

## APPENDIX R—PUBLIC INVOLVEMENT AND RESPONSE TO COMMENTS

### Table of Contents

**Appendix R ..... 1**  
**Public Involvement and Response to Comments ..... 1**  
 Table of Contents ..... 1  
**1.0 Introduction ..... 3**  
 1.1 Background.....3  
     Introduction .....3  
     Summary of Public Involvement Prior to Scoping .....3  
     Summary of Public Involvement During Scoping .....5  
     Summary of Public Involvement on the Draft EIS .....5  
 1.2 Content Analysis .....6  
 1.3 Comment Response .....7  
 1.4 Further Information.....7  
**2.0 People Who Commented on the Draft EIS ..... 7**  
**3.0 Response to Comments ..... 10**  
 3.1 Introduction .....10  
     Protect Roadless Areas .....10  
     Manage Roadless Areas for Multiple Use11  
     Public Concerns and Responses .....11  
 3.2 Public Concern Statements ..... 11  
     1. Governor’s Implementation Commission .....11  
     2. General Comments .....12  
     3. Purpose and Need .....15  
     4. Public Involvement .....29  
     5. Heritage and Cultural Resources – Tribal Relations .....36  
     6. Proposed Action: Theme Comments .....50  
     7. Alternatives .....58  
     8. Effects Analysis .....62

9. Cumulative Effects .....64  
 10. Forests Plans and other Management Plans .....66  
 11. Change Clause .....71  
 12. Roadless Inventory .....73  
 13. Access.....75  
 14. Vegetation .....77  
 15. Forest Health.....81  
 16. Grazing .....85  
 17. Fuels Management .....86  
 18. Wildland-Urban Interface .....90  
 19. Timber-cutting Projections.....94  
 20. Roads – Construction/Reconstruction .....99  
 21. Phosphate .....107  
 22. Minerals / Oil and Gas.....111  
 23. Alternative Energy .....113  
 24. Climate Change .....116  
 25. Roadless Characteristics.....119  
 26. Recommended Wilderness .....124  
 27. Congressionally Designated Areas – Wilderness.....126  
 28. Congressionally Designated Areas – Wild and Scenic Rivers .....127  
 29. Recreation.....128  
 30. Soils .....135  
 31. Water.....138  
 32. Fisheries and Aquatic Species .....142  
 33. Avian species .....148  
 34. Other Terrestrial Species .....149  
 35. Botanical Resources.....157  
 36. Consultation.....158  
 37. Scenic Quality .....158  
 38. Noxious Weeds.....160  
 39. Social and Economics.....160  
 40. Legal and Regulatory Compliance ...169



## 1.0 Introduction

### 1.1 Background

#### Introduction

This appendix describes the public involvement activities that occurred during the preparation of the environmental analysis, including activities leading to the preparation of the draft environmental impact statement (draft EIS) and final environmental impact statement (final EIS). This appendix also presents the substantive comments received on the draft EIS and provides the Agency's response to those comments. This response complies with the Code of Federal Regulations (CFR) section 40 CFR 1503.4, Response to Comments, of the National Environmental Policy Act (NEPA) regulations.

#### Summary of Public Involvement Prior to Scoping

The management of undeveloped areas of the National Forest System (NFS) has been a topic of ongoing discussion since the 1920s. In the past 10 years, several formal public processes have been initiated. These include the involvement of the public in developing the 2001 Roadless Rule, the 2005 State Petition Rule, individual forest plan revisions, and most recently, the Idaho State Roadless Petition

#### 2001 Roadless Area Conservation Rule (2001 Roadless Rule)

The Forest Service received more than 360,000 individual responses, representing more than 500,000 comments, in response to its 1999 notice of intent to promulgate a rule. Close to 1.2 million responses were received by the Forest Service on the proposed 2001 Roadless Rule and draft EIS during their comment period (USDA Forest Service 2000p). More than one million responses were form letters initiated by national interest groups. Agency responses

to comments on the draft EIS are contained in Volume 3, Agency Responses to Public Comments, Forest Service Roadless Area Conservation Final EIS (USDA Forest Service 2000). Responses in volume 3 relevant to the final Rule are summarized in the preamble to the final Rule published in the *Federal Register*, 66 FR 3244, on January 12, 2001 (USDA Forest Service 2001).

