

Chris Taggart

From: Skip Brandt <sbrandt@idahocounty.org>
Sent: Sunday, April 5, 2020 3:29 PM
To: Greg Chilcott; Chris A. Hoffman; Jeff Burrows; Chris Taggart; Ravalli County Commissioners Office
Subject: Nez/ Clear NF DEIS
Attachments: RESPONSE TO DEIS - Multi County March 2020.RV.MT. DRAFT.docx

Commissioners,
Idaho, Clearwater, and Lewis Counties have been engaged with the Nez Perce/ Clearwater National Forest with Cooperating Agency status.
Attached is a draft of our comment document with regards to the Nez Perce/ Clearwater Forest Plan DEIS. As you can see in the document we do not support additional Wilderness nor Wild & Scenic Rivers, plus we are requesting more motorized access with an increase to the timber harvest.
Wanting to show a powerful local government voice we are asking some of our neighboring Counties to sign on with us. This Wednesday (March 8th) we would like to submit our comments with 9 area counties signing on and Ravalli County being one of them.
Please let me know if you have any questions.

Sincerely,

Skip Brandt
Idaho County Commissioner

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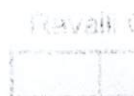
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Ravalli County Commissioners

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**MULTI-COUNTY RESPONSE TO NEZ PERCE-CLEARWATER NATIONAL FOREST
DRAFT EIS AND DRAFT REVISED FOREST PLAN**

Idaho County, Clearwater County, Lewis County, Shoshone County, Benewah County, Nez Perce County, Adams County, Mineral County (MT) and Ravalli County's (MT) (Counties) have worked together to draft this response to the Nez Perce-Clearwater National Forest (Forest) Draft EIS (DEIS) and Draft Revised Forest Plan (Draft Plan). This response is in addition to the previous letters from Idaho County and Clearwater County submitted as part of the revision process.

We have couched our comments into 9 areas:

- I. General Comment
- II. Social and Economics
- III. Recreation (ROS) and Access Management
- IV. Vegetation
- V. Timber
- VI. Recommended Wilderness
- VII. Wild and Scenic Rivers
- VIII. Effects Analysis
- IX. Plan Components

I. General Comments

Idaho and Clearwater counties' concerns and comments are not new, as they have been outlined in our County Resource Plans, have been personally communicated by County Commissioners or by our representatives, have been expressed in Efficient Public Collaboration (EPC) meetings and recommendations, and have been expressed during Clearwater Basin Collaborative (CBC) sub-committee and committee meetings on the Forest Plan with Forest Service personnel present. We feel the previous comments are still valid and request that those comments be officially considered for this comment period, particularly since some of those comments do not appear to have been addressed in the DEIS or Draft Plan.

These comments also include Nez Perce, Lewis, Adams, Shoshone, Mineral, and Ravalli Counties. Although the Forest may have very little land in these counties, or perhaps none at all, there are economic impacts for all of them. These counties are also affected by Forest decisions, as the Forest provides many recreational opportunities for their constituents. In general, we do not feel the Forest has been responsive to our cumulative concerns.

II. Social and Economics

Additional, more specific, Social and Economic comments will be coming concerning Idaho, Clearwater, Lewis, Nez Perce, Shoshone, and Benewah counties in a separate letter since the revision effort affects all these counties.

The Counties' position has been and still is that the Forest does not take economic and social sustainability as seriously as they do ecological sustainability. We see this bias throughout the document, whether it is the roadless areas analysis, wild and scenic river evaluation, the effects analysis, or plan components. The DEIS provides significant effort in analyzing environmental concern, including the development of plan components to protect the Desired Conditions for ecological sustainability; whereas little to minimal effort concerning local and regional social and economic sustainability. Examples include, but are not limited to:

1. Plan components to protect old growth in MA 3 from management activities, but no recognition or restriction on allowing wildfires to burn old growth in MA1, MA2, or MA3. In fact, the document appears to embrace wildfire without addressing the negative effects of wildfire as it relates to lost timber value for the market and resulting economic impact or the negative consequences from wildfire on communities adjacent to the forest.
2. Plan components to protect large trees in MA 3 from management activities, but no restriction or analysis on allowing prescribed fire, wildfire, and insect and disease to take large trees in MA1, MA2, and MA3. In fact, the document appears to embrace wildfire while not disclosing any of the adverse effects of wildfire on large trees, habitat, Threatened and Endangered Species (T&E Species), water quality, or other natural resources. The DEIS needs to provide a larger discussion and context for the adverse effect on natural resources due to wildfires in roadless areas and wilderness.
3. Allocating a semi-primitive setting over top of land suitable for timber production. This is misleading, as the public cannot expect a semi-primitive setting on lands where timber harvest is the focus for vegetative management. This will most likely result in increasing the cost of project planning and may adversely affect the Forest's ability to implement projects.
4. Not recognizing and/or analyzing the effects of the adjacency provision in the W&S River Act on the suitable timber base or vegetation management action adjacent to eligible or suitable Wild and Scenic Rivers.
5. Not recognizing or analyzing that achieving the climate strategy is hindered in wilderness or recommended wilderness. The Idaho Roadless Rule also restricts the ability to implement the climate strategy. These two management areas (MA 1 and MA2) make up 70% of the Forest. The climate strategy cannot be achieved if it cannot be implemented or is restricted in its implementation on 70% of the Forest.
6. Making recommendations for wilderness without recognizing or analyzing Item 5 above.

7. The reduction in motorized trails in Idaho over the last 30 years is staggering, particularly on the Nez Perce-Clearwater NF (see Idaho's Billion Dollar Motorized recreation Industry document by Idaho Parks and Rec, June 2017 and Economic Importance of off-highway vehicles recreation: An analysis of Idaho Counties, University of Idaho, Christopher Anderson and Garth Taylor). This has an adverse effect on the economy of Counties, yet we see little or no cumulative effects analysis on these decisions. Conversely, we see forest and region wide cumulative analysis for numerous ecological concerns.

