LMP does not contain any requirement for the Forest Service to insure that its management activities will maintain viable populations of Sensitive species. The LMP does not even include a definition of viable population in its Glossary.

The fact that “Sensitive species are administratively designated by the regional forester” also highlights a weakness of the biodiversity provisions of the LMP. At any time, the Regional Forester may change or even eliminate the Sensitive species list for the IPNF, without following any public process such as a forest plan amendment. It is clear that under the LMP, no Sensitive species has any genuine protections.

For example, in 2011 the Regional Forester’s “update of the sensitive species list” apparently removed the white-headed woodpecker from the list of Sensitive species on the IPNF. Historically the white-headed woodpecker has been present on the IPNF and may be locally extirpated due to past logging of old-growth ponderosa pine stands. There are recent observations, with a bird in adjacent Pend-Oreille County, WA, in 2011, a pair in Spokane County in 2012, an individual in 2002 in the Coeur d’Alene River drainage and in 2013, a pair seen by a credible nonprofessional in Bonner County, Idaho. There are also older records, including a pair seen in the 1980s at McArthur Lake by an IDFG employee. There is evidence that these woodpeckers require larger stands of old-growth ponderosa pine than flammulated owls and pygmy nuthatches. Managing for those two species may reduce the probability for white-headed woodpeckers to reoccupy the IPNF. In addition, the extent of dry site forest is expected to increase over time due to climate change providing additional opportunities for recolonization.

AWR comments stated:

The Boise National Forest has adopted the black-backed woodpecker as one of its MIS: The black-backed woodpecker depends on fire landscapes and other large- scale forest disturbances (Caton 1996; Goggans et al. 1988; Hoffman 1997; Hutto 1995; Marshall 1992; Saab and Dudley 1998). It is an irruptive species, opportunistically foraging on outbreaks of wood-boring beetles following drastic changes in forest structure and composition resulting from fires or uncharacteristically high density forests (Baldwin 1968; Blackford 1955; Dixon and Saab 2000; Goggans et al.1988; Lester 1980). Dense, unburned, old forest with high levels of snags and logs are also important habitat for this species, particularly for managing habitat over time in a well-distributed manner.

(USDA Forest Service, 2010.) The BNF chose the black-backed species partly because of its unusually heavy reliance on high-severity burn habitat, and because “Habitat that supports this species’ persistence benefits other species dependent on forest systems that develop with fire and insect and disease disturbance processes.” (Id.) That rationale is a good one for IPNF MIS selection.

According to official Forest Service policy, the IPNF “must develop conservation strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project.” FSM 2670.45. These strategies must contain quantifiable objectives, and must be adopted prior to implementation of projects that would adversely impact that species habitat. FSM 2622.01, 2670.45.

REMEDY:

- The Forest Service must prepare a Supplemental DEIS and LMP that discloses the minimum viable population of all of the Sensitive species (plant, wildlife, or aquatic), and disclose the quantity and quality of habitat needed to maintain viable populations of each of the Sensitive species.

- The Forest Service must prepare a Supplemental DEIS and LMP that adopts the current list of species on the Regional Forester’s list of Sensitive species on the IPNF as a component of the LMP that would require the amendment process to remove species.
- Include the white-headed woodpecker on the sensitive species list for the IPNF. Develop a dry site management plan to provide optimal white-headed woodpecker habitat for recolonization. Remap existing dry site old growth stands on the IPNF.
- The Forest Service must prepare a Supplemental DEIS and LMP that includes scientifically credible conservation strategies.
- Add requirements for assessing population trends of each Sensitive species, measuring annually.

OBJECTION STATEMENT: NFMA requirements for viability. AWR’s comments included:
The Draft Plan’s Key Plan Elements lack sufficient scientific basis for restoring or even describing habitat conditions necessary to restore or maintain viable populations of terrestrial wildlife;

... Maintaining viable populations of native fish and wildlife species is a longstanding and widely recognized legal and ecological benchmark for complying with NFMA’s diversity requirements. Yet the Draft Plan fails to even use the words “viable population” anywhere.

Still, the LMP does not contain any requirement for the Forest Service to insure that its management activities will maintain viable populations of Sensitive species. The LMP and FEIS do not even include a definition of viable population.

REMEDY:

- The Forest Service must include in the LMP a forestwide standard that reads, “Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area.”
- The Forest Service must include in the LMP the definition of viability as found in 36 CFR 219.19: “(A) viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.”

OBJECTION STATEMENT: Old Growth Management Indicator Species. AWR’s comments stated:

The 1987 Forest Plan EIS stated, “Maintaining viable populations of (sensitive and old growth dependent species) will require special considerations.” Unfortunately, the Draft Plan takes a huge step backwards in regard to old growth, as mentioned above in our FOREST PLAN CONSISTENCY AND DIRECTION section. In apparently rejecting NFMA responsibilities for maintaining viable populations of native wildlife, the Draft Plan proposes to drop all requirements to monitor the population trends of old-growth associated species. The 1982 regulations require the selection of management indicator species (MIS),

because their population changes are believed to indicate the effects of management activities on other species and on selected major biological communities such as old growth. The Draft Plan would completely drop old-growth management indicator species, which means there would be no monitoring of wildlife whose special habitat needs are best found in old growth, such as pileated woodpeckers, woodland caribou, Canada lynx, northern goshawks, flammulated owls, fishers, and many others. Instead of taking bold steps to reduce the controversy and gridlock this issue has led to in the past two decades, the Forest Service now wants to basically sweep this issue under the rug.

...The Draft Plan fails to recognize good science recognizing that the pileated woodpecker is a keystone wildlife species. The Committee of Scientists, 1999 defines Keystone species as a:

...species whose effects on one or more critical ecological processes or on biological diversity are much greater than would be predicted from their abundance or biomass (e.g., the red-cockaded woodpecker creates cavities in living trees that provide shelter for 23 other species).

Consistent with this notion of the pileated woodpecker as a keystone species, USDA Forest Service 2011c states:

Many types of disturbances, such as timber harvest, fuel reduction, road construction, blow-down, wildland fire, or insect or disease outbreaks, can affect old growth habitat and old growth associated species. This is well illustrated by **the pileated woodpecker, a “keystone” species**, which provides second-hand nesting structures for numerous old growth species such as boreal owls, kestrels, and flying squirrels (McClelland and McClelland 1999, Aubry and Raley 2002). A disturbance can reduce living tree canopy cover to levels below that needed by the pileated woodpecker's main food source, carpenter ants, forcing the pileated to forage and possibly nest elsewhere. Carpenter ants, which live mostly in standing and downed dead wood, can drastically reduce populations of species such as spruce budworm (Torgersen 1996), the most widely distributed and destructive defoliator of coniferous forests in Western North America.

(Emphasis added.) Recognition of the pileated woodpecker as keystone species as outlined above would bring the IPNF into a better understanding of the ecological role played by its current MIS, as providing priceless, irreplaceable ecosystem services.

Sieracki, et al. comments also contain “Rationale for Maintaining Pileated Woodpeckers as an Old Growth Associated Keystone Species.”

The LMP and FEIS do not include scientific justification for the adoption of the landbird assemblage (olive-sided flycatcher, hairy woodpecker, chipping sparrow, Hammond’s flycatcher and dusky flycatcher) as an MIS for other wildlife (including old-growth associated wildlife species) on the IPNF. In fact, in a giant leap into the realm of faith alone, the LMP EIS contains the explicit assumption that its implementation cannot possibly affect viability of its chosen MIS:

These MIS, elk and insectivores, **were not selected because of a viability concern.** Additionally, viability of these MIS would not be analyzed in future projects.”

(Emphasis added.) The landbird assemblage cannot fulfill the requirements of the regulations concerning **Management Indicator Species** if no monitoring will be performed to verify the LMP assumption that the impacts of **management** on them will not affect viability.

Furthermore, the selected MIS are migratory birds, and nowhere does the FEIS or LMP disclose the habitat conditions on other, off-Forest sites these species depend upon for viability. This has implications as the Forest Service transitions to the 2012 NFMA regulations, which exempt the Forest Service from those regulations' viability provision in cases where "...the responsible official determines that it is beyond the authority of the Forest Service or not within the inherent capability of the plan area to maintain or restore the ecological conditions to maintain a viable population of a species of conservation concern in the plan area... ."

Similarly, as AWR's comments pointed out, the LMP defines "Self-sustaining Populations" as those "that are sufficiently abundant, interacting, and well-distributed in the plan area, within the bounds of their life history and distribution of the species and the capability of the landscape, to provide for their long-term persistence, resilience and adaptability over multiple generations." (Emphasis added.)

The Plan does not include endangered & threatened species as management indicator species; the Canada lynx and bull trout should have both been included. The Plan does not include a management indicator species for species that have special habitat needs; the goshawk (old growth), pileated woodpecker (large snag habitat), pine marten or fisher (mature forest with coarse woody debris), are widely recognized on other national forests as management indicator species for species with special habitat needs. Even if the IPNF wanted to use different species, it still needs to designate a management indicator species to determine the impacts to the species dependent on these distinct types of habitat. Other special habitat types that were not addressed included ecotone, woody draws, riparian areas, and post-fire ecosystems. The LMP does not identify any commonly trapped species as management indicator species such as the pine marten. The LMP does not identify any commonly fished species; common choices in this category are bull trout and westslope cutthroat trout.

The revised Plan's failure to designate management indicator species according to the requirements of the 1982 planning regulations violates NFMA.

Sieracki, et al. comments stated:

Differences between sub-categories of indicator Species

Lindenmayer, et al, 2000² lists 7 types of indicator species citing various authors:

1. A species whose presence indicates the presence of a set of other species and whose absence indicates the lack of that entire set of species (eg. USFS MIS)
2. A keystone species, which is a species whose addition to or loss (from) an ecosystem leads to major changes in abundance or occurrence of at least one other species.

² Lindenmayer, D, Margules, C & Botkin, D 2000, 'Indicators of biodiversity for ecologically sustainable forest management', Conservation Biology, vol. 14, no. 4, pp. 941-950.

3. A species whose presence indicates human created abiotic conditions such as air or water pollution (often called a pollution indicator species).
4. A dominant species that provides much of the biomass or number of individuals in an area.
5. A species that indicates particular environmental conditions such as certain soil or rock types.
6. A species thought to be sensitive to and therefore to serve as an early warning indicator of environmental changes such as global warming or modified fire regimes
7. A management indicator species, which is a species that reflects the effects of a disturbance regime or the efficacy of efforts to imitate disturbance events.

AWR's comments also stated:

On the subject of conservation strategies, the Committee of Scientists (1999) state:

To ensure the development of scientifically credible conservation strategies, the Committee recommends a process that includes (1) scientific involvement in the selection of focal species, in the development of measures of species viability and ecological integrity, and in the definition of key elements of conservation strategies; (2) independent scientific review of proposed conservation strategies before plans are published; (3) scientific involvement in designing monitoring protocols and adaptive management; and (4) a national scientific committee to advise the Chief of the Forest Service on scientific issues in assessment and planning.

REMEDY:

- To ensure the development of scientifically credible conservation strategies, follow the process recommended by the Committee of Scientists in the above paragraph.
- The LMP must include MIS specific to habitat for old-growth associated species, the pileated woodpecker, northern goshawk, and pine marten from the 1987 forest plan.
- Disclose the best available scientific information on the biology of the olive-sided flycatcher, hairy woodpecker, chipping sparrow, and Hammond's flycatcher and dusky flycatcher, including scientific justification for its use as an MIS for other wildlife (including old-growth associated wildlife species) on the IPNF, and the cumulative effects on habitat in the off-Forest sites the species depend upon for viability.

WILDLIFE

OBJECTION STATEMENT: Use of VMap base data causes unacceptable inaccuracy in the wildlife analysis. As discussed at length and in many ways in AWR's comments, Objectors don't believe that the use of vegetation (the habitat proxy) is valid for insuring viable populations of wildlife. For example, "We believe that utilization of size classes as a major driving component of the Forest Plan is not adequately grounded in science." Also:

Under the 1987 Plan the IPNF FS failed to follow its obligations to monitor populations of old-growth associated wildlife, in favor of striving towards "desired future conditions" of habitat (vegetation) in the context of project NEPA planning. The Committee of Scientists (1999) state:

Habitat alone cannot be used to predict wildlife populations... The presence of suitable habitat does not ensure that any particular species will be present or will reproduce...