#### 2005 State Petitions Rule for Inventoried Roadless Area Management (State Petitions Rule)

On July 10, 2001, the Forest Service published an advanced notice of proposed rule in the *Federal Register*, 66 FR 35918, (USDA Forest Service 2001a) seeking public comment about how best to proceed with re-examining the 2001 Roadless rule to address the concerns raised by local communities, States, and Tribes. During the public comment period, which closed on September 11, 2001, the Forest Service received more than 726,000 responses.

A proposed rule was published in the *Federal Register*, 69 FR 42636, on July 16, 2004 (USDA Forest Service 2004).

Approximately 1.8 million comments were received from a wide variety of respondents. Responses relevant to the final Rule are summarized in the preamble to the final Rule published in the *Federal Register*, 70 FR 23653, on May 13, 2005 (USDA Forest Service 2005).

#### Forest Planning

Public involvement has been extensive, from the development of the first generation of land management planning (forest planning) in the 1980s through subsequent revisions of those plans. Moreover, one of the key issues in each public involvement process has been the management of inventoried roadless areas. Local, regional, and national comments have been received during these extensive public processes. Since the first plans were

completed, forests have been involving the public in making necessary forest plan amendments. Forests revising their plans use a collaborative process for working with the public on the management of roadless areas. Five Idaho forests have completed revisions of their plans, five are in progress, and two have not initiated revision.

### **Idaho State Petition**

On June 23, 2005, the Governor of Idaho announced that the State would develop a petition pursuant to the 2005 State Petitions Rule. In that announcement, the Governor solicited the help of local units of government to invite local communities to develop (through a public process) specific recommendations for inventoried roadless areas in portions of the national forests within their counties.

Following that announcement, local communities under the leadership of their respective county commissioners outlined a process for providing written recommendations to the Governor for review. Affected county commissioners held a series of public meetings to solicit public comment and develop their recommendations. Statewide, approximately 50 public meetings were held. To provide guidance and assistance in the process, a representative from either the Governor's Office or the Governor's Office of Species Conservation attended nearly every meeting. In addition to those meetings, the Governor's staff explained the Governor's vision for his local process during at least 10 additional meetings across the State. Because of the high volume of comments received, the county commissioners hired two independent contractors to compile submitted comments and prepare the commissioners' final recommendations to the Governor.

The State received comments or recommendations from 66 organizations, 30 counties, and 1,596 individuals. Some responses focused on individual roadless areas. Based on the comments submitted by the commissioners, individuals, and organizations, the Governor's staff developed management recommendations for each individual roadless area for the Governor's consideration. After development of the initial recommendations, the State engaged the Native American Tribes in Idaho, as fellow sovereigns, in discussions about these recommendations. The State of Idaho also contacted neighboring States to ensure inter-roadless area consistency. Based on the information gathered, the Governor assigned the management emphasis and the uses that would be permissible or prohibited for each management area.

The Governor's Petition demonstrates substantial engagement with local units of government, Tribal governments, and the public at large, and well represents those who know, live, work, and recreate on these lands.

### **Roadless Area Conservation National Advisory Committee (RACNAC)**

The RACNAC was chartered by the Secretary to provide a national perspective on individual State petitions regarding roadless area management. On November 29 and 30, 2006, Governor James Risch presented the Idaho State Petition to the RACNAC. They also heard comments from other State and Forest Service officials, and nine members of the public, including one State-level organization and three national organizations (RACNAC 2006). These public comments were incorporated into the RACNAC deliberations and transmitted to the Forest Service. Both the State Petition and the public comments were considered in the development of this EIS.