All of these have adverse effect on the social and economic sustainability of the Forest and the fact they are not being discussed, disclosed, or analyzed show the bias we are concerned about.

Our position is that the final alternative and selection include the following:

1. Provide a strategy for site specific travel decisions that protects motorized recreation
 - a. Rationale: The Idaho's Billion Dollar Motorized Recreation Industry document by Idaho Parks and Rec, June 2017 and Economic Importance of off-highway vehicles recreation: An analysis of Idaho Counties, University of Idaho, Christopher Anderson and Garth Taylor indicates that motorized recreation provides for a significantly larger economic input into the economy than does non-motorized uses. Communities have built the economies around these uses and we do not see the logic, given the facts, as to why the Forest continues to reduce those activities that provide the greatest economic return to the Counties in favor of those activities that provide the least economic return. Every Travel Plan and NEPA decision systematically reduces motorized recreation on the Forests. Given the Planning Rules recognition of economic and social sustainability and the protection of customs and cultures, we find this trend to be a continual assault on local economic sustainability.
2. Not making the Hoodoo Roadless Area recommended wilderness.
 - a. Rationale: The decision to restrict motorized use in this area had the appearance of implementing Region 1's unwritten policy to remove motorized/mechanized activities in RWA's; a policy the Washington Office (WO) has determined inappropriate. Motorized uses were removed in the middle of this revision effort giving the appearance of being pre-decisional. The Great Burn RWA is the only unique high elevation, semi-primitive area available for snowmobiles and mountain bike trails that could be broadly branded and marketed as part of a rural community tourism development.
3. Not making the East and West Meadow Creek Roadless Area (RA) recommended wilderness.
 - a. Rationale: We are recommending East and West Meadow Creek (RA) and the Weitas RA as semi-primitive motorized areas and not as recommended

wilderness. The Forest is looking to remove one or both of the only areas available for summer semi-primitive motorized experience by making the East and/or West Meadow Creek RA recommended wilderness. There is a shortage of semi-primitive motorized opportunities when compared to other opportunities on the Forest and within Idaho and Clearwater County. The semi-primitive experience provides highly popular motorized recreation access that could be broadly branded and marketed as part of a rural community tourism development.

III. Recreation (ROS) and Access Management

Access management was identified as an issue in the revision process; however, we cannot find where it has been dealt with appropriately as an issue. The lack of significant analysis regarding this clearly identified issue is a concern for the Counties. We see numerous places in the plan that place restrictions on access (largely motorized), but we can find little that provides direction to promote or even maintain any motorized access. In the last round of travel planning (the 1987 Forest Plan), there was little to no direction to provide for the motorized public. Therefore, a travel plan was developed with an emphasis on closing roads and trails. We expect this plan to provide the strategic direction for motorized recreation, since access and recreation are significant issues.

We find the recreation section in the proposed Draft Plan to be lacking a vision for specific recreation direction. Many of the plan components are very general; they could be plan components for any plan anywhere. We respectfully request more strategic direction on the allocation of recreational use across the forest. We would like to see specific Plan Components, such as discussion on the (Grand Exploration Motorized) GEM trail. The Clearwater and Idaho County Resource Plans provide detailed Desired Condition objectives. We urge you to take these County Natural Resource Plans seriously.

We recommend the following to address our concerns and to frame the final alternative:

1. The Forest identifies 2 areas that are actively managed as semi-primitive motorized with plan components developed to this end. We recommend the West and East Meadow Creek and the Big Horn-Weitas RA be identified for this strategy.
2. The Forest identifies the Sneakfoot Meadows RA and North Fork Spruce-White Sands RA be actively managed as a mixed winter recreational area with plan components developed to this end. This area provides the opportunity to address the public's interest of having a readily accessible area for these types of winter opportunities. This

area can provide a family-oriented mixed winter and summer recreational playground, a semi-primitive area available for snowmobiles, cross-country skiing, snow shoeing, and mountain biking, hiking, and horseback riding that could be broadly branded and marketed as part of a rural community tourism development. All areas do not have to be separated as motorized or non-motorized. There is much more acceptance of mixed recreation than some try to portray.

3. The Forest identifies the Hoodoo RA as a special management area that:
 - a. Is summer semi-primitive non-motorized except for the trail to Fish Lake.
 - b. Is winter non-motorized except for approximately 20% of the area identified as semi-primitive motorized. This SPM area would be mapped generally in the Forest Plan and site-specific travel decisions should identify the specific areas using an adaptive management approach to protect wildlife.
 - c. We recommend (see ROS maps attached) most of the Hoodoo RA be retained as semi-primitive non-motorized to allow mechanized recreational opportunities. This recommendation is clearly stated in the Clearwater and Idaho County Natural Resource Plans, Recreation Desired Condition. Such a designation would provide rural communities adjacent to the forest to brand and market this unique recreation opportunity. The year-round recreation opportunity would provide a foundation for a diversified recreation economic development strategy for rural Clearwater and Idaho County communities, as well as those in Montana.
 - d. Develop plan components to achieve this desired recreation opportunity.
4. The Forest identifies plan components to provide for a long-term trail system. As an example, trails may have been developed up a creek bottom by a sheep herder years ago to facilitate the movement of their sheep. This trail may not be in the best location to facilitate recreational use, to move people through the area. If we looked at it from a recreational standpoint, we may want to relocate the trail. This may increase public use because it works for them. With planning, the trail may be in a better location for maintenance as well. If there was a transportation plan in place that identified future needs, then, as money or opportunities become available, the trail/road system could be created that better facilitates recreational need in the future. We need a long-term vision that is proactive, not just a continuation of past developments.