The Wildlife Habitat Assessment for the Kootenai and Idaho Panhandle Plan Revision Zone states: “Much of the vegetative data used in this analysis was based on the Region One Vegetation Mapping Program (R-1 VMap), which is composed from satellite imagery.” However, high error in VMap data used for wildlife analysis exacerbates errors created by compounding spatial models and invalidates LMP assumptions about viability (“self-sustaining populations”).

Producer accuracy is the probability of a reference site being correctly classified. Producer accuracy assessments for Tree Canopy Cover and Tree Size are inaccurate. The VMap Version 042 Accuracy assessment Error Matrices shown below reveal poor agreement with reality. For example, the tree size category 45 (15” dbh+) has producer accuracy of 44.6%. The Tree Canopy Cover Map Class 3, 60-100% canopy cover, has a producer accuracy of 60.4% (Appendix_E_V042 p E8).

Tree Canopy Cover:

Map Class	Reference								Total	User	Fuzzy
	1	2	3	3100	3300	5000	7000				
1	100	58	11	5	18			3	195	51.3%	66.2%
2	91	636	201	11	18	3		2	962	66.1%	81.3%
3	18	227	326	1	1			1	574	56.8%	76.6%
3100	37	15	2	397	76	1		46	574	69.2%	79.8%
3300	50	19		54	240	1		5	369	65.0%	73.0%
5000				1	3	105		3	112	93.8%	93.8%
7000	1			4	2	1		64	72	88.9%	93.1%
Total	297	955	540	473	358	111		124	2858		
Producer	33.7%	66.6%	60.4%	83.9%	67.0%	94.6%		51.6%		65.4%	
Fuzzy	49.0%	81.5%	79.0%	90.1%	77.9%	94.6%		72.2%			78.7%

Tree Size (DBH):

Map Class	Reference								Total	User	Fuzzy
	1	2	3	45	3100	3300	5000	7000			
1	29	21	22	6	4	10		2	94	30.9%	42.0%
2	20	151	145	75	5	8		1	405	37.3%	57.7%
3	31	200	295	127	1	10	1	1	666	44.3%	68.8%
45	20	125	218	183	7	9	2	2	566	32.3%	51.6%
3100	4	24	19	7	397	76	1	46	574	69.2%	79.8%
3300	9	25	23	12	54	240	1	5	369	65.0%	73.0%
5000					1	3	105	3	112	93.8%	93.8%
7000			1		4	2	1	64	72	88.9%	93.1%
Total	113	546	723	410	473	358	111	124	2858		
Producer	25.7%	27.7%	40.8%	44.6%	83.9%	67.0%	94.6%	51.6%		51.2%	
Fuzzy	34.5%	47.9%	65.9%	60.1%	90.1%	77.9%	94.6%	72.2%			67.3%

There are not only producer errors but locational errors are extreme. The image below shows the Green Monarch area along Pend Oreille Lake. The image is approximately 3.9 miles across, the area consists of open steep slopes and cliffs with small patches of trees. The area has a map

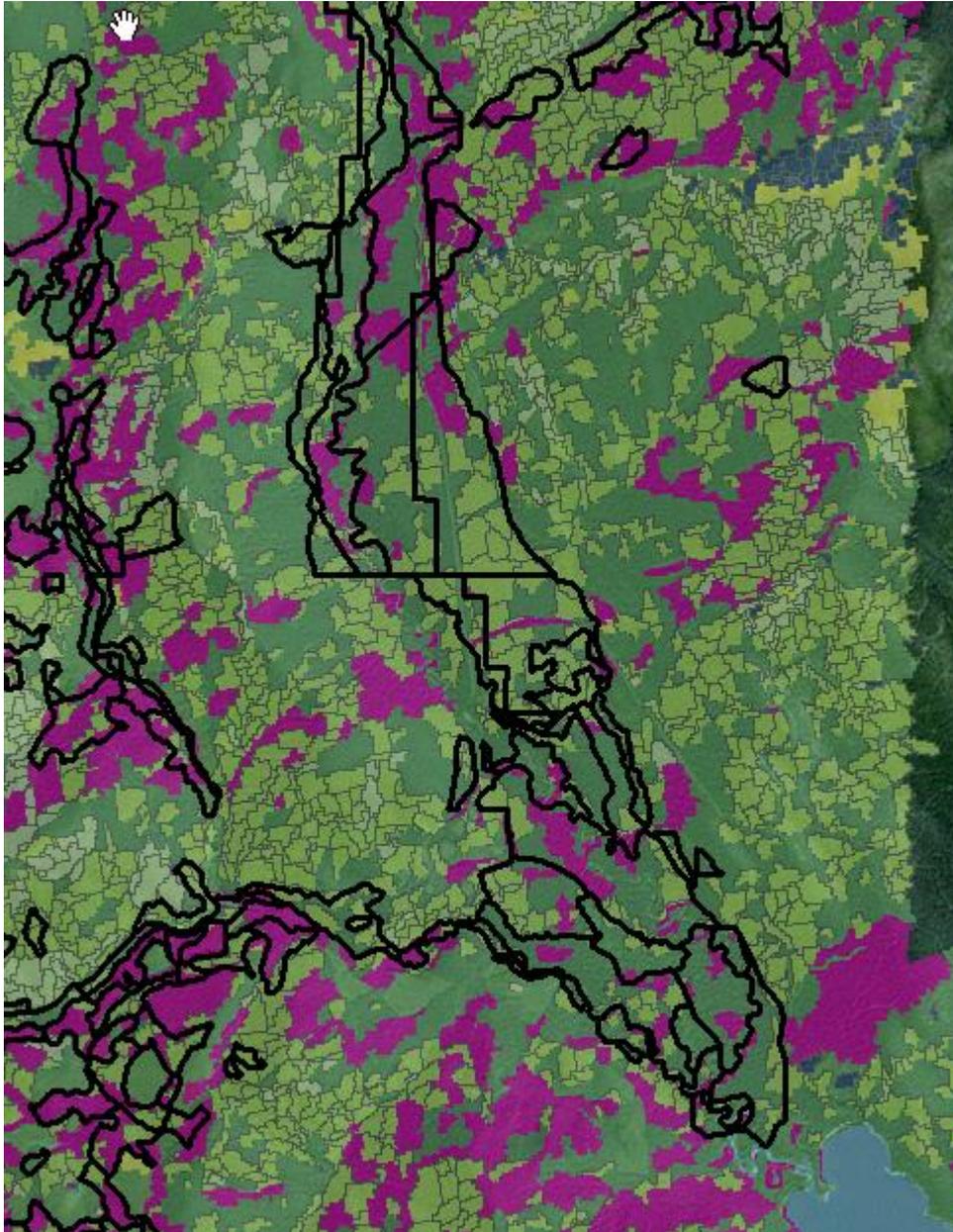
classification of large diameter trees (15”+) without accounting for canopy cover. When canopy cover is added it is only slightly more accurate. In addition a substantial portion is classified as water as seen in the center left of the image.



The image below is a close-up as it is difficult to determine which areas are forested or not from the image above. Areas classified as large timber are the transparent areas between the lake and colored smaller size classes to the south.



The next image is of a Research Natural Area just north of Priest Lake. This contains one of the largest old growth stands in the PNW, outlined in black. The VMap classification shows 15''+ dbh trees in magenta. Most of this old growth stand is classified at the 10-14.9'' dbh range and smaller (dark and lighter green).



A simple GIS based spatial query called intersect cut out the VMap polygons that occurred in IPNF allocated old growth. Only old growth that was field verified (codes 2 and 9) was used. A logical assumption is that most old growth on the IPNF would fall into the 15''+ dbh classification. The forestwide results are in the table below. About 27% of the VMap large tree polygons occurred in IPNF field verified old growth (Table 1 below). And approximately 43% of the codes 2 and 9 old growth from the IPNF stand-level mapping inventory falls within the 10-

14.9” dbh size class, which doesn’t logically follow from the LMP Glossary’s definition of old growth.

The base vegetation data portrays a very different spatial arrangement of polygons than the actual boundaries of field verified old growth on the IPNF. Even though old growth was apparently incorporated into the SIMPPLLE map, the locational distribution of other tree size classes was not. The same scenario of wrongly classified polygons likely applies to all VMap size class data. Because the VMap polygons are producer and locationally inaccurate, incorporation of this map into a spatially explicit habitat modeling program, relying on fire and climate change modeling would degrade modeling results.

Table 1 Comparison of VMap tree size classification to confirmed old growth

SIZE CLASS	ACRES	Percent
Herb	1364	.05
Shrub	2400	0.94
DBH 0-4.9”	11010	4.65
DBH 5-9.9”	61603	24.1
DBH 10-14.9”	110243	43.1
DBH >=15”	67876	26.5
WATER + SPVEG	493	0.2

Because the SIMPPLLE model is a spatially explicit model, it allows for the evaluation of available habitat over time and the arrangement of that habitat in terms of patch size. For example, the analysis for American marten includes a species-specific habitat assessment and an examination of general changes in patch size and habitat connectivity over time, and assumes that the assumption that long-term habitat persistence may be important for any or all wildlife species.

(KIPZ Wildlife Habitat Assessment, p. 2.) The classification for the SIMPLE model is further exacerbated by re-sampling VMap’s irregular polygons into 5 acre cells.

Combining these data layers resulted in a dataset of irregular polygons that have variation in size and shape. This variability can impact the spread of disturbance processes and regeneration from adjacent plant communities. Thus a SIMPPLLE toolkit for ArcGIS was used to make the conversion from irregular polygons to equal sized cells. The polygon size used depends on analysis objectives and the issues to be addressed; five acre cells were selected to model the effects of the proposed management activities.

(KIPZ Wildlife Habitat Assessment, pp. 5-6.) An example is the fisher analysis. The wildlife analysis made a leap of faith considering small dbh size classes as suitable fisher habitat. For the query design they selected tree size classes > 10”dbh. Although fisher may use younger stands for foraging, they clearly select for large diameter trees. There is also location error for the size class polygons of VMap to consider. Schwartz et al (2013)³ states that female fisher select for

³ Schwartz, M., DeCesare, N., Jinenez, B, Copeland, J. & Melquist, W. (2013). Sand- and Landscape-scale selection of large trees by fishers in the Rocky Mountains of Montanan and Idaho. *Forest Ecology and Management* 305 (2013) 103-111.

large trees at the stand and landscape level. Lumping small size classes with large larger size classes and calling all of it “fisher habitat” is not warranted based on this study. Schwartz et al (2013) state:

(It appears in our study area that the most preferred stands with large DBH trees (average maximum DBH in used habitats = 107.77 cm versus 64.224 cm in unused habitats) also occur in landscapes with large trees (used landscapes were composed of 47% large tree stands versus 29% in available landscapes). Thus, we recommend that silvicultural treatments of stands consider not only the retention of large trees, but consider the larger landscape when managing for fishers.

The KIPZ Wildlife Habitat Assessment states:

Much of the vegetative data used in this analysis was based on the Region One Vegetation Mapping Program (R-1 VMap), which is composed from satellite imagery. As such data inevitably contains errors in classifications, including cover type, size class, and crown closure, we regularly compared R1-VMap data with other available broad-scale analyses based on different data sources.

(Emphasis added.) Yet there is no accuracy assessment with confidence intervals in the public documentation of the wildlife analysis. Layering models over models decreases the accuracy of the end result.

REMEDY:

- Use a combination of LIDAR and Hyperspectral imagery of the IPNF to construct an accurate map of all successional stages, tree species and other metrics needs along with an accuracy assessment including confidence intervals.
- Rerun the habitat models and conduct an accuracy assessment of the results.
- Disclose the accuracy of combining all models and show confidence intervals of the model runs through all time steps. Discuss and analyze locational accuracy, where VMAP polygon boundaries do not reflect ground truthed size class boundaries. This can have implications when some species prefer larger stand sizes.
- Disclose whether inaccuracies displayed in Table 1 above are because of inaccuracies in the VMap base data, the IPNF stand-level mapping old-growth inventory, or both.
- Prepare a Supplemental Draft EIS and updated LMP following the results of those steps.