### Summary of Public Involvement During Scoping

A notice of intent to prepare an EIS on Roadless Area Conservation; National Forest System Lands in Idaho was published in the *Federal Register*, 68 FR 17816, April 10, 2007 (USDA Forest Service 2007). About 38,000 comments were received, of which 32,000 were form letters<sup>1</sup>, while the remaining letters consisted of original responses or form letters with additional original text. These comments were evaluated and summarized in a report called Summary of Public Comments, which is provided in the Scoping section of the record for this EIS. The summary analyzes the public's responses specific to the Proposed Action, identifying significant concerns and issues.

The social analysis included a review of public comment from the notice of intent and derived three key variables: (1) public values and beliefs about the natural resources and roadless areas; (2) the collaborative environment and citizen-governmental relationships; and (3) lifestyles. See the draft EIS, section 3.15, Social and Economics, p. 266.

### Summary of Public Involvement on the Draft EIS

The 90-day comment period on the draft EIS started December 21, 2007, with the publication of the notice of availability in the *Federal Register*, 72 FR 72708 (USDA Forest Service 2007r). The published comment period was to end on March 13, 2008. The proposed rule was published in the *Federal Register*, 73 FR 1135, on January 7, 2008, with the publication of the notice of proposed rulemaking and a request for a 90-day comment period (USDA Forest Service 2008p). The comment period for the

draft EIS was extended to April 7, 2008, to coincide with the end of the comment period for the proposed rule (USDA Forest Service 2008q).

The draft EIS, map packets, summaries, web links, and/or compact disc were mailed to approximately 5,400 Federal, State, and local agencies, tribal representatives, and the public in late December 2007 and early January 2008.

Throughout Idaho, public meetings were held in 16 communities during January and February 2008: Boise, Bonners Ferry, Cascade, Challis, Coeur d' Alene, Council, Grangeville, Hailey, Idaho Falls, Kellogg, Lewiston, Mackay, Orofino, Pocatello, Salmon, and Twin Falls. Another public meeting was held in Washington, DC, on January 17, 2008. Approximately 843 individuals attended these public meetings, approximately 326 of whom provided public comments that were electronically recorded and transcribed. Written comments were also taken at this time. Both oral and written comments from the public meetings were included in the content analysis described in the following section.

In addition, the RACNAC held four meetings in Washington, D.C, Las Vegas, Nevada, and Salt Lake City, Utah to develop their recommendations on the Proposed Rule to the Secretary of Agriculture. These meetings were published in the *Federal Register*, were open to the public, and provided opportunity for public comment.

Numerous newspapers also ran stories about the Proposed Rule/draft EIS and open houses. In addition, a segment on Idaho Roadless Areas was produced on NOW/ Public Broadcasting System, the week of February 22, 2008, where the public was given a brief history of the 2001 Roadless Conservation Rule and the connection between the Idaho Petition and

<sup>1</sup>Form letters are five or more letters that contain identical text but are submitted by different people.

the Proposed Idaho Roadless Areas Rule. On the program, Idaho citizens representing a wide range of interests – from environmentalists and long-time ranchers, to phosphate mining executives and the Under-Secretary for the Department of Agriculture – were interviewed, discussing the pros and cons of mining phosphate.

Overall the public response represents two main points of view on natural resource management and decision-making regarding the management of inventoried roadless areas:

1. An emphasis on environmental protection and preservation, and support for making decisions about roadless area management at the national level;
2. An emphasis on responsible active management, and support for making decisions about roadless area management at the local level.

There is a third emphasis from people who didn't take clear sides in the debate. Many of these respondents believed a compromise could be made, regardless of their baseline values.

People whose livelihoods depend on forest commodities but who had experienced the slow decline over the years of traditional harvesting offered suggestions to the Agency such as offering more stewardship projects and assisting local residents in developing small start-up businesses that could use small-diameter wood. Such respondents also expressed concern about losing access to remote areas where traditional hunting and fishing, outfitting and guiding, and personal recreation have taken place for generations. They believe less restrictive direction needs to be applied, as found in Primitive and Wild Land Recreation themes, and pressed for more acreage in Backcountry and General Forest, Rangeland, and Grassland (GFRG) themes,

allowing for active land stewardship while at the same time sustaining economic growth.