5. We also recommend an Objective that identifies a motorized trail from Elk City to Florence and then to the Payette NF; and the section of trail identified by the GEM connecting Smith ridge to adjacent Idaho State lands, which are each part of a larger system. The Elk City to Florence trail would most likely cross Johns Creek, which needs an ROS setting that allows for the construction of this trail. The Smith Ridge connector needs an ROS setting enabling its construction.
6. ROS: Attached are winter and summer ROS maps documenting the Counties recommendations:
 - a. Recommends that Management Area 3 (lands suitable for timber production) be assigned a Roded Natural ROS. It does not seem forth coming that areas scheduled to be harvested at some point in time would have an expectation of semi-primitive.
 - b. Recommends that Management Area 3 (lands suitable for timber production) be assigned a Roded Natural ROS. Although this may not have much of an effect on the ground, the desire is to emphasize social and economic sustainability by not unnecessarily (or unintentionally) making analysis for this MA more complicated.
 - c. Recommends two large areas (Big Horn/Wietas RA and East and West Meadow Creek RAs) to be managed as semi-primitive motorized, providing for a motorized primitive backcountry experience that is lacking on the Forest.
 - d. Recommends a balance of recreational opportunities.
 - e. **Because of the complexity and nuances of this topic, Idaho and Clearwater counties are requesting involvement, as per our MOUs, that we be involved in further discussion on the development of ROS map between draft and final.**

IV. Vegetation

Although we feel there is merit behind the vegetation section of the Draft plan, we find it to be very confusing and difficult to understand. Because it is difficult to grasp what the effects might be, it is difficult for us to provide comments. Proactive engagement and process participation was anticipated as a Cooperating Agency, per our MOU. The lack of this kind of engagement has left the Counties with a sense of frustration and lack of understanding regarding proposed vegetative management in the Draft Plan.

We request that the FEIS and Final Plan recognize the “Forest Composition and Structure Restoration Needs within Clearwater Basin, Idaho” (Haugo and Benton 2014) study commissioned by Clearwater Basin Collaborative (CBC). The analysis identified the need to

manage (harvest) timber on large portions of the Forest to bring the Forest back toward the natural range of variability. The amount of acreages needing treatment should be disclosed and supported by plan comments to achieve this desired condition. The CBC forest health assessment compliments our recommendation to the Draft Plan components regarding Timber.

V. Timber

The Counties are pleased to see the timber output number reflected in the DEIS and Draft Plan. The Counties recommend Alternative W that has approximately 220 - 241 mmbf harvest, using the 30 year departure.

We are concerned that the previous plans (1987) also predicted outputs that were substantially reduced over time, offering local/regional communities no economic sustainability. The major reason for this was not in the modelling of the timber outputs, like this process, but rather in the unrealistic expectation that outputs could be achieved given the regulatory constraints (Plan Components) established as standards in the Forest Plan.

Timber harvest and wood products manufacturing are dominant factors in the Counties' economies. Economic sustainability can only be achieved through a steady and consistent output of timber from the Forest. Our concern is not that the modeling is not accurate, but rather, when other Desired Conditions, Standards, and/or Guidelines are applied, the projected outputs cannot be achieved. These concerns revolve around the plan components concerning old growth, wildlife (particularly elk), aquatics, T&E species, ROS, and eligible or suitable Wild and Scenic Rivers.

Our concern is tied to our comments below (Effect Analysis and Plan Components) where plan components use words like "minimize", "maximize", or "maintain" that leave open the interpretation and, therefore, open the door to legal challenges. The use of these terms in previous forest plans have resulted in adverse effects to the ability of the agency to complete NEPA document.

The Counties have personally asked the Forest on several occasions for an evaluation of the reality of the projected timber outputs. We asked that a sample of current vegetation projects be overlaid with the Draft Plan requirements to see if actual results can be achieved. Recently we have been told that this analysis has not been completed and will not be completed in time for us to review and provide comments. This analysis should have been available and disclosed to the public. Had Idaho and Clearwater Counties been involved, as our MOU as a Cooperating Agency stated, we would have been able to assist in this analysis.

We have concerns with the following plan components for Timber. These are not the only regulatory guidelines/rules/components we have concerns with, but they do represent our concerns that could be applied to many other plan components:

- FW-DC-TBR-03: On lands suitable for timber harvest, the Desired Condition should state that “dead and dying trees in excess of trees needed for snags and snag recruitment are salvaged.”
- FW-DC-TBR-05: Timber harvest in wildland urban interface should be “designed to reduce fuel loads, eliminate crown fires, and reduce flame length so that direct attack strategies can be used.” We don’t know as a DC what “limit the risk of wildfire affecting the adjacent populated areas” means.
- FW-DC-TBR-06: The Desired Condition should be “There is no loss of timber volume due to wildfire on lands suitable for timber production. We do not know how “minimal” is measured to see if achievement is attained. Minimal to some might be 1 mmbf and to another, minimal might be 500 mmbf.
- FW-STD-TMR-01: We do not understand why this Standard is needed. There are situations where there are two alternatives; both move towards desired condition, but one is economically viable and the other is not. This Standard would imply that you could not select the viable alternative because most likely it produces the most timber.
- FW-STD-TBR-02: This is one of those Standards that we are fearful of. How is slope damaged? What does that mean? What are other watershed conditions? How much soil or other watershed conditions must be damaged? If a road is built to harvest the timber, there is most likely a square foot of soil that is irreversibly damaged. Standard should not be left to a project-specific finding. Standard should be a restriction that applies to a project prior to the project development, not afterwards
- FW-STD-TBR-04: See FW-STD-TBR-01 above. We would contend that when two alternatives both meet desired condition, the selection should be based on the greatest dollar return. Standards are intended to be a constraint on project to assure a specific desired condition is maintained or achieved. These two Standards are not intended to achieve any stated Desired Condition in the Draft Plan, but seem to be developed to attain someone else’s agenda. We totally disagree with these two Standards. There seems to be a bias towards not saying that timber should be harvested in a manner that provides the greatest return to the tax payer.
- FW-STD-TBR-07: This is not a standard, but rather clarification of what a created opening is versus an opening created by nature; insects, wildfire.

- FW-STD-TBR-08 thru 10: These appear to be guidelines given what is stated in the last bullet.
- FW-GDL-TBR-01: This appears to be a clarification or definition of what is suitable or not suitable for timber production rather than a constraint on a project.
- FW-GDL-TBR-02, 03 and 04: These do not appear to be written as Guidelines.