OBJECTION STATEMENT: FW-DC-WL-01. This Desired Condition states that “Individual animals that establish nests and den sites near areas of pre-existing human use are assumed to be accepting of that existing level of human use at the time the animals establish occupancy.” We are unaware of any scientific research that validates the inclusion of this blanket assumption for all wildlife. Logically, nesting/denning success would be a better index of the species’ tolerance of human use in the area. The LMP does not consider the fact that the quality of some such occupied areas may be acting as “sink” habitats that harm, rather than support, populations.

REMEDY:

- Limit this statement only to specific wildlife species based upon peer-reviewed scientific research applicable to the IPNF that validates this assumption, or else delete this sentence entirely from the LMP.
- Include nondiscretionary direction for performing field observations by biologists for detecting nesting/denning success and include results in biennial LMP monitoring reports.

OBJECTION STATEMENT: FW-DC-WL-06. The provision directing management to promote large-diameter trees in eagle nesting territories is not based upon any information source from the IPNF that demonstrates its need, or on recommendations of any scientific research on bald eagles, as far as we are aware.

REMEDY:

- Disclose information source from the IPNF that demonstrates the need for such active management, and disclose the peer-reviewed scientific research applicable to the IPNF that recommends such a practice, or else delete this sentence entirely from the LMP.

OBJECTION STATEMENT: FW-DC-WL-07. This Desired Condition encourages occupancy of woodland caribou only within the currently designated Recovery Zone, far less than its historic range. The Recovery Zone is also not a Forest Service established geographic area, meaning it could be changed without public process at any time.

Also, this Desired Condition of providing for management/activities or low levels of management/activities would potentially negate or hamper caribou ability or tendency to occupy the full extend of the existing recovery zone.

REMEDY:

- Add language that specifies the area encompassed by the presently designated Recovery Zone is the subject of this Desired Condition.
- Add language to this Desired Condition similar to that for FW-DC-AQS-01, to state that it is desirable for the population to increase in numbers and expand into neighboring unoccupied habitats.
- Disclose the impacts of varying levels of disturbance or displacement of caribou by management activities. Management within the caribou recovery area must strive to provide to provide areas where no anthropogenic disturbances potentially hinder caribou movements.

OBJECTION STATEMENT: Forestwide Wildlife Guidelines: It is unclear if the use of the word “should” is intended to recognize the second consistency requirement on page 4 of the LMP, or if it is intended to render these entire Guidelines to be discretionary, as courts have interpreted “should.”

REMEDY:

- Clarify the Forest Service’s intention in using the word “should” in these Guidelines, or make them Standards and substitute the word “shall” for “should”.

OBJECTION STATEMENT: FW-GDL-WL-01, 03, 04, 05, 11, 14, 19, 20, 21, 22, 23, 24, and 25. The words, “or minimize” are not objectively defined and threaten to nullify these guidelines. Since the intent of the use of Guidelines in the LMP (pp. 3-4) is to provide some management discretion, the inherent uncertainty of the words “or minimize” is entirely unjustified.

REMEDY:

- Remove the words “or minimize” from those Guidelines.

OBJECTION STATEMENT: FW-GDL-WL-02. Management activities within caribou habitat must necessary be designed to trend caribou habitat to target condition. All management activities within the caribou recovery zone must favor caribou over other federally listed species such as grizzly bear and lynx. Prescribed fire and natural ignitions should be controlled to reduce losses of caribou habitat.

REMEDY:

- Develop/modify management guidelines to provide guidance to protect and improve caribou habitat within caribou recovery zone.

OBJECTION STATEMENT: FW-GDL-WL-04. Caribou must be protected from over the snow vehicle disturbance throughout the winter period. Much of the high elevation habitats can and may be used by over the snow vehicles into May, and in some years into early June.

REMEDY:

- The winter period must be extended to include the months of May and June. Disturbance from over the snow vehicles must be avoided, and care must be taken at allowing even minimal disturbance in areas occupied by caribou.

OBJECTION STATEMENT: FW-GDL-WL-08. While in some ways the intent of this Guideline may be seen as protecting diversity, its wording can also be read to provide direction to log areas that scientific consensus recognizes as some of the worst places to do so, because of the ecological sensitivity and often rarity of such habitats. Also, as AWR comments on this Guideline stated:

Desired Condition FW-DC-FIRE-02 states, “Fire behavior is characterized by low-intensity surface fires with limited crown fire potential.” (Emphasis added.) This means that the natural disturbance process that creates the best black-backed woodpecker habitat is preferred by the Forest Service to remain outside the HRV.

...Scientific consensus exists that there are no ecological benefits of logging dead trees following disturbance events such as wildland fire, especially on lands not suitable for timber production. The DEIS fails to acknowledge this scientific consensus. The EIS must, at minimum, identify and adopt the best scientific information to re-write FW-GDL-WL-08 as a binding Standard.

REMEDY:

- Remove the first sentence of this Guideline.
- Replace the words “should be left” in the second sentence with “shall persist.”

- Identify and adopt the best scientific information to re-write FW-GDL-WL-08 as a binding Standard.

OBJECTION STATEMENT: FW-GDL-WL-20. This Desired Condition states, “(Raptors) that establish nests near pre-existing human activities are assumed to be tolerant of that level of activity.” We are unaware of any scientific research that validates the inclusion of this assumption for all raptors. Logically, nesting success would be a better index of a raptor’s tolerance of human use in the area. The LMP does not consider the fact that the quality of some such occupied areas may be acting as “sink” habitats that harm, rather than support, populations.

REMEDY:

- Limit this statement only to specific raptors based upon peer-reviewed scientific research applicable to the IPNF that validates this assumption, or else delete this sentence entirely from the LMP.
- Include nondiscretionary direction for performing field observations by biologists for detecting nesting success and include results in biennial LMP monitoring reports.

OBJECTION STATEMENT: FW-GDL-WL-25. This Desired Condition states, “Individual animals that establish nests and den sites near areas of pre-existing human use... are assumed to be accepting...” We are unaware of any scientific research that validates the inclusion of this assumption for the remaining species “not covered under other forestwide guidelines.” Logically, denning/nesting success would be a better index of a species’ tolerance of human use in the area. The LMP does not consider the fact that the quality of some such occupied areas may be acting as “sink” habitats that harm, rather than support, populations.

REMEDY:

- Limit this statement only to specific species based upon peer-reviewed scientific research applicable to the IPNF that validates this assumption, or else delete the last two sentences entirely from the Guideline.
- Include nondiscretionary direction for performing field observations by biologists for detecting denning/nesting success and include results in biennial LMP monitoring reports.

OBJECTION STATEMENT: GA-DC-WL-PR-02. Even low levels of human disturbance may result in potential disturbance or take regarding grizzly bears during the denning season, especially for female bears just emerging from the den with by young of the year cubs.

REMEDY:

- Disclose effects of disturbance to females with cubs within and near denning site after den emergence. Develop management standards designed to eliminate disturbance to grizzly bears after den emergence.

OBJECTION STATEMENT: Landscape Connectivity. AWR and others’ comments voiced support for establishing a **Management Area 8: Wildlife Linkage Zones**: “Such mapped zones would visually illustrate a “Desired Condition” of connected core habitat areas (roadless and wilderness, Wild and Scenic, etc...) and offer no ambiguity about the management intention for

such linkage zones.” The IPNF responded, “static, permanent, inflexible, mapped polygons are not well suited for our natural disturbance processes found here on the IPNF.” This ignores the fact that the Forest Service itself often states that some landscape features are well-suited for maintaining habitat connectivity. Riparian zones are most often identified by the agency, also saddles that connect riparian areas across hydrologic boundaries and ridge tops are often identified. At a larger landscape scale, connectivity between roadless and other undeveloped lands should be emphasized, and areas of unsuitable timber can be incorporated into that scheme.

REMEDY:

- Prepare a Supplemental Draft EIS that uses peer-reviewed biological research as the basis for establishing a Management Area 8: Wildlife Linkage Zones.

ACCESS AND RECREATION

OBJECTION STATEMENT: Inadequate direction to designate the minimum road system.

AWR’s comments addressed this issue directly, stating:

We are strongly concerned that the Draft Plan fails to reflect the IPNF’s duty to right-size the road system. The Draft Plan does not contain adequate direction to designate the minimum road system. Forest Service leadership issued a directive memorandum to the field in November of 2010 requiring every forest to identify its minimum road system (MRS) and roads for decommissioning by 2015, and fully comply with 36 CFR 212 subpart A. The memorandum directs units to begin implementing the MRS immediately following its approval by the Regional Forester. Ideally, the IPNF would have completed its travel analysis and identified its MRS before this draft stage forest planning. This order of events was envisioned by the Forest Service when it promulgated 36 CFR 212 subpart A, also known as the Roads Rule. However, if timing precludes, at a minimum, the IPNF must ensure that the requirements in the directive memorandum and 36 CFR 212 subpart A are reflected in the Draft Plan and its plan components. In particular, note the bottom of page 1 in the Directive Memorandum. The memo states: “By completing the applicable sections of Subpart A, the Agency expects to identify and maintain **an appropriately sized and environmentally sustainable road system** that is responsive to ecological, economic, and social concerns” (Emphasis added). In order to do this, the IPNF must bring its road system to a size and design commensurate with available funding. By all indications, the current funding levels are not close to those needed to maintain the current road system on the Forest.

REMEDY:

- The LMP must include nondiscretionary direction to identify and maintain an appropriately sized and environmentally sustainable road **system** that is responsive to ecological, economic, and social concerns, by 2015.

OBJECTION STATEMENT: FW-DC-AR-04. This Desired Condition is a forest plan decision that prioritizes vast but unspecified acreages of the IPNF for motorized recreation, in the absence of the travel planning required by regulation to be completed in 2015. In addition, because of the existing degraded condition of many motorized travel routes and the implications of the Table 6 acreage, this Desired Condition conflicts with FW-DC-AR-07 and 08.

REMEDY:

- Delete Table 6 (and the sentence referring to it) from this Desired Condition.

OBJECTION STATEMENT: FW-OBJ-AR-04, 05. These Objectives are forest plan decisions that designate unspecified mileages of the IPNF for motorized recreation, in the absence of the travel planning required by regulation to be completed in 2015. In addition, because of the existing degraded condition of many motorized travel routes this Desired Condition conflicts with FW-DC-AR-07 and 08.

REMEDY:

- Delete the references to motorized trails from these Objectives.

OBJECTION STATEMENT: Road Density. Outside of grizzly bear habitat specified by the Access Amendment, the LMP has no road density standards. AWR comments stated:

The Forest Plan must also include science-based motorized route (road & trail) density Standards, not just those included in the Access Amendment for grizzly bear security. Scientific information must be incorporated into nondiscretionary Forest Plan direction. For example, Christensen, et al. (1993) is a Region One publication on elk habitat effectiveness.

...The 1998 BT BiOp indicates that bull trout are absent when road densities exceed 1.71 mi./sq. mi., depressed when the road density = 1.36 mi./sq. mi. and strong when road density equals or is less than .45 mi./sq. mi. (1998 BT BiOp at 67.)

The Conservation Recommendations in the 1998 BT BiOp include the following:

1. *Roads within key, priority, and special emphasis area watersheds:* Seek a net reduction of roads in bull trout watersheds. Overall, watershed road densities of less than 1.0 mile per square mile, especially where there are bull trout stronghold populations, may be necessary to assure future survival and recovery to self-sustaining populations. An interim target should be to reduce total road densities in all Key, Priority and special emphasis watersheds containing bull trout and to prevent any increase in road densities in those. Rehabilitation of road-miles cannot be accomplished alone by gating, berming, or otherwise blocking the entrance to a road permanently or temporarily, or seasonally closing roads, but will require obliteration, recontouring, and revegetating.