Some people also wrote in or spoke at public meetings to state that although they did understand the need to manage roadless areas for wildfires and forest health and did care what happened to local communities, they thought communities could be protected without commercial timber harvesting and believed that local residents could be actively encouraged to start small businesses that would focus on reuse and recycle programs. They also asked the Forest Service to increase recreational and ecotourism opportunities on NFS lands to help offset economic loss from less commercial logging and mining. These respondents would like less acreage designated to GFRG and Backcountry and more designated as Wild Land Recreation and Primitive.

Both sets of opinions suggested that all were striving to reach a balance in Idaho Roadless Areas and found common ground regarding road construction. Whether an off-road enthusiast or a bird watcher both types of respondents asked to keep Idaho Roadless Areas roadless.

## 1.2 Content Analysis

Content analysis is a systematic method of compiling, categorizing, and capturing the full range of public viewpoints and concerns about the draft EIS. Content analysis helps the interdisciplinary teams organize, clarify, analyze, and be responsive to information the public provides the Agency.

The content analysis process is not a vote-counting process but rather is designed to consider each response and capture substantive comments. Substantive comments are comments that clearly refer

to the draft EIS, the Proposed Idaho Roadless Rule, or roadless areas.

Members of the content analysis team organized the substantive comments by topic, and divided them into separate, distinct public concern statements. They selected a representative variety of verbatim quotations from the database and displayed these with the concern statement (Project record/Public involvement/DEIS/comments/Summary of Public Comment: Idaho State Petition).

### 1.3 Comment Response

The interdisciplinary team reviewed the public concern statements along with the sample quotations, considered the substance of the concerns, evaluated whether the concerns triggered a change in the environmental analysis, and drafted responses. For some concerns, the team reviewed the original letters or other input to determine the full context for the concern statement.

The Agency provides responses to the approximately 314 consolidated like concerns in this final EIS. In general the Agency responded in the following five basic ways to the substantive comments as prescribed in 40 CFR 1503.4:

1. Modifying alternatives;
2. Developing or analyzing alternatives not given serious consideration in the draft EIS;
3. Supplementing, improving, or modifying the analysis that the draft EIS documented;
4. Making factual corrections;

5. Explaining why the comments do not need further Agency response.

The following section provides a summary of substantive comments, as allowed in 40 CFR 1503.4, and responds in detail to those comments.

### 1.4 Further Information

Chapter 1 of the final EIS contains a section that summarizes the public involvement activities that occurred during the draft EIS public comment period. Preceding Chapter 1 of the final EIS, Volume 1, is a new section titled, "Summary of Changes Between Draft and Final EIS." For convenience it summarizes the main changes in analysis and documentation that the Agency made between the draft EIS and the final EIS in response to public comment and other new information. Each section of chapter 3 of the final EIS, Affected Environment and Environmental Consequences, reviews the changes between the draft and final EIS relevant to that section. A summary of the entire content analysis process described in this introduction is included in the record.

## 2.0 People Who Commented on the Draft EIS

During the draft EIS comment period, the public submitted approximately 139,118 responses. About 250 comments were received after the close of the comment period but are still considered in this analysis. Of these, approximately 130,420 are form letters (table R-1) the remaining letters consist of original responses or form letters with additional original text. Twenty-two different form letters were received.