Because of the complexity and nuances of this topic, Idaho and Clearwater counties are requesting, as per our MOUs, that we be involved in further discussion on the development of Plan Components between draft and final.

Lastly, we want to clarify that we understand the timber output will be dictated by budget and other factors, however the Forest Plan should select an alternative that allow for a timber harvest that moves us toward the desired condition as stated earlier.

VI. Existing and Recommended Wilderness

The Counties have expressed previously our concerns on additional wilderness. The Forest Service lands within Idaho County are almost 50% designated wilderness. Within a short drive of the Counties, there is over 3 million acres of wilderness, which equates to semi primitive non-motorized and primitive recreational opportunities. When added to the other non-motorized areas there is an abundance of this recreational opportunity. Because of this, we see no need for additional wilderness, but rather see a need for more backcountry motorized opportunities which we will refer to as semi-primitive motorized.

Our recommendation for many of the Roadless Area, do not include recommending as wilderness. Our position has been stated in many of our comments to date and we request that you review those comments during this comment period.

Under-Represented Ecosystem

We **emphatically express** our position about the inappropriate use of The Wilderness Society's comments, specifically the "Under-Represented Ecosystem", as a measure for evaluation of the issue for recommended wilderness in the DEIS.

We find the use of The Wilderness Society's (TWS) analysis in this way to be inappropriate and a violation of NEPA and NFMA, indicating a continuation of a pro-wilderness bias and an inappropriate coordination between the Region and paid wilderness special interests. It is also an example of the Forest Service exceeding its authority by expanding the authority of The

Wilderness Act by adding criteria not ascribed to the Wilderness Act. Only Congress can expand the authority of the Wilderness Act.

In the DEIS, under the Heading “3.6.2 Designated Areas”, “3.6.2.1 Recommended Wilderness” and then pg 3.6.2-2, states:

Measurement Indicators

The indicators were developed based on the issue statements developed from the scoping comments and comments made to the draft wilderness evaluation to show how elements are affected by recommended wilderness management area allocation:

5. Acres of underrepresented ecological groups of the National Wilderness Preservation System.

If the Forest Service is going to have such an issue or measure, it should go through the appropriate public process to develop a Code of Federal Regulation (CFR), Forest Service Manual (FSM), or Forest Service Handbook (FSH) direction. There is no such direction and to use TWS’s biased analysis is to circumvent the public process for the development of Forest Service Policy. This is unacceptable and resembles a similar bias in the unwritten R1 policy concerning the removal of historic uses from all RWA.

Because the use of TWS’s analysis is a violation of NEPA, NFMA, and Forest Service authority, which continues the proven Region 1 bias, we will be forwarding these comments to our congressional representatives and to the Washington Office for their response as well.

The reasons for our statements are explained below:

FSH 1909.12, Chapter 70 Wilderness, 70.61, states:

Early and during each step of the process identified in this chapter, the Responsible Official:

*1. Shall provide opportunities for public participation and collaboration, intergovernmental coordination with State and local governments, and Tribal consultation, as required by the broader planning process (36 CFR 219.4 and FSH 1909.12, Ch. 40). Through such opportunities, engage the public and other governments **early and throughout the process** to provide feedback and input on the inventory, evaluation, analysis, and recommendation steps identified in this chapter.*

TWS’s analysis has never been put forward as a topic of discussion. Who and how was it determined to look at these particular ecosystems? Who and how was 20% requirement

determined? And most importantly, who or how was it determined that this is actually a requirement? Why was it a measurement for this issue?

TWS is a paid special interest. Their purpose for this analysis is to further their cause. For example, the more they can divide ecosystems into smaller ecosystems the more wilderness areas acres it will take to achieve an arbitrary 20 percent.

As part of our Cooperating Agency Agreement (MOU), we should have been involved in these discussions, but the Forest refused to honor their end of the agreement, thus violating their own process laid out in FSH 1909. A 30-day comment period prior to release of the DEIS is not what is outlined in our MOU, nor is it described in 36 CFR 219. Thirty days before the release of the DEIS is not “early and throughout the process”.

FSH 1909.12, Chapter 70 Wilderness, 72.1, states:

72.1 –Evaluation of Wilderness Characteristics

The Interdisciplinary Team shall evaluate areas, which must include all lands identified in the inventory (sec. 71 of this Handbook), to determine potential suitability for inclusion in the National Wilderness Preservation System using criteria included in the Wilderness Act of 1964, section 2(c), as follows:

*4. Evaluate the degree to which the area may **contain ecological, geological, or other features of scientific, educational, scenic, or historical value. These values are not required to be present in an area for the area to be recommended for inclusion in the National Wilderness Preservation System, but their presence should be identified and evaluated where they exist. Such features or values may include:***

a. Rare plant or animal communities or rare ecosystems. Rare can be determined locally, regionally, nationally, or within the system of protected designations.

b. Outstanding landscape features such as waterfalls, mountains, viewpoints, waterbodies, or geologic features.

c. Historic and cultural resource sites. (Confidentiality requirements with respect to cultural resource sites must be respected (25 U.S.C 3056)).d. Research natural areas.

e. High quality water resources or important watershed features

This is an excellent example of the Forest/Region's bias towards wilderness interests. The Forest Service direction plainly states that,

“Evaluate the degree to which the area may contain ecological, geological, or other features of scientific, educational, scenic, or historical value. “

It goes on to say,

Such features or values may include:

a. Rare plant or animal communities or rare ecosystems

It is very clear that its intent is to look at ecological features of **specific** values, i.e. – rare plant. What it does not say is that **every** ecological category must be represented in wilderness areas, let alone at some arbitrary percentage. This is a special interest interpretation that the Region has bought into without any public disclosure or discussion. It is this overreach that makes us suspicious of the process and those making decisions.