(1998 BT BiOp at 92.) The Draft Plan contains no standards that limit motorized route (road & trail) densities in bull trout occupied habitat/watersheds. A binding motorized route density Standard of at 0.67 mi./sq.mi., from the 1998 BT BiOp (Draft Plan at 303), must be established for bull trout habitat, in order to begin restoring populations from a “Depressed” status.

... the Desired Conditions are merely aspirational and will not be accomplished unless the IPNF adopts explicit binding Standards in terms of motorized route densities and the protection and restoration of bull trout habitat.

REMEDY:

- The IPNF must prepare a Supplemental Draft EIS that sets scientifically based road density standards.

INVENTORIED ROADLESS AREAS

OBJECTION STATEMENT: FW-GDL-IRA-01. This Guideline implies direction to the Forest Service to remove (or at least allow degradation of) Wilderness potential on 84% of the inventoried roadless areas on the Forest. Because Wilderness is a nonrenewable resource, there must be no more loss of Wilderness potential.

REMEDY:

- Convert FW-GDL-IRA-01 to a Standard that reads, “Existing Wilderness potential will not be degraded on any inventoried roadless area on the Forest.”

ROADLESS/WILDERNESS: RANGE OF ALTERNATIVES

OBJECTION STATEMENT: The LMP and FEIS fail in analyzing an inadequate range of alternatives, in violation of NEPA. FOC comments noted:

We addressed the lack of a range of alternatives (see also *California v. Block*) in our past comment and in the NEPA section of this comment so we won't repeat that discussion here. However, we will mention that a bill has been introduced into Congress, HR 3334 that would designate the inventoried roadless areas on the Idaho Panhandle National Forests as Wilderness (there may be one or two exceptions where the roadless areas are now below 5,000 acres but still in the Idaho Roadless Rule). Why was this issue not explored in the DEIS when coming up with alternatives for wilderness allocation?

Sierra Club comments stated:

On an administrative unit such as the IPNF with nearly 10,000 miles of logging roads and damage, all remaining roadless areas are important as refuges for wildlife, intact watershed, forest resilience in the face of climate change, and more.

Simply put, the LMP and FEIS fail in the very same way that the Forest Service failed in its wilderness evaluations in California during RARE II. The maximum wilderness alternative recommends slightly more than one third of the qualifying roadless acreage as wilderness. Of the 851,000 acres of roadless land (see FEIS page 469), the alternatives range from just over 16% to just under 39% of the roadless acreage for recommended wilderness designation. The selected alternative comes in just under 19% of the roadless base, a paltry amount.

Even worse, when compared to the national forest acreage in the IPNF that amounts to even less, even when including designated wilderness on the forest, which is all in the state of Washington. Wilderness and recommended wilderness range between 5% and 7% of the national forest, a tiny

fraction. (Note: Coming up with precise acreage figures is difficult as the figures in the FEIS and LMP are inconsistent—a major violation of NEPA. Nonetheless, the overall percentages do not appear to be affected much by the inconsistencies in the documents.)

Recognizing the Forest Service’s hostility to wilderness, FOC suggested that a non-motorized, non-development category be considered in the LMP. At best, the acreage of those areas, MA 3—not inside recommended wilderness and not open to motor vehicles, RNAs, and proposed and existing wild river segments not inside recommended or existing wilderness—only amounts to about another 1.5% of the national forest acreage. The commitment to non-motorized recreation is even less than that for wilderness in spite of the fact the Forest Service claims it can provide for non-motorized recreation in an undeveloped setting outside of wilderness.

Indeed, only 9% or less of the forest is closed to summer vehicle use under the preferred option (Primitive or semi-primitive non-motorized, see FEIS page 39) yet the evaluated ROS is 58% for summer non-motorized (page 437; Note: there is some disagreement in the FEIS on this issue between pages 39 and 437 as page 39 offers a range between 4% and 15% where summer motorized use is prohibited). The percentages of the forest dedicated to non-motorized recreation use in winter are also small, though more inconsistently reported than the summer figures.

The range of alternatives is inadequate. Under no alternative is the amount of national forest that could be dedicated to non-motorized recreation even close to what has been mapped by the ROS or what it could be if roadless areas were closed to motorized use. Further, the figures for non-mechanized recreation are even lower.

Federal Agencies are required by NEPA to “rigorously explore and objectively evaluate All reasonable alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail” (40 CFR 1502.14, emphasis added.) Unfortunately, the LMP and FEIS fail in analyzing an inadequate range of alternatives, in violation of NEPA.

The FEIS, LMP and proposed ROD also send mixed signals on the role that the Idaho Roadless Rule plays in forest plan revision. The FEIS appendices note regarding a portion of the Mallard-Larkins that logging may be “needed” to meet an MOU with IDFG and that any protective allocation like recommended wilderness, primitive or even MA3 “would be inconsistent with the Idaho Roadless Rule and would not allow timber harvest to enhance wildlife habitat.”

That is a tacit admission that the Forest Service believes the Idaho Roadless Rule and possibly an MOU are not allowing a full consideration of alternatives in the forest plan revision. That is a clear violation of NEPA and NFMA and makes both the requirement under the NFMA planning rule for wilderness evaluation and NEPA pro-forma exercises.

Further, nowhere in the Idaho Roadless Rule does it suggest that it is the evaluation for wilderness on a statewide basis. Yet, that is how the Forest Service is treating it, according to the FEIS and response to comments. The FEIS, LMP and proposed ROD send mixed signals on the role that the Idaho Roadless Rule plays in forest plan revision. The FEIS appendices note regarding a portion of the Mallard-Larkins that logging may be “needed” to meet an MOU with IDFG and that any protective allocation like recommended wilderness,

primitive or even MA3 “would be inconsistent with the Idaho Roadless Rule and would not allow timber harvest to enhance wildlife habitat.”

That is a tacit admission that the Forest Service believes the Idaho Roadless Rule and possibly an MOU are not allowing a full consideration of alternatives in the forest plan revision. That is a clear violation of NEPA and NFMA and makes both the requirement under the NFMA planning rule for wilderness evaluation and NEPA pro-forma exercises.

Further, nowhere in the Idaho Roadless Rule does it suggest that it is the evaluation for wilderness on a statewide basis. Yet, that is how the Forest Service is treating it, according to the FEIS and response to comments.

REMEDY: A genuine Conservation Alternative must be developed and presented for public comment under a Supplemental FEIS, including the following:

- The Forest Service must revisit and revise the FEIS’s list of Action Alternatives to provide the rigorous exploration and objective evaluation of all reasonable alternatives for both the wilderness recommendations and protected roadless areas in a non-motorized and/or non-mechanized setting, and substitute an updated LMP for further consideration.
- All or a substantial majority of IRA acreage recommended as Wilderness.
- IRA acreage not recommended for Wilderness assigned to Non-Motorized Backcountry – Year round.
- Alternatively, the Forest Service must add additional areas to its wilderness recommendation and/or its MA3 non-motorized that include all of the Mallard-Larkins Roadless Area, Meadow Creek/upper North Fork, Grandmother Mountain, Stateline, Midget Peak, Mosquito Fly, Lost Creek, East Cathedral, Magee, Spion Kop, Big Creek and North Fork.

WILDERNESS

OBJECTION STATEMENT: Management Area 1a Violates the Wilderness Act. In their comments FOC noted:

MA1a-DC-AR-06 states, “Preservation of historic properties is common, although buildings and other structures are rare.” This is vague and confusing. What precisely is intended? Does this mean that archaeological concerns trump the Wilderness Act? If so, that is contrary to case law in this Circuit regarding Olympic shelters, Emigrant dams and the Green mountain lookout. This should be removed unless it can be stated in a way that is both clear and consistent with the Wilderness Act.

MA1a-GDL-VEG-01 states, “Non-native invasive plant species may be treated where significant values inside or outside wilderness are clearly at risk, including recovery of TES Species.” Where in the Wilderness Act is there an exception that permits this kind of overt trammeling and manipulation of wilderness?

MA1a-GDL-FIRE-02 states, “Prescribed fire may be used when necessary to contribute to the survival of a threatened and endangered species or, if necessary to allow fire to

play its natural role in wilderness.” Where in the Wilderness Act is this manipulation expressly permitted?

Finally, if new areas were designated as wilderness, under what Forest Plan management category would those areas be managed? We ask this question as the other management areas, even including MA1b and MA1c, are different than MA1a and are more inconsistent with the Wilderness Act than is MA1a. However, MA1a only applies to the existing Salmon-Priest Wilderness.

These issues have not been addressed in the FEIS and LMP. The direction in the LMP is not changed to reflect the Wilderness Act. Also, rather than provide site-specific direction for wilderness administration, MA1 simply restates—though sometimes in slightly inconsistent terms—existing regulation and policy. The new planning regulations direct the Forest Service to generally avoid such repetition. Furthermore, it is confusing as to under what category any new Wilderness designated by the Congress would fall.

There is no indication that the Forest Service will establish site-specific plans for the administration of the new Wildernesses. This must be clarified.

The Desired Conditions for Wilderness are problematic in that they don’t necessarily lead to preservation of wilderness character over the long-term. For example, MA1b-DC-AR-04 does not lead to any improvement at campsites. Current policy in the FSM is to administer the wilderness in ways that such impacts become less noticeable. Indeed, the goal is to keep impacts to what can be recovered in the next year’s growing season.

Also, any direction for commercial services and monitoring Wilderness is lacking. The direction for fire is a bit more developed but includes direction that conflicts with wilderness as an untrammelled area.

REMEDY:

- To avoid repetition and inconsistency with wilderness, the LMP needs to be rewritten. If that isn’t done, at a minimum eliminate MA1a-DC-AR-06, MA1a-GDL-VEG-01, MA1a-GDL-FIRE-02, MA1a-GDL -TBR-01, and MA1a-GDL-SFP-01. For example, allowing firewood gathering for personal, off-site use is inconsistent with wilderness. It should be allowed only for use within the wilderness. Standards like “MA1a-STD-AR-01. Party size shall not exceed 12 people and stock combined (12 total heartbeats)” should be retained as these kind of standards are more site-specific in nature. However, this could be modified by stating something like “Party size shall not exceed 12 people and stock combined (12 total heartbeats). This does not preclude the establishment of lower maximum party size in site-specific wilderness plans or as needed to preserve wilderness character.”
- Direction must be provided on whether site-specific wilderness plans will be developed. If not, then additional forestwide and site-specific direction including commercial services (whether necessary and proper, and if so, to what degree), fire management (especially to better meet MA1b-DC-FIRE-01), and monitoring. This would most easily be done by reissuing a Supplemental DEIS since the LMP and FEIS are inadequate.

- Clearly indicate that once areas are newly designated as Wilderness, all areas would become fully subject to MA1a direction.

UNINVENTORIED ROADLESS AREAS

OBJECTION STATEMENT: Inaccurate roadless inventory/boundaries. In their comments FOC noted that specific areas had been omitted from inventoried roadless areas. They stated:

The roadless boundary is incorrectly mapped and must be updated (see attached). The boundary must include the Bad Bear Creek drainage except the developed portion of section 21, as it is all contiguous and roadless. The boundary should also go down to at least Spotted Lewis Creek rather than be put on the 55 trail. Excluding roadless land from an IRA in this way is not legal and this comment addresses the protocol that dates back to RARE II and congressional direction. In essence, the roadless area must be drawn to the edge of impact.

FOC also noted that the Midget Peak and Stateline Areas were contiguous. The actual boundary on Pinchot Butte should have been re-evaluated. There are undoubtedly other areas the Forest Service missed in the roadless inventory.

REMEDY:

- The Forest Service must prepare a Supplemental DEIS that updates roadless area boundaries utilizing standard procedures in order to evaluate unroaded areas contiguous with IRAs, and substitute an updated LMP for further consideration.
- Alternatively, the LMP must include a Standard requiring that, during site-specific project NEPA analyses, roadless area boundaries must be re-evaluated and updated, utilizing standard procedures, in order to evaluate unroaded areas contiguous with IRAs or Wilderness.

OBJECTION STATEMENT: Rating System is inconsistent with NEPA, NFMA, and the Wilderness Act.