Table R-1. Form letters and their descriptions

Form Letter	Form Description	Number of Responses
1	Heritage Forests Campaign	784
2	Center for Biological Diversity	5,433
3	Wildwest Institute	18
4	Oregon Wild	292
5	Snowest - the western snowmobile authority	5
6	Campaign for America's Wilderness	203
7	The Wilderness Society	21,280
8	Sierra Club	4,191
9	American Lands Alliance	81
10	Unknown Origin	105
11	Heritage Forests Campaign	35,116
12	Oregon Wild	121
13	Missoula County Business Owners	8
14	The Wilderness Society	21,117
15	Earth Justice	30,487
16	The Greater Yellowstone Coalition	1,099
17	Defenders of Wildlife	9,155
18	Center for Biological Diversity	399
19	Theodore Roosevelt Conservation Partnership	153
20	originator unknown	328
21	Heritage Forests Campaign	26
22	Simplot	19
<b>Total</b>		<b>130,420</b>

Comments on the draft EIS were national in scope, coming from all 50 states and the District of Columbia. The most individual comments (not form letters) were received from Washington, (1,082 comments), followed by Idaho (1,031 comments) and California (764 comments) (Project

file/Public Involvement / DEIS / comments/ summary). About 64 letters were received from various Federal and local governments, environmental groups, agricultural, timber, and energy interests, as well as a variety of other organizations (table R-2).



**Table R-2. Local, State, and Federal Government agencies, elected officials, and nonprofit organizations who submitted comments**

Letter	Organization	Letter	Organization
2364	Adams County Board of County Commissioners	1694	Kootenai Environmental Alliance
1699	Associated Logging Contractors, Inc.	227	Kootenai Tribes of Idaho
1948	Atlanta Gold Corporation	1799	Land Council
1811	Backcountry Recreation Club	1492	Lava Lakes Land and Livestock, LCC
1801	BlueRibbon Coalition	584	Lemhi County Board of Commissioners
1718	Boundary Backpackers	1702	Maryland Ornithological Society
1691	Boundary County Commissioners	1805	National Ski Area Association
1820	Brundage Mountain Resort	9099	Montana Wildlife Federation
--	Bureau of Land Management	1824	Natural Resource Defense Council
168	Capital Trail Vehicle Association	1819	Nez Perce Tribe
1576	Clark County Idaho Board of County Commissioners	328	Northwest Food Processor Association
1495	Clearwater Flycasters	1648	Oregon Wild
1719	Clearwater Flycasters	1821	Outdoor Alliance
1696	Coeur d'Alene Tribe	2361	Pew Environmental Group
1491	Conservation Congress	8940	Real Hunting Magazine Staff
1690	Eastern Idaho Group of the Sierra Club	189	Rocky Mountain Blues
781	Finger Lakes Sierra Club	1813	Ry Timber
1810	Firefighters United for Safety, Ethics, and Ecology	1817	Safari Club International
1800	Friends of the Clearwater	6200	Salem Audubon Society
1712	Great Burn Study Group	--	Shoshone-Paiute Tribes
1649	Greater Yellowstone Coalition	1697	Sierra Club, Northern Rockies Chapter
1535	Hellgate Hunters and Anglers	1496	Soldier Mountain Skiing/Snowboarding
1698	Howard County Bird Club	1803	Southern Environmental Law Center
6545	Idaho Association of Counties	1804	Spokane Mountaineers
1802	Idaho Chapter of the Society of American Foresters	6546	The Shoshone-Bannock Tribes
4156	Idaho Conservation League	1796	Theodore Roosevelt Conservation Partnership
1687	Idaho Council on Industry and the Environment	1700	Trout Unlimited
1701	Idaho Farm Bureau Federation	1806	U.S. Department of Environmental Policy and Compliance
1818	Idaho Rivers United	1692	U.S. Environmental Protection Agency
1723	Idaho Sporting Congress, Inc	7990	Valley County Commissioners
1524	Idaho Traditional Bowhunters	1693	Wilderness Society
1822	Ivy Minerals, Inc.	1808	Wilderness Society

## 3.0 Response to Comments

### 3.1 Introduction

As in prior roadless area conservation efforts – including the 2001 Roadless Rule, the 2005 State Petition Rule, individual forest plan revisions, and most recently, the Idaho State Roadless Petition – overall public response from across the country continues to represent two main points of view on natural resource management and decision-making regarding both roadless areas in general and more specifically, Idaho’s inventoried roadless areas. One view supports leaving unroaded areas alone; the other view continues to remind the Forest Service that its mission is to manage the land for multiple uses.