The Draft Wilderness Evaluation states the following

“Evaluate the degree to which the area may contain ecological, geological or other features.” These values are not required to be present in an area for it to be recommended for wilderness, but their presence should be identified and evaluated.

a) Rare Plant Communities or ecosystems

***Underrepresented ecosystems-** We chose to consider a more comprehensive review of whether an area includes ecosystems that are underrepresented in the National Wilderness System. Consideration of ecosystem representation as a criterion for designating wilderness dates back to the Forest Service' second Roadless Area Review and Evaluation (RARE II) in 1978. (Cordell, 2012) The Wilderness Society (Dietz) paper on underrepresented ecosystems in the Wilderness Preservation System evaluates how well a variety of ecosystems are represented nationally, regionally and at the forest level. This new science, developed for Forest Planning, models how many acres each roadless areas could contribute to each ecosystem. Of particular concern are areas represented at less than 20% nationally. We measured how much each roadless area could contribute to increasing representation of an underrepresented ecosystem.*

This Wilderness Evaluation takes a large leap from the wording in FSH to all the sudden using the phrase *“includes ecosystems that are underrepresented”*. It references what the TWS references about RARE I and II from forty years ago. What we do not see is any references to 36 CFR, FSM, or FSH. We only see taking the words from a special interest interpretation. Again, TWS did not run their analysis through a public involvement process. It was not peer

reviewed. It did not go through any process required to become national policy. Has the Forest Service determined what the scale is? Is the Forest looking at a scale that includes West Coast Douglas-fir, Southern Pine, or Northern Hardwood or are we looking at micro-ecosystems? Who gets to determine this? TWS? When and how does the public get a chance to comment?

In our opinion, this is the continuation of a trend in Region 1, which promotes wilderness special interest. For many years, Region 1 has had a policy that went beyond the national Forest Service's policy. For example, the national policy allows for historic motorized/mechanized uses in RWA. Region 1's policy, which is pre-decisional and represented the special interest's position, was that all recommended wilderness will remove historic motorize/mechanized uses.

This was the case when the Clearwater NF started summer travel planning, but included areas with snowmobiling. When asked why they included snowmobiling in the Great Burn RWA as part of summer travel planning process, the District Ranger responded it was to bring this area into compliance with Region 1 policy of no snowmobile in RWA.

This trend continued as the Forest decided to remove snowmobiles in the middle of the Forest Plan revision process rather than to wait until the revision process was completed. It was obvious the decision was made to remove these uses prior to a draft EIS; to steer the decision toward wilderness. It has never been explained why these uses, which had been occurring for over 30 years and only occurred on 20 percent or less of the RWA, could not continue until the revision process was completed.

A "Measure" identifies how to measure the effects of a significant issue (FSH 1909.15). It provides the foundation for the effect's analysis and the basis for a decision. By including TWS comment into a measure, the Forest has skewed the analysis and decision process toward wilderness interest. Just because there is a public comment does not mean it should be a measure for that issue. Since the bases of TWS analysis is flawed, basing a decision on it is also flawed. There is nothing in 36 CFR 219 that recognizes TWS and their analysis. There is, however, wording specific to Counties and their plans. Yet none of the county provided comments have been converted to measure. Specifically, there is no measure that indicates how much an alternative is in line with the County Natural Resource Plan.

We recommended some boundary changes to existing wilderness to solve some issues, yet our comments have not been recognized.

As we have described, the use of TWS analysis cannot replace the Forest Service's responsibility on how to address resource topics. This is an unacceptable measure and effects analysis that cannot be tolerated.

Lastly, the Forest Plan should lay out the criteria for using chainsaws in wilderness as part of the plan components. The Wilderness Act allows for the use of chainsaws to clear trails. The Forest has a huge backlog of trails needing clearing to provide access and enjoyment by the public of these areas.

VII. Wild and Scenic Rivers (including overall Process)

Our first comment is about the Forest's responses to the 13 criteria questions for determining suitability (**83.21 – Criteria for Determining Suitability**) in the DEIS. We are appalled that a document, that is so important for determining suitability by the Deciding Official, is incomplete, misleading, inaccurate, and biased beyond belief. As just one of many examples, under the North Fork Clearwater River, item 11 Support or opposition to designation: states,

“Many members of the public, river conservation groups and local environmental groups have expressed support for a finding of suitable or designation of the North Fork Clearwater River. “

There is not mention of those that **do not** support a finding of suitability, including numerous publics, interest group, Counties, local governments, and State government and agencies. How is it even possible that the opposition to this river being suitable is left out as a response to this question. This is not an isolated case; it is throughout the document. This document should have been peer reviewed by the ID Team, was reviewed by the Regional Office and yet this type of bias was over looked. This indicates that the Forest and Region continues to have a bias (as we have suspect) or it bring into question the integrity of the process; or both. **This is such and an egregious example that again we will be bringing this up with the Washington Office and our Congressional representative.**

Concerning wild and scenic rivers, one of our biggest concerns is with the South Fork of the Clearwater, North Fork of the Clearwater, and the Salmon River. If the South Fork of the Clearwater and North Fork of the Clearwater are designated (determined suitable), it has the potential to severally impact vegetation management and timber harvest on the Forest. We have expressed this concern, both in verbal discussion and in writing, without any response from the Forest. In the DEIS, there is no discussion or disclosure of the effect to the forests ability to treat vegetation and harvest timber due to the adjacency provision in the Wild & Scenic River Act. The courts have already ruled that the visual (scenery) requirements from a Wild & Scenic River go well beyond the quarter mile boundary. This analysis is something we would have expected and assisted with had the Forest honored Idaho County's Cooperating Agency Agreement (MOU).

We have also expressed our concern that it is contrary to the Wild & Scenic River Act that every large river be designated or recommended (see Idaho County's previous comments specific to wild and scenic rivers). The lower Salmon River, North Fork Clearwater River, and the South Fork Clearwater River are the only rivers not designated or recommended for wild and scenic status on the Forest or within the Counties. These rivers have roads along them and in some cases the roads are affecting the bed or banks, some have past mining activities, and some are within the suitable timber base resulting in evidence of timber harvest. They are not the best of the best or exemplary as the other rivers in the area have better river values.