The FEIS engages in a Wilderness Evaluation process that largely elevates Manager Preferences over Protecting the Wilderness resource, and in so doing, ignores the stated intent of Congress.

In clear, simple language, the Wilderness Act of 1964 lays out the ground rules under which areas are to be judged for Wilderness:

A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and the community of life are untrammelled by man, where man himself is a visitor who does not remain.

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States...leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.

The conditions that Congress clearly intended to discourage or disallow were human dominance, settlement, overuse, or mechanization of wild landscapes. Conditions to be encouraged and guarded were untrammelled and uncontrolled landscapes and ecological processes, with areas protected and preserved in their natural condition. Finally, humans were to be temporary visitors only – not managers, manipulators, or highly mechanized recreationists.

Yet in the Wilderness Evaluation Process, we see that Forest Service has impermissibly stood this clear Congressional intent on its head, repeatedly injecting subjective manager values, management preferences, and human recreational “Wants” into areas where humans and their works were not to “dominate the landscape.” It is hard to imagine that a screening process so transparently Anti-Wilderness was created by accident.

In fact, it appears that the Forest Service still views this national forest as little more than “commodities” to be carved up and parceled out to local communities and special interests for social, political, and economic gain, with no seat at the table for Wilderness. While we understand one of the Forest Service’s roles is the provision of resources in a sustainable manner, the agency seems to have once more gone overboard, confusing its role with that of the Chamber of Commerce, timber industry, or local motorized access boosters.

In their comments, FOC provided significant detail on the problems with the wilderness rating system. Small areas 1/20th the size of Mallard-Larkins were found to possess higher wilderness quality than the large Mallard-Larkins roadless area. FOC also noted many other instances where the Forest Service process is inconsistent with the Wilderness Act.

FOC stated:

Capability, Availability, Need and Suitability

The CER documents are also in conflict with the Wilderness Act and the congressional direction (see appendix K). The so-called capability determination is actually made during the inventory. A roadless area generally 5,000 acres or more in size is inherently capable of being designated wilderness (Note: Congress can designate any federal land as Wilderness if it so desires). It is ridiculous to suggest that areas are not capable if they are not scenic or have development visually evident OUTSIDE of the area. (Note: Congress explicitly ordered the Forest Service never to use outside sights and sounds in determining wilderness recommendations and in fact, Congress has stated in legislation that development can proceed to the boundary of a Wilderness.)

Another example deserves mention. The manageability criterion in appendix K suggests a far more exclusive definition than the Wilderness Act. Indeed, Congress has scolded the agency when it proposes boundaries that fit under a restrictive manageability criterion (see above comments from Senator Church).

The availability and need sections are also skewed against making wilderness recommendations. For example, nowhere in the Wilderness Act does it suggest that wildernesses must be “well distributed.”

Even worse is the conclusion in the CER (appendix K) that roadless areas which have uses or structures that are generally prohibited in Wilderness are more desirable characteristics for wilderness designation than areas without those uses or structures! Such an analysis is ludicrous. For example, degree of challenge is considered better with nonhunting outfitters than with no outfitters. Outfitting is generally prohibited in Wilderness (section 4c) and only a very narrow exception “may” occur, but only if it is “necessary” and “proper” to do so for wilderness purposes. Another example is that high standard trails (trails are structures and generally prohibited in wilderness) are considered more desirable than trailless areas! That is illogical and contrary to the Wilderness Act.

The rating system followed by the Forest Service is illogical, internally inconsistent and contrary to both law and policy. For example, the quarter-million acre Mallard-Larkins—by far the largest roadless area—is only medium under shape and size and surrounding area. While surrounding area is probably illegal to use when making wilderness evaluations (rightly or wrongly, Congress routinely prohibits buffer zones around wilderness, see also FOC comments noted above), the size of Mallard-Larkins exceeds all of the other IPNF roadless areas. This is illogical.

The rating system is internally inconsistent, as noted in FOC comments as well. It makes no sense to give an area a low rating because it is rugged and has no trails for recreation then a high rating because it is rugged and helps provide solitude. Yet that is precisely how the Forest Service has rated the roadless areas in the IPNF.

The Forest Service, in its rating system, is again conflating whether an area meets some minimum qualification for wilderness (in other words, it is a roadless area) with whether it ought to be designated as Wilderness. While the Forest Service is obligated to make a recommendation, suggesting that areas don’t qualify for wilderness based upon specious grounds—snowmobiles use the area, therefore it isn’t wilderness—ignores the fact that the Forest Service has the authority close the area to snowmobile use. In fact, the Forest Service has long held that it doesn’t need to close recommended wilderness to ORV or snowmobile use as that use is temporary and doesn’t affect wilderness character, can be halted upon designation, or can be halted by the agency through the administrative process at some future date if such action is warranted.

REMEDY:

- Redo the NFMA required rating system so it is consistent with law and policy, including the Wilderness Act. Wilderness evaluation must be a two-step process. The first step would be to identify all roadless areas, which are, by definition, areas that could be designated wilderness. This step is identifying roadless areas (see the subpart addressed above titled **Uninventoried Roadless Areas**). The second step would then to evaluate tradeoffs, including public input. This would look at what areas ought to be recommended for wilderness, and why, and what areas which would not be recommended for wilderness, and why. It is possible that some areas may need further study and public input before making a reasoned recommendation to Congress.

- The Forest Service must prepare a Supplemental DEIS with a new draft recommendation so the public can see precisely the reasons the agency used in recommending or not recommending area for possible wilderness designation by Congress. This would allow another public comment period.
- The Forest Service must completely review and revise the hopelessly subjective and biased Capability, Availability, Need Criteria and the 2003 Wilderness Needs Assessment they are based on. New standards must be developed based on the clear, unambiguous language of the Wilderness Act, and the Congressional Intent that Wilderness and its ecological values were to be the primary driving force in designations—not USFS manager preferences.
- Given a half-century of excessive logging, roading, and habitat fragmentation of the IPNF, restoring landscape connectivity is a critical need. To begin that process, the LMP must establish and give high priority to establishing an MA-8: Landscape Linkages and Habitat Connectivity. Key Wildlife Linkage Zones must then be identified, mapped, and protected in the LMP.

MALLARD-LARKINS/ WILD ST. JOE WILD SCENIC RIVER

OBJECTION STATEMENT: The IPNF’s Mallard-Larkins wilderness recommendation has two main problems. The first is the boundary that omits key wild areas. The second is the nonconforming uses that take place within the Mallard-Larkins recommendation. These issues and solutions are addressed separately below. (See also the above section on roadless area ratings)

1- Omission of Key Wild Areas:

FOC comments stated, in part:

The exclusion of the Little North Fork corridor and Foehl Creek from the wilderness recommendation—the most remote areas on the entire Forest—is puzzling. Some of this area was previously recommended as wilderness in the 1987 plan. A similar concern applies to the Snow Peak portion of this roadless area, which is managed for non-motorized uses. Why were none of these areas recommended for wilderness under any alternative especially since the Little North Fork corridor is recommended for wild river status and non-motorized use and the Snow Peak Area is non-motorized? Alternatively, why weren’t these areas recommended for a non-motorized special management designation under any alternative?

These areas consist of the wildest parts of the Mallard-Larkins area. Foehl Creek and the Little North Fork are the most remote parts of the entire Idaho Panhandle National Forests.

The draft ROD misleads the public into thinking that the Forest Service has recommended more acreage in the Mallard-Larkins for wilderness than in 1987. Page 9 notes:

One of the reasons I selected Alternative B Modified as the revised Plan is that it recommends the same four areas as the 1987 Plan as additions to the National Wilderness Preservation System. The 1987 Plan recommended 146,700 as wilderness, while Alternative B Modified recommends 161,400 acres. The 1987 Plan recommended Mallard

Larkins (78,527 acres), Scotchman Peaks (23,912 acres), Selkirk Crest (26,658 acres) and some areas adjacent to the existing Salmo Priest Wilderness (17,585 acres). Alternative B Modified recommends Mallard Larkins (80,200 acres), Scotchman Peaks (25,900 acres), Selkirk (36,700 acres), and some areas adjacent to the Salmo-Priest Wilderness (18,600 acres).

In general, the areas recommended in the revised Plan are the same as those that have been managed as recommended wilderness since the 1987 Plan was approved. Acreage changes are primarily due to boundary adjustments in all the areas to improve manageability. However, in response to public comment, approximately 8,100 acres was added to the Selkirk area under Alternative B Modified.

Thus, the draft ROD claims that nearly 2,000 more acres would be recommended to Mallard-Larkins than in 1987. However, comparing the maps in the FEIS reveals that there is less acreage recommended. East of the Little North Fork, the recommendations in 1987 and 2013 are identical. No land west of the wild Little North Fork is recommended in 2013, some was recommended in 1987.

The LMP, FEIS and FEIS Appendices come to just the opposite conclusion regarding the recommended wilderness acreage in Mallard-Larkins than does the draft ROD. The appendices note the 1987 recommendation was 76,300 acres and the current is 73,103. These are serious inconsistencies.

Also, the FEIS (page 469) states:

In response to public comment, approximately 23,100 acres were added to the Mallard Larkins and 1,000 acres subtracted from the Salmo-Priest recommended wilderness areas. The addition to Mallard Larkins was to restore the designation from the 1987 Forest Plan of recommended wilderness for this area. Alternative B of the DEIS had this portion of Mallard Larkins allocated to MA3, Pioneer Special Area. The management direction for this MA was similar to recommended wilderness, but without the distinction of being recommended as wilderness. Because this area has been recommended since the 1987 Plan, it was decided to continue the allocation of recommended wilderness under Alternative B Modified.

This is a misleading and dishonest statement as, according to the maps and FEIS, none of Mallard-Larkins west of the Little North Fork is recommended as wilderness even though it was included in the 1987 forest plan. (Compare alternatives A and B modified.)

The FEIS appendices are also misleading and dishonest on two counts. They note on page 160:

All three action alternatives recommend all or a portion of this roadless area as recommended wilderness (MA 1b). Alternative C would include acreage that would be inconsistent with the Idaho Roadless Rule.

The first is no alternative, according to the FEIS maps, recommends all of Mallard-Larkins for wilderness. To make matters even more confusing, the FEIS itself has conflicting information. In essence, it claims in at least one place that all of Mallard-Larkins is recommended wilderness in alternative C (page 475) yet in another that either all or only slightly less than half of Mallard-

Larkins is potential wilderness under this alternative (page 470, Table 125 is internally inconsistent on this point). Other statements in the response to comments are equally confusing. This violates NEPA in terms of not only range of alternatives, but having accurate information.

To provide more detail on this confusing point, the FEIS, (page 475) shows that 134,800 acres of Mallard-Larkins are potential wilderness and fully qualify for wilderness. (The acreage difference between the 129,439 and the 134,800 figures are not explained—see the section in this objection on the roadless/wilderness rating system for more information as to how the Forest Service has illegally diminished wilderness values). Page 470, when adding the acreage figures, shows the interpretation that only about 80,000 acres of the 130,000 to 135,000 acres of the Mallard-Larkins roadless area is recommended under alternative C. As such, only slightly over half of the roadless acreage was recommended under any alternative for wilderness, according to one interpretation of the conflicting data in the FEIS.

Nowhere in the FEIS, its appendices and the evaluation of the wilderness character of Mallard-Larkins is it determined that only the Pioneer Area and the land in the St. Joe River Drainage have wilderness potential. The fact that alternative A recommends some of the acreage west of the Little North Fork strongly suggests that even by the flawed Forest Service evaluation process, all of the Mallard-Larkins area has strong wilderness potential (see the wilderness evaluation section of this objection). The Forest Service has not clearly demonstrated that only part of Mallard-Larkins has strong wilderness potential.

Also, the Mallard-Larkins roadless area, as identified by the Forest Service omits some roadless land. These issues were brought to the agency's attention but the Forest Service failed to act on them. Thus, the agency has violated not only *California v Block* but also *Kettle Range Conservation Group v US Forest Service*. FOC clearly noted in their comments:

Case law in *Kettle Range Conservation Group v USFS* makes it clear the on-the-ground situation is what determines roadless nature of an area, not inadequate analyses or documents. This proposed plan fails that test on several grounds and we discuss those in the specific area discussions.