#### Protect Roadless Areas

A great majority of respondents question why the Forest Service is even contemplating changing the 2001 Roadless Conservation Rule. They strongly believe it is more protective than anything proposed in the Idaho Roadless Rule. The Forest Service is reminded that these are national lands, not Idaho lands; therefore, everyone needs to have a say on how to manage them.

A large component of the responding general public believes roadless areas need to be set aside in perpetuity to protect environmental resources and intrinsic values such as pristine wilderness features that lead to quality experiences, in what many believe are the last bastions of untouched ecosystems. People are concerned that if the Forest Service opens up the Idaho Roadless Areas to development, then all hope of these lands being designated wilderness would be abandoned.

Respondents are also very concerned that logging, mining, and road building would

affect wildlife habitat and biodiversity; spread noxious weeds; and affect water quality, air quality, and scenic views. They ask the Forest Service to respect the environment and suggest that it is the Agency’s moral obligation to protect, not “exploit.”

Many respondents expressed concern over climate change and global warming. They believe the Agency should encourage retaining old growth for carbon sequestering and should not exacerbate the problem by allowing timber harvest.

People also ask the Agency to disallow motorized use in Idaho Roadless Areas. Concerns over noise and air pollution, soil disruption and scarring, increased sediment in streams, and illegal use of off-road access are repeatedly mentioned as valid reasons to prohibit off-highway vehicles (OHVs), all-terrain vehicles, motorcycles, and snowmobiles.

Many request that these lands be set aside without allowing industry to mine or harvest timber. These respondents are of the opinion that this is a short-sighted, short-term fix that leads to long-term devastation. They do not want these lands sold to the “highest bidder.” There is disagreement that Idaho Roadless Areas need to be managed for forest health, fire risk, and human safety. Many believe that the very nature of these areas as roadless means that people shouldn’t be living in or near these high-risk areas, and that insects and disease are natural and should be allowed to be managed through natural fire regimes. There is much concern that once roadless areas are developed, there is no going back. This loss of untouched wild areas decreases any likelihood of their children and their children’s children enjoying “spiritual, soul cleansing in an over populated world.”

People who wish to protect roadless areas suggest there are alternatives for the

Nation's need for timber, oil, and phosphate instead of seeking out new places to drill for oil, mine for phosphate, and harvest trees; they believe it is time to encourage consumers to recycle and reuse, use alternative forms of energy, and promote private tree farming. Again, many feel roadless areas are too limited to be used in this manner.

### Manage Roadless Areas for Multiple Use

In contrast, the Forest Service is also reminded of its multiple-use mandate; respondents believe that as long as the Agency follows sensible environmental laws and mitigates for any adverse effects, Idaho Roadless Areas can be sustainably managed. These respondents are very concerned about catastrophic fires near their rural communities. They see trees die from insect and disease epidemics and they worry that leaving nature to take its course would result in long-term devastation. Many Idaho respondents made it clear in their comments that they love their State and feel lucky they live in such a beautiful area, but they also made it clear that they have been stewards of their State for a long time and resent it when others imply they want only to profit from the land.

These respondents believe it is better to use the forests and their resources than to import timber, oil, and phosphate from other countries. As one member of the public points out, "the land is there to use, we need to use our own oil and trees, stop importing, we can't afford it!"

Many Idahoans are worried about their local community economies. Much of their income derives from logging, ranching, mining, and tourism. They feel their recreational income from such activities as outfitters and guides for river trips, fishing, big game hunting, back country back-packing, and scenic tours would suffer if

access to roadless areas are closed off. They consider many of these small rural communities to be on the "edge" and believe it wouldn't take much to cause them to go under. The county commissioners of these small Idaho communities ask the Forest Service to please consider these impacts when determining what future management activities would be allowed to take place in roadless areas.