Again, we find it totally inappropriate and a violation of NEPA and the Wild & Scenic Rivers Act that the effects analysis does not discuss the existing wild and scenic rivers in either of the Eligibility and Suitability processes. It is not logical to discuss whether or not a river should be eligible or suitable if there is no comparison to the other existing rivers. Under this scenario, every river would eventually be identified.

Our Response to Evaluation Criterion: Generally

83.2 Objective of the Suitability Study

1. Should the river's free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?

This evaluation criteria assumes there is an either/or question. All the rivers on the Forest are protected by more than one of the following (this is not an inclusive list):

- a. Threatened and Endangered Species Act
- b. Clean Water Act
- c. Wilderness Act
- d. Historic Preservation Act
- e. Antiquities Act
- f. Archeological and Historic Preservation Act
- g. National Environmental Policy Act
- h. National Forest Management Act
- i. Organic Act
- j. Migratory Bird Act
- k. Idaho Roadless Rule
- l. Forest Plan

The free-flowing character, water quality, and ORV will be protected under the existing laws and regulations. There are other uses that are important, like vegetation management to achieve a resilient forest or range land, economic sustainability, particularly for those rivers that

go through suitable timber base. In some cases, the decision to make these rivers suitable will actually make the protection of these resources more difficult and expensive to achieve. An example is accomplishing fish improvement project for T&E fish and the additional analysis and threat of laws suits if it were a suitable river.

2. Will the river's free-flowing character, water quality, and outstandingly remarkable values be protected through designation?

As in question #1 above, the river free-flow character, water quality, and ORVs will be protected with or without the designation. Again, in some cases the designation may make it more difficult to accomplish resource protection objectives, like protection of threatened fish species.

There are some people/organizations who see recreation dredging as a threat to species, but this activity has been evaluated by US Fish and Wildlife Service, National Marine Fisheries Service, and State water quality departments and all have provided criteria for these operations to protect water quality and fish habitat and species. We do not see that it is appropriate for the Forest Service to utilize the W&S River Act to remove something, with great impact to others, only to serve someone else's agenda. These special interests are not supporting designations because they are good candidates for the W&S River System, but rather to achieve their own agenda. This is not an assumption on our part, as they have made their position clear in collaborative meetings.

3. Will the benefits of designation exceed the benefits of nondesignation?

The benefits of designating do not exceed the benefits of not designating. They are probably about the same given the current protection. The unintended consequences though likely tip the scale to having more benefits to not designating, particularly for those rivers in MA 3.

4. Is designation the best method for protecting the river corridor?

No, there are already overlaying laws and regulations that protect all these rivers as mentioned above. Those rivers in MA3 have existing protection measures in place and an additional layer of regulation will just complicate the process to provide protection action that may not be needed.

5. Is there a demonstrated commitment to protect the river by any non-Federal entities that may be partially responsible for implementing protective management?

There are other non-Federal entities that are interested in implementing protective measures. These include Idaho Department of Fish and Wildlife, Idaho County, Clearwater County, fishing organizations, Idaho Historic Preservation Council, collaborative groups, SHPO, and other State

agencies. However, many of these entities are not interested in seeing an additional layer of regulation.

83.21 – Criteria for Determining Suitability

1. Characteristics that do or do not make the area (the corridor) a worthy addition to the National System.

As mentioned earlier, these rivers are in and adjacent to suitable timber base. There is evidence of logging, roading, mining, cattle and grazing. There are other rivers with similar characteristics that are better examples and have already been designated by congress as W&S Rivers.

2. The current status of land ownership and use in the area.

There are private lands within the corridors.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.

There is the reasonably foreseeable potential use that may be foreclosed if the areas were included in the National System. The rivers that run through the middle of suitable timber land could have impacts in two ways. First, the adjacency provision of the W&S River Act could affect projects miles from the river, adversely affecting the local economic sustainability. Since only approximately 20 percent of the forest is suitable timber land, any action restriction harvest will have dramatic effects on the local economies. Secondly, the overlay of another layer of regulations will only increase the cost of every project in the vicinity of the rivers. The cost to produce the planning documents already has an impact on the number of projects the forest can complete. The fewer projects, the harder to meet the Forests desired conditions.

4. The Federal agency that will administer the area should it be added to the National System.

Forest Service

5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by State and local agencies.

No other agency is interested in sharing the cost of any proposed W&S Rivers *as far as we know.*

6. *The need for, and cost to the United States of, acquiring lands and interests in lands and administering the area should it be added to the National System.*

There would be no need to acquire lands.

7. *A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.*

There is no State or its political subdivisions interested in participating in the preservation and administration of the rivers should any be proposed for inclusion in the National System. There is interest from many organization/agencies to protect these resources without being proposed as W&S Rivers.

8. *The adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.*

N/A

9. *The State or local government's ability to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of State and local governments. Such mechanisms may include, for example, State-wide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.*

N/A

10. *The consistency of designation with other agency plans, programs, or policies, and with meeting regional objectives. Designation may help or impede the goals of Tribal governments, or other Federal, State, or local agencies. For example, designation of a river may contribute to State or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a limited recreation activity or setting to the National System may help meet State-wide recreation goals for that activity or setting. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.*

Designation does not help any agency plans, programs, or policies that are not already in place or being implemented. Designation would overlay an additional layer of regulation that would most likely increase the cost of implanting other objectives or protecting the river values.

11. Support or opposition to designation. Assessment of this factor will define the political context. The interest in designation or nondesignation by other Federal agencies; State, local and Tribal governments; national and local publics; and the State's Congressional delegation should be considered.