The second statement that allocating acreage in alternative C to recommended wilderness is inconsistent with the Idaho Roadless Rule is contradicted by the Forest Plan itself. Page 48 of the LMP notes regarding recommended wilderness:

MA1b-STD-TBR-01. If within an Idaho Roadless Area, timber cutting, sale, or removal activities shall follow direction contained in 36 CFR 294.24 –Timber cutting, sale, or removal in Idaho Roadless Areas.

Here, the LMP recognizes that any area that is recommended wilderness that falls under the backcountry management strategy of the Idaho Roadless Rule can be recommended wilderness without contradicting the Idaho Roadless Rule. Thus, the Forest Service is playing a deceitful shell game on whether the Idaho Roadless Rule does or does not preclude recommendation of areas for wilderness in the forest plan that are designated backcountry under the Idaho Roadless Rule. More detail on this problem is found in the Roadless/Wilderness section of this Objection. In any case, there is a process that allows for amending the Idaho Roadless Rule.

The excuse that a better boundary is found along the Little North Fork versus much further west around the roads on ridges around the Foehl Creek basin doesn't hold water. The Forest Service recommendation itself follows roads—around the Surveyor Ridge road, the road to Heller Campground, and the road to Needle Peak, and elsewhere. Any number of topographic boundaries could be followed to include land west of the Little North Fork and in the Snow Peak area. None were explored in the DEIS.

Further, the FEIS maintains that roadless boundaries were well defined. If the FEIS is indeed honest, there is no justification for not including the land west of the Little North Fork in the Mallard-Larkins wilderness recommendation.

It is clear from the preceding paragraphs that the Forest Service has failed in its duties under NEPA, as also noted in this objection's Roadless/Wilderness section, in the array of alternatives for recommending the Mallard-Larkins roadless area for wilderness. Further, even the Forest Service's seriously flawed and overly stingy evaluation process seems to have determined that all of Mallard-Larkins qualifies as potential wilderness, even though that didn't result in any alternative that would designate all of Mallard-Larkins as wilderness or even a significant majority of Mallard-Larkins as wilderness. Even if one were to exclude the Snow Peak Area because of intermixed Idaho Fish and Game Land (managed for backcountry, non-motorized recreation, so any conflict with recommended wilderness would be very minimal), that still leaves the bulk of Foehl Creek and other face drainages west of the Little North Fork out of any recommendation. Only a small portion of that area was recommended in the 1987 plan.

2- Nonconforming Uses in Mallard-Larkins

Regarding the nonconforming and illegal uses FOC comments noted in part:

Specifically, the lodge and associated development on public land at the Elbow is found in the St. Joe portion. That development is incompatible with wilderness; it is also inconsistent with the current wild river status of the area and the Forest Service is illegally allowing this lodge to remain. . .

In the Pioneer area there is the unused Mallard Peak lookout, chainsaw use currently occurs on trails, and capture structures and helicopters are used to "manage" mountain goats.

The recommended wilderness must not have these nonconforming uses. The direction for recommended wilderness in the forest planning regulations (36 CFR 219.10(b)(1)(iv)) is:

Protection of congressionally designated wilderness areas as well as management of areas recommended for wilderness designation to protect and maintain the ecological and social characteristics that provide the basis for their suitability for wilderness designation.

A lodge on public land does not fit in with that nor do permanent structures like unused lookouts, which are maintained, or other structures beyond the minimum to administer the area as wilderness. Indeed 36 CFR 293.8 states:

Motels, summer homes, stores, resorts, organization camps, hunting and fishing lodges, electronic installations, and similar structures and uses are prohibited in National Forest Wilderness.

The draft ROD misleads the public as to the nature of these nonconforming uses in the recommended wildernesses, including Mallard-Larkins. The draft ROD mistakenly states that it, “Recommends areas to Congress as wilderness that are consistent with current uses . . .” A lodge and other structures, as noted above, are clearly inconsistent with wilderness.

Regarding the wild river status of the St. Joe, the LMP erroneously alleges that lodges on public land are consistent with wild river status (page 65). The same page is misleading and dishonest in that it is trying to conflate historic preservation with recreational lodges. The courts have clearly ruled otherwise on a similar case along the Salmon Wild River in *Wilderness Watch v US Forest Service*.

Mallard-Larkins Summary

FOC comments also recognized:

The Forest Service may want to avoid making the hard decisions on nonconforming structures and management practices which are incompatible with wilderness designation in the Mallard-Larkins roadless area, as . . . those issues are as prevalent or even more so in the portions recommended as wilderness in draft plan (and by the Clearwater National Forest Plan) as those portions of the Mallard-Larkins roadless area outside of the wilderness recommendation.

If the agency wants to make a logical decision, it will designate the **entire** roadless area as either a recommended wilderness or a non-motorized/non-development management category (like Management area 3, but allowing for natural fires) to avoid on-the-ground management problems. It makes no sense to allocate a (portion) of a roadless area for wilderness and/or non-motorized use and a contiguous portion for potential motorized use (backcountry) as it would be impossible to manage. For example, a single trail may wind in and out of the area or a motorized trail may intersect a non-motorized trail. . . Consistent management across the entire roadless area, dictates a common-sense approach and as these examples have shown, that has been abandoned in the draft plan and DEIS.

The addition of the Pioneer Area, but not Foehl Creek and the Little North Fork, to the recommendation for wilderness is puzzling. Those areas have fewer on-the-ground conflicts than does the Pioneer Area. So does the Snow Peak Area.

In fact, it is far easier to eliminate motorized use (almost none exists in either the North Fork/Foehl Creek area or in Snow Peak) than it is to remove illegal lodges in the wild river corridor (or possibly allow unneeded structures to fade back into the landscape). In their comments FOC suggested the Forest Service be honest. If the agency felt it was too difficult to honestly recommend wilderness for Mallard Larkins “but that Mallard-Larkins ought to be managed as a non-motorized, non-development area” then “the agency needs to approach the public with a logical management proposal in a thoughtful and forthright manner.” This has not

been done.

The changes from draft to final did nothing to solve the problem. Rather, without further agency action, it guarantees future administrative problems when and if Congress considers the area for wilderness designation.

REMEDY:

- 1) Increase the recommended wilderness to include the whole (or nearly so) of the Mallard-Larkins. See the attached map.
- 2) Add standards that prohibit lodges in recommended wilderness, require removal of the lodges and stipulate that there will be no renewal of the current Special Use Permit. Also standards should remove any permanent goat trapping facilities and allow structures not used for administration of the wilderness to fade over time or be removed and placed elsewhere, if of educational value, prior to wilderness designation. According to Idaho Department of Fish and Game documents, there is no trapping currently taking place because goats are no longer using the Snow Peak Area.
- 3) The Forest Service must change the Idaho Roadless Rule for the entire Mallard-Larkins roadless area so that it is a Wild Land Recreation theme. The FEIS appendices clearly note there are no real conflicts with uses incompatible with wilderness recommendation/designation in terms of logging or development.
- 4) If the Forest Service refuses to do #2, then it needs to come clean with the public and admit that it really doesn't support Mallard-Larkins as wilderness. The agency must also admit it is in violation of the Wild and Scenic Rivers Act because it refuses to manage the recommended wilderness and the wild river corridor as per law, regulation and policy. It is then incumbent upon the Forest Service to protect Mallard-Larkins in some other way which doesn't diminish its current wilderness character and revisit the classification of the wild river segment from the Elbow to Spruce Tree, if it is in the agency's administrative purview to do so. Perhaps deferring any wilderness recommendation until a later EIS and study should be undertaken. These ideas are much less preferred options than 1 and 2, but would amount to a Management Area 3 designation of the entire roadless area (provided that fire can play its role) or the parts of the roadless area where the above noted conflicts with wilderness designation currently exist.

TIMBER

OBJECTION STATEMENT: FW-DC-TBR-01. Including the sentence that begins with "Salvage..." perpetuates the longstanding conflict between timber production and natural processes that create wildlife habitat. The Desired Condition also includes the vague phrase, "associated desired conditions." And the Desired Condition fails to recognize that, for decades, market demand has conflicted with ecological sustainability. As AWR's comments stated, "Since the Draft Plan and DEIS fail to acknowledge the scientific and public controversy and begin to address the "salvage" issue, such statements should be dropped."

REMEDY:

- Remove the phrase "in response to market demand."
- Remove the sentence that begins with "Salvage..."

- Clarify what is meant by “ecological ...desired conditions” so that the statement recognizes the balance needed between resource extraction and ecological sustainability.

OBJECTION STATEMENT: FW-DC-TBR-03. As argued in AWR’s comments, the wording of FW-DC-TBR-03 essentially nullifies any meaningful distinction between suitable and unsuitable land, and together with timber targets (FW-OBJ-TBR-01) and the ASQ (FW-DC-TBR-04), encourages logging in unsuitable land. One or more of the “purposes” of logging it allows in land that is “unsuitable” appear in all timber sale NEPA documents.

REMEDY:

- Remove FW-DC-TBR-03 from the LMP.
- Change the wording of Standard FW-STD-TBR-01 to read, “Timber harvest activities shall occur only on those lands classified as suitable for timber production.”

OBJECTION STATEMENT: FW-DC-TBR-04. The Allowable Sale Quantity (ASQ) of 120 million board feet annually is not based upon scientifically sound modeling that adequately considers ecological and economic constraints. It creates a sense of false expectations for forest products industries. It is simply not ecologically sustainable.

REMEDY:

- Set the ASQ at an ecologically more conservative level of 20 mmbf maximum.

OBJECTION STATEMENT: FW-OBJ-TBR-01. Any timber target provides incentives which conflict with ecological sustainability. The annual target of offering 45 million board feet for sale is not based upon scientifically sound modeling that adequately considers ecological and economic constraints. It creates a sense of false expectations for forest products industries. It is simply not ecologically sustainable.

REMEDY:

- Delete FW-OBJ-TBR-01 from the LMP.

OBJECTION STATEMENT: FW-STD-TBR-02. As AWR’s comments stated:

If individual harvest openings created by even-aged silvicultural practices are proposed that would exceed 40 acres, then NFMA requirements regarding public notification and approval shall be followed. These requirements do not apply to the size of areas harvested because of catastrophes such as, but not limited to, fire, insect and disease attacks, or wind storms.” This highlights a problem we’ve long noted, there being an undefined category of natural processes the Forest Service calls “catastrophe”, which has generally translates to dead trees not being logged (not maximizing timber volume produced) as the catastrophe rather than there really being something truly ecologically harmful. Also, it seems redundant for a Standard to explicitly state that the law would be followed.

REMEDY:

- Re-write this Standard to prohibit harvest openings created by even-aged silvicultural practices to exceed 40 acres.

OBJECTION STATEMENT: FW-GDL-TBR-01 and MA6-STD-TBR-01. Together with the wording of FW-DC-TBR-03, this Guideline and Standard essentially nullify any meaningful distinction between suitable and unsuitable land, and together with timber targets (FW-OBJ-TBR-01) and the ASQ (FW-DC-TBR-04), encourages logging in unsuitable land. One or more of the “purposes” of logging it allows in land that is “unsuitable” appear in all timber sale NEPA documents.

REMEDY:

- Remove FW-GDL-TBR-01 and MA6-STD-TBR-01 from the LMP.

GRAZING

OBJECTION STATEMENT: FW-DC-GRZ-03. Closing allotments can only increase the ecological integrity and economic efficiency of Forest management.

REMEDY:

- Change the wording of this Desired Condition from “may be closed” to “shall be closed.”

SOCIAL AND ECONOMIC SYSTEMS

OBJECTION STATEMENT: FW-DC-SES-04. This Desired Condition risks perpetuating the Smoky Bear myth that protection from fire is a promise that the government can and should make. Unlike the direction provided in the LMP Fire section, there is no recognized balance with ecological considerations. This Desired Condition does not provide any further increment of public safety over and above the direction provided in the LMP Fire section, and is redundant.

REMEDY:

- Delete FW-DC-SES-04 from the LMP.