### Public Concerns and Responses

The following public concerns represent distinct concepts and substantive issues that people want addressed. This document organizes these topics into a condensed format to facilitate issue identification and the response to each comment. To develop a public concern for the response to comment, the interdisciplinary (ID) team evaluated the public comments and selected substantive concerns and quotations received from the content analysis team. The public concerns were then organized by topic area and responded to by the appropriate specialist.

## 3.2 Public Concern Statements

### 1. Governor's Implementation Commission

#### 1.1 Clarify Role of Implementation Commission

**A clear discussion of the scope of the Governor's Implementation Commission needs to be included in the final EIS and preamble of the final Rule.**

*Response:* The final EIS, section 2.4, addresses the Governor's Implementation Commission. The Governor of Idaho created the Governor's Roadless Rule Advisory Commission (Executive Order No. 2006-43) in 2006. The scope of the Governor's Commission is left to the discretion of the Governor. Currently the intent of the advisory commission is to provide recommendations to the Governor

regarding future management of Idaho Roadless Areas in accordance with the final rule. The recommendations provided by the commission are non-binding on the agency and does not substitute for the agency's normal process for implementing projects, including an open public involvement process and the agency's responsibility to consult with Native American Tribes.

### **1.2 Idaho Roadless Rule Implementation Commission Would Set Precedence for Other States**

**The Forest Service should also consider the cumulative effects of how the Idaho Roadless Rule may set precedence for other State rules to develop an implementation commission that includes county commissioners. Promulgation of this rule would set precedence for de facto management by county commissioners in other States.**

*Response:* The composition and membership of the Governor's Implementation Commission is completely within the discretion of the Governor. The RACNAC during the course of this deliberation stressed to the State of Idaho the importance of having a balance of viewpoints similar to the RACNACs. The Governor's Office agreed with RACNAC and revised the Executive Order to reflect RACNAC's recommendation. The commission will be composed of 15 members from three categories. It is not solely made up of county commissioners. It would include five persons who represent organized labor; or outdoor recreation, OHV or commercial recreation interests; or energy and mineral development interests; or commercial timber industry; or hold Federal grazing permits or other land use permits. It would also include five persons representing nationally recognized environmental organizations; or regionally or locally recognized environmental organizations; or dispersed recreation

activities; or archaeological and historical interests; or nationally or regionally recognized wild horse and burro interests groups. Five additional persons would include those who hold State elected office or their designee; or hold county or local elected office; or represent American Indian Tribes within or adjacent to the area; are school officials or teachers; or represent the public at large.

The recommendations provided to the Governor are non-binding on the agency and is not a substitute for procedures the agency would normally undertake when proposing a project pursuant to this rule. This rule does not affect and cannot dictate to the State the composition or procedures by which the commission will function. Therefore, this rule does not set a precedent for management of NFS lands by and through the state commission because any activity proposed in Idaho Roadless Areas would still need to undergo environmental analysis and public involvement with all interested parties, and the decision authority resides with the designated Federal official.

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## **2. General Comments**

### **2.1 Timber Production by the Forest Service**

**The Forest Service should discourage or stop allowing timber production on NFS lands for the following reasons: (1) with modernized management practices and sufficient personnel, lands managed for timber can supply our needs; (2) forests should not be cut down to supply other countries with timber; (3) the Western United States already resembles a "patchwork tree farm," and past timber harvesting has already damaged the ecosystem; and (4) it is hypocritical to advocate for conservation in other countries and not pursue it here.**

*Response:* The timber cutting activities permitted in the Proposed and Modified Idaho Roadless Rules is not for timber production. The purpose is to maintain or improve threatened, endangered, or sensitive (TES) species habitats; or to maintain or improve ecosystem composition; or to reduce hazardous fuels in a community protection zone (CPZ); or to reduce the significant risk of adverse effects of wildland fires to at-risk communities or municipal water supply systems. Timber cutting is a broad umbrella that may include timber harvest; other mechanical treatments (such as timber cutting for thinning, slashing, pruning); and fuel reduction activities (both mechanical and prescribe burning). The practices are planned as a sequence of treatments to address site-specific management objectives. In the Wildland Recreation theme, timber cutting is prohibited.