There is far more opposition to designation. We are not aware of any federal agencies, State, or local governments, local public, or State Congressional delegation in support of any of these rivers being designated. There are some special interest groups who would like to see these rivers designated, but as they have stated during collaborative meetings, not because they would be good addition to the W&S Rivers System but rather to prevent other activities (recreational dredging) they do not agree with. These special interests also want the rivers designated to prevent dams, although the probability of any dams being proposed is zero. With the number of listed fish, there is no reasonable opportunity for any dam construction.

12. The river's contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach. For example, expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed could contribute to river system integrity. Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

The rivers are already being managed in a holistic approach because there are 4 listed fish species. The listing as a W&S River would not provide any additional benefits, but would most likely complicate the management of these waters.

13. The potential for water resources development. The intent of the Act is to preserve selected rivers in free-flowing condition and to protect their immediate environments. Designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, and channelization. Describe specific or types of projects that may be foreclosed by designation of the segment as suitable and the implications for future water resource needs. The description may include discussion of alternative water resources projects or project sites (outside a river segment being considered), or modified projects, that may be considered if a river is recommended for designation. The interdisciplinary study team may identify and consider additional suitability factors as directed by the Responsible Official.

This criterion is a perfect example of the Counties concerns. The statement above clearly states that the Act's intent is to preserve **selected** rivers. It is not intended to preserve **ALL** rivers. All but two of the large rivers on the Forest are currently designated W&S River. To designate the North Fork and South Fork of the Clearwater would mean all large rivers were designated. The

Counties position is that this is not the intent of the W&S Rivers Act. Again, the interest groups who are advocating for these rivers to be designated want all rivers to prohibit uses they do not agree with. That is not the intent and the Forest should recognize this. We have tried to make this case throughout the whole revision process, but to no avail. This criterion reinforces and supports our position.

Specific Rivers: We have addressed two specific rivers below. Please see our other comments on W&S Rivers.

1. South Fork Clearwater River

- a. When the current wild and scenic rivers (Lochsa, Selway, Middle Fork Clearwater, and Salmon) were identified, the South Fork Clearwater was passed over as not rising to the level of being a Wild & Scenic River.
- b. The ORV's identified in the report (Rec., Scenic, Cultural, Cultural NPT, Fish, and Wildlife) are all better represented in the other existing Wild & Scenic Rivers.
- c. The South Fork Clearwater River has a road running the length of the river, which also affects free flow. The South Fork Clearwater River has an extensive road system running up from the river. The area has been logged, dredged, mined, grazed, and previously dammed. All these activities have some degree of adverse effect on the values identified. When compared to the other existing large rivers in the area, it does not rise to their level and should not be eligible as determined by FSH 1909.12, 82.73.
- d. Specifically, access for fishing was determined to be an ORV. This activity is not a river related value, but rather a road related value. If it was not for the road, this ORV would not exist. A river related value should exist whether access is there or not. If this is an actual ORV, then the construction of roads up other rivers would be justified in order to create more outstandingly remarkable value. This rationale would not be logical in the face of the Wild & Scenic River Act or Forest Policy and, therefore, is not logical for creating an ORV for this river.
- e. The idea of making the mine tailing a part of the ORV for historical purposes is also without logic. The mine tailings are already protected by the Historic Preservation Act; however, to recognize the tailings (possibly containing contaminates) as part of the W&S River system is absurd. The wild and Scenic River Act was put in place to protect rivers from such activities. One would have to ask why not make a dam part of the W&S River system. Determining mine tailing as an ORV would create a conflict between the protection of other river values, threatened and endangered species, and the Clean Water Act.
- f. Every large river in Idaho and Clearwater counties are currently designated Wild and Scenic except for two; the South Fork and North Fork of the Clearwater. The Wild &

Scenic Rivers Act and Forest Policy is clear in that every river is not intended for designation.

- g. The determination of the South Fork Clearwater River as eligible overlooks evidence we have presented and is unwarranted based on the facts. The logic the Forest has used appears to be lacking in the face of the evidence and facts presented.

2. North Fork Clearwater River

- a. When the current wild and scenic rivers (Lochsa, Selway, Middle Fork Clearwater, and Salmon) were identified, the North Fork Clearwater was passed over as not meeting the values of being a Wild & Scenic River.
- b. The ORV's identified in the report (Rec., Scenic, Cultural, Fish, and Wildlife) are all better represented in the other existing Wild & Scenic Rivers.
- c. The North Fork Clearwater River has a road running the length of the river, which also affects free flow. The North Fork Clearwater River has other road systems running up from the river. The area has been logged, dredged, mined, grazed, and is dammed. All these activities have some degree of adverse effect on the values identified. When compared to the other existing large rivers in the area, it does not rise to their level and should not be eligible as determined by FSH 1909.12, 82.73.
- d. The North Fork Clearwater River has private inholdings as patented mining claims which are active and operational.
- e. The determination of the South Fork Clearwater River as eligible overlooks evidence we have presented and is unwarranted based on the facts. The logic the Forest has used appears to be lacking in the face of the evidence and facts presented.

VIII. Effects Analysis

Although we found much of the effects analysis to be accurate, some of the effects analysis appears to be biased, misleading, or lacking any supportive information.

Some of our concerns follow:

- The document states that all the recommended wilderness areas currently have no motorized activities. This is true, but it must be stated that motorized and mechanized activities were eliminated in the Great Burn Recommended Wilderness Area in the middle of this Forest Plan Revision process. This decision has the appearance of being pre-decisional and intended to alter the analysis in favor of RWA, as it has done. The effect analysis should disclose that for the last 30 years this area had both mechanized and motorized activities and it was only recently that this area has been restricted. It should also be disclosed that this

decision was made when the Regional Office had an unwritten policy to eliminate all motorized and mechanized uses within any RWA. This policy was acknowledged by the Washington Office, which determined Region 1 policy to be inappropriate. It also needs to be disclosed that allocating the Great Burn RWA as recommended wilderness removes the last remaining area on the Forest that provides for unique, high elevation mechanized and winter motorized activities.