OBJECTION STATEMENT: Management Area 3. AWR’s comments stated:

We support the establishment of the Stevens Peak Backcountry Winter Non-Motorized Area as advocated in the comments from the Inland Northwest Backcountry Alliance. To add some non-motorized recreation balance that the Draft Plan lacks, the Stevens Peak Backcountry Winter Non-Motorized Area must be managed as a Recreation and Scenic Area (MA3-DC-AR-02) where winter recreation opportunities and experiences are consistent with the Recreation Opportunity Spectrum (ROS) classification of Primitive to Semi Primitive Non-Motorized. There is no need to do separate or later NEPA to make such changes to the 1987 Plan emphasis in the area, as evidenced by the Draft Plan’s expansion of the Lookout recreation area next to Lookout Pass to a larger geographical area than it does for the no-action (1987 Plan) alternative.

The Forest Service ignored those comments.

REMEDY:

- The IPNF must prepare a Supplemental Draft EIS that includes alternatives for establishing the Stevens Peak Backcountry Winter Non-Motorized Area as advocated in

the comments from the Inland Northwest Backcountry Alliance (a Recreation and Scenic Area under MA3).

CARBON SEQUESTRATION

OBJECTION STATEMENT: In recognition of the critical challenge posed by climate change to global ecosystems as well as the IPNF, AWR comments presented almost three pages of discussion on scientific research and opinion identifying forest management as a contributor to climate change. Instead of addressing the implications of the scientific research and opinion cited regarding the LMP's forest management, the FEIS Appendix G (Response to Public Comments) dismisses it without at all addressing the substance. The Forest Service refused to include an alternative that considered this scientific research and opinion. Given that the alternatives all stress vegetation management, there could be no real comparison of management options. The FEIS even failed to utilize Climate Change as a topic for comparison of how the alternatives it did include respond to, or contribute to, climate change.

The 2010 KIPZ Climate Change Report states:

The average carbon density of these National Forests is among the highest in the Northern Rockies and interior western U.S. (Hicke et al. 2007; Potter et al. 2008). Preliminary estimates indicate that the Kootenai and Idaho National Forests is a net carbon sink, removing approximately 27 to 31 metric tons of carbon per acre per year. Harvested wood products increase the net sequestration on these forests by an undetermined amount.

That was also repeated in the FEIS. The first two sentences are consistent with the scientific information AWR's comments included. However, the last sentence is directly counter. That claim, unsubstantiated by cited scientific research or information, is apparently the justification found in the FEIS Appendix G for the LMP's vegetation management regime (increasing resilience, resistance, and moving towards desired conditions) and the IPNF's position that implementing the LMP will increase carbon sequestration. All without considering science and disclosing impacts of alternative courses of action.

REMEDY:

- Disclose the scientific research specific to the KNF and IPNF that substantiates the KIPZ Climate Change Report statement, "Harvested wood products increase the net sequestration on these forests by an undetermined amount."
- Provide responses to each of the scientific sources of information AWR's comments cited, stating how and why they do or don't apply to the IPNF.
- Prepare a Supplemental DEIS that includes alternatives based upon the scientific sources of information AWR's comments cited.

MONITORING PROGRAM

OBJECTION STATEMENT: The LMP's Monitoring Program is inadequate for informing the agency and the public within any valid adaptive management framework. For many resources, Table 22 Monitoring Indicators ("specific resource measures used in answering the monitoring questions" p. 99) lack specific direction on what and how the indicators are to be measured, to

the degree that one cannot determine if they would be valid or reliable measures. Some Vegetation Monitoring Indicators would largely be performed using the index of “Desired Conditions.” This would not be useful given the shortcomings of the LMP’s Desired Conditions, as identified in AWR’s comments:

(U)nder “Desired Conditions” it is clear that there will be no accountability for not meeting any of the four stated conditions, because each of those is worded so as to be full of loopholes, or are so vague that interpretation is completely up to the discretion of the Forest Service.

We also note that, in terms of demonstration of consistency with the Forest Plan’s Desired Conditions, condition #3 allows for adverse effects progress away from desired conditions in the short-term:

Maintain or make progress toward one or more of the desired conditions over the long term, even if the project or activity would adversely affect progress toward or maintenance of one or more desired conditions in the short term;

This invokes high levels of risk. Only in the long-term, after decades of implementation, might the results of such approaches compel managers to chart a more conservative or ecologically restorative course.

And as Barry Rosenberg’s comments stated, “What qualifies as “long term benefit” or “short term effects” will of necessity be discretionary since these terms are not defined in the DLMP, DEIS or the Appendices.”

Moreover, there is no threshold value given for any indicator so anyone might judge whether adaptive management actions ought to be taken in response to the measurement. Many of the Monitoring Questions ask if a resource is “moving towards desired conditions” and this is too vague as discussed elsewhere in this Objection. It appears little thought went into the writing of Table 22, and thus little meaning would be gained from the results of monitoring.

REMEDY:

- Insert specific direction on how each of the Monitoring Indicators is to be measured.
- For each of the Monitoring Indicators, include an objective threshold above which adaptive management actions are to be taken in response.

OBJECTION STATEMENT: MON-VEG-01-01 forms a link in the grand chain of circular logic in the LMP’s construction, which is that the only areas of the Forest that are resilient, resistant, meeting Desired Conditions, etc. are those areas that get logged. In other words, Monitoring Indicator MON-VEG-01-01 answers the question, “how will the Forest Service know if any stand in the forest is in a desirable condition with the answer, “those that we’ve just finished with.” If this were a valid metric, the LMP and FEIS would disclose how many acres are not meeting Desired Condition forestwide. The Forest Service cannot do this, because the intention is to only address the question at the site-specific level with a map of the Proposed Action’s treatment units. Even then, since the LMP has no valid, scientifically based metrics forming a definition of a stand that is resilient, resistant, meeting Desired Conditions, etc. it will always be cloaked in “professional judgment.” Even old growth is not good enough, as the LMP directs that it be logged.

As AWR's comments stated, "Vegetative conditions simply cannot be used as a substitute or proxy for monitoring populations, as the Forest Service's own science clearly indicates. The complex and subtle interplay between animals and vegetative components, structure, pattern, and processes is not well-understood, Offering Key Plan Elements for Vegetation as wildlife viability assurance is smoke and mirrors, assuring not viable populations of wildlife but perpetual manipulation of vegetation."

REMEDY:

- Include a Monitoring Indicator that annually discloses which stands are currently meeting Desired Condition forestwide.
- Include a definition in the LMP Glossary that uses a scientifically based set of forest metrics that defines a stand that is resilient, resistant, meeting Desired Conditions, etc.

OBJECTION STATEMENT: Indicator MON-VEG-01-02 merely reports on acres burned, and lacks any qualitative component. Forty acres of a timber unit that was burned badly during slash reduction would be equal to 40 acres that was prescribed burned and met all silvicultural, fuel reduction, and wildlife objectives.

REMEDY:

- Include a qualitative component for the measure of acres burned.

OBJECTION STATEMENT: The LMP's monitoring of old growth also would be potentially not useful. Indicator MON-VEG-01-04 relies upon the FIA program. The size of the plots used by the FIA methodology is ¼-acre. The FIA survey methodology results in boots-on-the ground measurements in less than 10 acres of forest meeting old-growth criteria, whereas that the IPNF claims in recent forest plan monitoring reports that there is about 243,699 acres of field verified old growth on the IPNF (its "stand-level mapping" inventory). Less than 10 acres of 243,699 acres is not a statistically valid sample size to produce anything but a rough comparison to other forestwide old-growth inventory, the stand-level mapping.

It is also not very certain that the FIA program has the resources to monitor the fixed plots of the entire IPNF every five years, as is planned. Also, FIA data is not subject to independent verification because plot locations are kept confidential.

REMEDY:

- Arrange for an independent scientific peer-review of the IPNF's FIA old-growth inventory prior to using its results as a valid estimate of old growth on the Forest.

OBJECTION STATEMENT: Indicator MON-VEG-01-05, the annual measure of old growth and recruitment potential old growth, does not require that the old-growth definition as specified in the LMP Glossary be the measurement criteria utilized to determine if any acre is old growth. Also, Objectors' experience with the old-growth inventory has led to serious questions as to its accuracy. Also, the measure of "recruitment potential old growth" is problematic due to its highly subjective definition. The Sierra Club's comments stated:

The Committee of Scientists (created jointly by the National Academies of Science and the Secretary of Agriculture to develop the implementing regulations for NFMA) emphasized the importance of inventories. The regulations required that in providing for diversity of plant and animal communities, “inventories shall include quantitative data making possible the evaluation of diversity in terms of its prior and present condition.” (36 C.F.R. Sec 219.26 (1984)) The Committee explained, “No plan is better than the resource inventory data that support it. Each forest plan should be based on sound, detailed inventories of soils, vegetation, water resources, wildlife, and the other resources to be managed.” [Comm of Scientists Final Report, 44 Fed. Reg. 26,608 (1979)]

REMEDY:

- Insure that the annual measure of old growth and recruitment potential old growth be based upon the numerical values of the old-growth definition as specified in the LMP Glossary.
- Write an objective definition of “recruitment potential old growth” based upon quantified levels of the components found in the old-growth definition as specified in the LMP Glossary.
- As requested by AWR’s and Sieracki et al. comments, require that old-growth monitoring include an internet-based map inventory with linked stand data, updated at annually with all changes fully explained, so the public can make informed judgments as to the accuracy of the stand-level inventory. Alternatively,...
- Arrange for an independent scientific peer-review of the IPNF’s “stand-level mapping” old-growth inventory prior to using its results as a valid estimate of old growth on the Forest.

OBJECTION STATEMENT: The logic behind Indicator MON-VEG-01-06 is obscure, since annually determining old-growth acres “treated” would reveal nothing about the outcome—positive or negative—of those treatments.

REMEDY:

- Include a statement in this Indicator that requires quantitative comparison of treated old growth with the old-growth definition as specified in the LMP Glossary.

OBJECTION STATEMENT: The Indicator MON-VEG-01-07 is a measure of the numbers of dead trees per acre on the IPNF and itself lacks any relevance to resources.

REMEDY:

- Change this Indicator to require annual monitoring of retained snags, by size class, in a representative sample of treated (logged, burned) units.

OBJECTION STATEMENT: The Indicator MON-VEG-01-08 lacks relevance since it would merely measure the “Number of acres influenced by insects and disease.” Naturally, the outcome would be—every acre on the forest.

REMEDY:

- Delete this Indicator.

OBJECTION STATEMENT: The logic behind Indicator MON-VEG-02-01 is obscure, since annually determining acres of noxious weeds “treated” might reveal nothing about the effectiveness of those treatments.

REMEDY:

- Include an additional Monitoring Indicator requiring annual representative sampling of recently treated areas to determine the efficacy and economic efficiency of the various treatments used on various species of noxious weeds.

OBJECTION STATEMENT: The logic behind Indicator MON-VEG-02-02 is obscure. The definition of a “site of new non-native invasive plant species” is not given. A “site” could be as small as single Russian thistle on the shore of Priest Lake, or as large as the new occurrence of 100,000 hawkweed plants in the Lakeview-Reeder timber sale contract area.

REMEDY:

- Quantify “site of new non-native invasive plant species” in terms of acres.

OBJECTION STATEMENT: Indicator MON-FIRE-01-01. Effectiveness of fuel treatments is not evaluated.

REMEDY:

- Include a measure of the effectiveness of fuel treatments, based upon quantitative objectives in the pre-treatment prescription.

OBJECTION STATEMENT: Indicator MON-FIRE-02-01. There is nothing ecological about this indicator, since there is no spatial measure (acres burned that meet positive ecological outcomes.) It isn’t even a decent bureaucratic indicator, since a fire—allowed to burn 300 acres to meet ecological objectives but then suppressed before it was allowed to potentially meet ecological objectives over untold thousands more acres—could be placed in either category of ignition.

REMEDY:

- Include a spatial measure (acres burned that meet positive ecological outcomes).

OBJECTION STATEMENT: Indicator MON-WTR-01-01. “Number of Best Management Practices...” This Indicator is too vague to answer the Monitoring Question, “Are soil, water quality, and riparian and aquatic habitats protected and moving towards desired conditions?”

REMEDY:

- Change this Indicator to require that BMP evaluation data be taken from every documentation of daily Sale Area Administrator monitoring which includes BMPs. Insure that the full range of project BMPs be adequately sampled in each timber sale.

OBJECTION STATEMENT: Indicators MON-WTR-02-01, MON-WTR-02-02. It is unclear how measuring watersheds by “miles of restoration activities” would be useful. It is also unclear how measuring watersheds by “acres of restoration activities” would be useful since the definition of restoration in the LMP and in NEPA documents is so lax that every acre treated would be considered restoration. Indicator MON-WTR-02-03: Too general; the meaning of “trended toward” (as discussed elsewhere in this Objection) is highly vague and subjective. It is hard to understand how any of these three indicators would answer the Monitoring Question.

REMEDY:

- Clarify these Indicators to provide meaningful monitoring parameters.

OBJECTION STATEMENT: The monitoring program sorely lacks a focus on Water Quality Limited Segments and meeting state defined beneficial uses.

REMEDY:

- Include Monitoring Indicators to provide feedback on how restoration activities affect Water Quality Limited Segments and beneficial uses.

OBJECTION STATEMENT: The Watershed Disturbance Rating strongly suggests forestwide direction to attain watershed restoration. AWR comments asked if the IPNF correlated the Watershed Condition Rating and Watershed Disturbance Rating with other measures, such as the condition or status of aquatic habitat such as attainment of INFISH RMOs, with measures of hydrological equilibrium/streambank stability in assessed subwatersheds, or with data gathered for the 1987 Plan monitoring items.

REMEDY:

- Include Monitoring Plan Questions and Indicators to validate Watershed Condition Ratings and Watershed Disturbance Ratings with other measures, such as the condition or status of aquatic habitat such as attainment of INFISH RMOs, and with measures of hydrological equilibrium/streambank stability in assessed subwatersheds, and with data gathered for the 1987 Plan monitoring items.

OBJECTION STATEMENT: Indicator MON-AQH-01-01. Good start, however it lacks a baseline of unconnected stream habitat for subsequent comparison.

REMEDY:

- Disclose the current number and location of fish passage barriers, and add an Indicator to require annual monitoring of the change in this inventory of fish passage barriers.

OBJECTION STATEMENT: The monitoring program lacks Monitoring Questions and Indicators for the Sensitive westslope cutthroat trout, inland redband trout, and western pearlshell mussel. This is necessary because monitoring elements for bull trout would not extend to large numbers of watersheds where the former inhabit.

REMEDY:

- Add a Monitoring Question and Monitoring Indicators that require annual monitoring of populations of westslope cutthroat trout, inland redband trout, and western pearlshell mussel in the waters where they are found.

OBJECTION STATEMENT: The Monitoring Program lacks a measure for determining significant reductions in soil productivity due to land management activities in any timeframe short of forever. There is a lack of any measure of the areal extent of soil damage within any geographic scale.

REMEDY:

- Disclose the baseline forestwide acres of soil with permanent impairment. Disclose the baseline forestwide aerial extent of soil in a detrimentally disturbed condition based upon the current FSM-2500-99-1 definition of detrimental soil damage, and add an Indicator to require annual monitoring of the change from these baseline values.

OBJECTION STATEMENT: There is no monitoring of the accomplishment of soil restoration.

REMEDY:

- Add an Indicator to require annual monitoring of the number of acres of soil restoration accomplished using active management measures.

OBJECTION STATEMENT: Monitoring Question MON-FLS-01. This is worded too vaguely to provide meaningful answers. The overarching goal of ESA listing is population recovery, which is omitted from this Question. It is not sufficient to measure these parameters. A measure of population numbers of grizzly bears is essential for determining attainment of recovery, as is mortality information.

REMEDY:

- Add an Indicator to require annual monitoring of population trends of grizzly bears.

OBJECTION STATEMENT: Indicator MON-FLS-01-02. These parameters must be reported annually, however a measure of population numbers of Canada lynx is essential for determining attainment of recovery, as is information on trapping mortality.

REMEDY:

- Add an Indicator to require annual monitoring of population trends of Canada lynx.

OBJECTION STATEMENT: Indicator MON-FLS-01-03. Specific to the INFISH monitoring requirements that this Indicator adopts; since at age 18 years INFISH has long ago become more than “interim” the logical requirement is that the IPNF must use monitoring data to determine if project implementation results in attainment of riparian goals and objectives—deemed to be “critical” monitoring by the Forest Service in Appendix B.

Also, the bull trout redd count data must be supplemented by fish survey data for numbers of bull trout in bull trout streams. It is also important to measure population trends of brook trout in bull trout streams for hybridization reasons.

REMEDY:

- Explicitly incorporate the monitoring required under INFISH and the 1998 Bull Trout Biological Opinion.
- Add requirements for using monitoring data to determining if project implementation results in attainment of riparian goals and objectives—deemed to be “critical” monitoring by the Forest Service in Appendix B.
- Add requirements for fish survey data for population numbers of bull trout in bull trout streams, and to determine population trends, measuring annually.
- Add requirements for fish survey data to measure population trends of brook trout in bull trout streams.

OBJECTION STATEMENT: Monitoring Question MON-MIS-01. This lacks a requirement to estimate baseline population numbers, and measure population trends in response to management actions.

REMEDY:

- Add requirements for using state agency data to measure population trends of elk, measuring annually.

OBJECTION STATEMENT: Indicator MON-MIS-01-02. Nothing is required specific to any bird species, rendering it useless as a biological indicator. Also, both a) and b) are completely redundant with above inadequate Monitoring Indicators.

AWR comments stated:

The Committee of Scientists (1999), take issue with a management focus that emphasizes manipulation of habitat as the primary management methodology for insuring wildlife viability, “...in recognition that focusing only on composition, structure, and processes may miss some components of biological diversity.”

...The Committee of Scientists (1999) state:

Habitat alone cannot be used to predict wildlife populations...The presence of suitable habitat does not ensure that any particular species will be present or will reproduce. Therefore, **populations of species must also be assessed and continually monitored.**

Also, the Sieracki, et al. comments and AWR comments both stated:

The Committee of Scientists (1999) mentions focal species in the context of more emphases on the importance of monitoring:

The proposal is that the Forest Service monitor those species whose status allows inference to the status of other species, are indicative of the soundness of key ecological processes, or provide insights to the integrity of the overall ecosystem. This procedure is a necessary shortcut because monitoring and managing for all aspects of biodiversity is impossible.

No single species is adequate to assess compliance to biological sustainability at the scale of the national forests. Thus, several species will need to be monitored. The goal is to select a small number of focal species whose individual status and trends will collectively allow an assessment of ecological integrity.

REMEDY:

- Add requirements for using survey data to measure population trends of each management indicator species, measuring annually.

OBJECTION STATEMENT: Indicator MON-MIS-01-03. This relies upon a measurement system that is not explained anywhere in the LMP. It merely commits to monitoring “changes” in the parameter, measured vaguely somewhere every five years.

REMEDY:

- Add requirements for using survey data to measure population trends of invertebrate assemblage management indicator species, in streams not fully functioning, measuring annually, to determine responses to management and restoration.

OBJECTION STATEMENT: Indicator MON-WL-01-01. Nothing is required specific to any wildlife species, rendering it useless as a biological indicator. It is also highly redundant with above inadequate Monitoring Indicators. It is also unclear how measuring “acres of habitat restored or enhanced” would be useful since the definition of restoration in the LMP and in NEPA documents is so lax that every acre treated would be considered restored or enhanced.

REMEDY:

- Replace this Indicator with Indicators requiring the use of survey data of the wildlife species featured in Forestwide Guidelines FW-GDL-WL-01 through FW-GDL-WL-25 and the other wildlife species on the Sensitive Species list, to receive feedback as to the validity and efficacy of those Guidelines, and to measure population trends.

OBJECTION STATEMENT: Monitoring Question MON-AR-01. With the wide variety of recreation impacts on the wide variety of recreation sites throughout the Forest, there is a need for more specific monitoring and reporting.

REMEDY:

- Add a requirement to prepare a narrative-type annual report, based upon a baseline measure of identified problem sites, an explanation of the steps taken to address each problem site, and an evaluation of the effectiveness of the remedies taken.

OBJECTION STATEMENT: Monitoring Question MON-AR-02. Identification of the minimum transportation system necessary is a regulatory requirement, so the IPNF must complete forestwide travel planning in 2015.

REMEDY:

- Complete the forestwide travel planning in 2015 to identify the minimum transportation system necessary.

- Use parameters like those for Indicators MON-AR-02-01 through MON-AR-02-05 to monitor “trending towards” the minimum transportation system necessary.
- Specific to Indicator MON-AR-02-03, a more important parameter to annually measure and report is the flipside—miles of roads in each maintenance level with deferred maintenance needs.

OBJECTION STATEMENT: Monitoring Question MON-AR-03. Specific to motorized recreation, once again identification of the minimum transportation system necessary is a regulatory requirement, and the IPNF must complete its forestwide travel planning in 2015. Once completed, Monitoring Indicators MON-AR-03-01 through MON-AR-03-05 will at least have a starting baseline.

REMEDY:

- Complete the forestwide travel planning in 2015 to identify the minimum transportation system necessary.
- Use parameters like those for Indicators MON-AR-03-01 through MON-AR-03-05 to monitor “trending towards” the minimum transportation system necessary.

OBJECTION STATEMENT: Monitoring Question MON-WLDN-01. The IPNF has so many acres of roadless areas that deserve protection as Wilderness. The public would be well-served with a Monitoring Question and Indicators that assess wilderness conditions and trends in roadless areas.

REMEDY:

- In order to address a more important long-range question, add Monitoring Questions and Indicators to monitor the maintenance and attainment of wilderness characteristics affected by recreation and management in all roadless areas, especially those recommended for wilderness by the LMP.

OBJECTION STATEMENT: Indicator MON-MIN-01-01. Good start, however the baseline number of unreclaimed abandoned mine sites must be disclosed. Additionally, including monitoring items for water quality and soil productivity in abandoned mine sites is important for biological resources including human health and safety.

REMEDY:

- Disclose the baseline number of unreclaimed abandoned mine sites on the IPNF.
- Include additional monitoring items to test for water quality and soil productivity in abandoned mine sites.

OBJECTION STATEMENT: Monitoring Question MON-SOC-01. Data on the contribution to the economy from those gathering non-timber products, hunters, anglers, and recreationists would lead to a more balanced understanding by the agency of how the Forest sustains local and regional economies.

REMEDY:

- Include Monitoring Questions and Indicators for permitted non-timber products.

- Include Monitoring Questions and Indicators for dollars spent by hunters, anglers, and other recreationists.

CONCLUSION

Objectors remain committed to participating in the development of ecologically sound management direction for the Idaho Panhandle National Forests.

Sincerely submitted,



(for)

Lead Objector

Michael Garrity
Alliance for the Wild Rockies
P.O. Box 505
Helena, MT 59624
406-459-5936
wildrockies@gmail.com

Gary MacFarlane
Friends of the Clearwater
P.O. Box 9241
Moscow, ID 83843
(208)882-9755
gary@friendsoftheclearwater.org

Barry Rosenberg
487 Greenhood Road
Priest Lake, ID 83856-8854
(208) 699-0843
barryrosenberg88@gmail.com

John Osborn MD
Sierra Club - Idaho Chapter & Upper
Columbia River Group
2421 W. Mission Ave
Spokane, WA 99201
(509) 939-1290
john@waterplanet.ws

Paul Sieracki
708 Lincoln
Priest River, ID 83856
(208) 610-1036
paul.sieracki@gmail.com

Mike Mihelich
Kootenai Environmental Alliance
408 Sherman Avenue, Ste 302
Coeur d'Alene, ID 83816
(208) 667-9093
mikej@my180.net

Tim Layser
Selkirk Conservation Alliance
P.O. Box 1809
Priest River, ID 83856
(208) 448-1110
layser@scawild.org