- In the wildlife section, we see very little discussion on the effects of wolves on elk, deer, and moose populations. This should include the fact that limited access to some areas has resulted in the inability of the State to manage wolf populations resulting in significant elk herd reductions.
- The wildlife section indicates that if an area is not recommended for wilderness, that mountain goats may be adversely affected by motorized activities. This conclusion is an opinion and not supported by facts. It also appears to assume that recommended wilderness is the only way to protect this and other species from motorized activities. It also assumes that an area not recommended for wilderness will be motorized, also not accurate. This is a stark example of the bias we have talked about. In some cases, having the ability to use motorized equipment, including drones, may help in the management and protection of wildlife.
- We do not see in the wildlife section any disclosure that IDFG finds their ability to manage state wildlife species restricted in wilderness and recommended wilderness.
- The wildlife section indicates that the use of game carts has adverse impacts on wildlife. We find this to be misleading and that their impact on wildlife is so insignificant as to not be measurable compared to not using game carts. There appears to be a bias and lack of context in this discussion.
- In the wildlife and fisheries section, when discussing W&S Rivers, there is no context. It indicates no miles of recommended W&S Rivers for Alternative X, but fails to identify the miles of existing W&S Rivers. This is misleading and again without context. For example, it shows river miles for Harlequin duck in Alternative X as 0.0 miles. However, there are 114 miles of existing W&S Rivers with Harlequin duck suitable habitat. Leaving this important point out is misleading, as the best of the best has already been identified for this species.
- In some cases, the effects are not specific to the Forest, but rather just a summary of studies without any context as to whether we have the situation or not.
- Both the fisheries and wildlife sections contain unsubstantiated statements such as, "It is assumed that in areas not recommended for wilderness there would be an emphasis to motorized activities." This is not true. In fact, our recommendation identifies numerous areas

as not being recommended wilderness, but yet being non-motorized. Again, this is a bias that lacks facts, but pushes someone else's agenda.

- The DEIS recognizes climate change and that it is human caused. It acknowledges fuel build up due to fire suppression. It acknowledges that this will result in longer fire seasons, more intense fires, and larger fires. However, there is no recognition of the effects of this new fire behavior on T&E Species, riparian areas, invasive weed, water temperature, vegetation structure and composition. This is particularly important when evaluating RWAs, as the Wilderness Act promotes natural process. However, the new fire behavior is not representative of natural process and, as the analysis agrees, is human caused. The analysis seems to recognize climate changes, but ignores the adverse effects on resources, resulting in no strategy to protect resources from its adverse effect. We believe that the science supports the idea that the Wilderness Act is an outdated act that no longer protects these resources.

IX. Plan components

Overall, we like the fact that there are fewer Standards than in the previous Forest Plans or in what we have seen in other Forest Plans. We believe this follows the Forest Service's direction on how a Forest Plan should be structured.

We do have concerns with the wording of many of the Desired Conditions, Standards, and Guidelines. We very much agree with the definitions of each of the Plan Components, particularly - Desired Condition, Standards, and Guidelines. However, it looks like the plan components were created by different groups of people at different times, as there is no consistency between the plan components within or in different sections. We feel it is important for the wording of each plan component to follow the definition in 36 CFR 219 and follow a consistent format throughout the document. This makes it easier to understand and interpret. As we have all learned, plan components that are not consistent, clear, or well understood add to the cost of planning and delay project decisions.

Of greatest concern is the wording of some of these components. Desired Conditions (DC) are very important in the new planning rule. DC "...must be described in terms that are specific enough to allow progress toward their achievement to be determined...". Projects cannot move forward that do not meet or move toward DC. Wording such as, "have minimal impact", "support opportunities", "provide for or contribute to", "protected, "maintained" or "improved" are some example of statements without meaning specific enough for which achievement can be determined. These are phrases lawyers can and have easily challenged to stop projects.

A DC is also a “description of a specific social, economic, and/or ecological characteristic... toward which management of the land and resources should be directed.” A DC is not a management action itself. DC’s that state, “are protected or maintained” or “has minimal impact” are not descriptions of characteristics, but effect or management actions. A description of a characteristic would be something more like, “the significant features (these features should be described) are in the same condition or only affected by natural processes as when designated.”

Standards (STD) and Guidelines (GDL) are constraints on project. They also need to be clear, as to their intent and what projects they apply to. Terms like “significantly”, “minimize”, “maintains”, “minimize adverse effects” or “may be” are terms that do not meet the definitions in 36 CFR 219 and open the STD to interpretation and, therefore, challenges. Again, this increases the cost of planning and legal challenges to a project.

A STD should not direct management. For example, FW-STD-WL-01 is not a constraint on a project, but a statement to follow the Northern Rockies Lynx Management Direction, which is already a requirement.

A Guideline (GDL) is “a constraint on a project.... that allow for departure from its terms, so long as the purpose of the guideline is met.” A guideline needs to clearly state its purpose and the constraint on the project to achieve that purpose. As with STD, GDL should not use terms like “minimize adverse effect” or “to the extent practicable”, as these are not clear purposes or well defined. There are numerous GDL that did not include a well-defined purpose and/or the constraint on a project.

It is important that the Forest Plan follows the definitions of the Planning Rule; to do otherwise is to bring the plan under scrutiny, allowing a judge to decide the appropriateness of the plan components.

We would request that the Forest honor Idaho County’s and Clearwater County’s MOU as a Cooperating Agency and allow Idaho and Clearwater Counties to be present at the ID Team meetings when discussing plan components so we can provide the information and analysis that Idaho County is supposed to provide. Our MOU specifically states that the Counties will be involved in these types of discussion.

There is one last point we must identify concerning plan components, as well as agency interpretation of regulations. We have been told frequently throughout the planning process that the Forest cannot do something because it is again regulations. However, when it comes to plan components and meeting the regulations (definitions), we are given all kinds of excuses why the Forest doesn’t have to follow this regulation. These actions, statements and words are perceived by local leaders as hypocrisy. Through the years this behavior has led us to the

conclusion that the agency can and will do whatever it wants when it wants and that the impacts on local community sustainability is of little consequence to the agency.