Timber cutting for the purposes of timber production is limited in the GFRG theme. Existing forest plans provide other reasons for timber cutting in GFRG, including but not limited to: restore and maintain desired vegetation and fuel conditions (prescriptions 5.1, 5.2, and 6.1, Boise, Payette and Sawtooth National Forests); where aspen exists, it should be maintained or enhanced as a component through restoration treatment (prescription 5.2, Caribou National Forest); focus vegetation treatments in those communities that have departed from their historical range of variability (prescription 6.2, Caribou National Forest); and timber may be harvested to improve wildlife habitat and to provide miscellaneous products (prescription 6.1, Targhee National Forest) (appendix B). Timber commodities would be a by-product of any timber harvest in these prescriptions.

## **2.2. Support Alternative Approaches to Timber Harvest in Roadless Areas**

**The Forest Service needs to promote the idea of tree farming outside of roadless areas, as opposed to opening up additional areas to logging in roadless areas. There also needs to be an emphasis on alternative small-diameter wood markets. The Agency should also promote conservation efforts such as paper recycling.**

*Response:* The purpose of the Idaho Roadless Rule is to provide State-specific direction for the conservation and management of roadless areas within the State of Idaho. Providing additional direction outside of roadless areas should be addressed in forest plans. Management direction for “tree farming” is not included in the Proposed and Modified Rules. Management direction is provided for road construction, timber cutting, sale, or removal, and discretionary mineral activities, because these actions pose a disproportionately greater risk of alteration of natural landscapes and roadless area values compared to other activities (final EIS, section 2.2, Alternatives Considered in Detail). The intent is not to promote “routine” forest management but to instead provide the option to use timber cutting when addressing three primary purposes: (1) to maintain or improve TES species habitats; (2) to maintain or improve ecosystem composition and structure; (3) to reduce hazardous fuels in a CPZ, or reduce the significant risk of adverse effects of wildland fires to at-risk communities or municipal water supply systems.

## **2.3 Shared Restoration**

**The Forest Service should not allow timber harvest unless contractors are required to contribute to other restoration activities.**

*Response:* The Forest Service is responsible to determine how to package restoration work. Typically, a sequence of practices is planned through the development of a silvicultural prescription. Prescriptions determine the treatment need(s) and define the frequency, intensity, and specifications of treatments in a logical order to satisfy defined objectives. Silvicultural prescriptions – because they are objectively driven based on inherent site capabilities, existing condition, and measurable management objectives – are completed for specifically defined areas of the forest that are being analyzed for treatment during project development. The prescriptions include requirements about post harvest including slash disposal and reforestation. These requirements may be applied to timber harvest contracts and/or may be done by the Agency at the time of project design and implementation. The Proposed and Modified Rules do not provide management direction for contract requirements related to post-harvest vegetation treatments. However, in response to comments regarding concerns with new road construction, the Modified Rule requires that road decommissioning in the Backcountry theme be included in as part of contracts for projects implemented under this Rule. Stewardship contracts are a relatively recent tool which incorporates the spirit of this comment in that restoration services can be accomplished with the contract to remove timber.

## 2.4 Stewardship Incentives

**The Forest Service should rate their managers according to stewardship abilities because now the Agency rates their managers according to board feet of timber sales. This must change to put a high value on stewardship.**

*Response:* The purpose of the Idaho Roadless Rule is to provide State-specific direction for the conservation and

management of roadless areas within the State of Idaho, not to provide direction for rating managers. However, the Agency does place a high value on stewardship, which is factor for considering State-specific direction for Idaho. Decision makers are held accountable for many aspects of their jobs, including personnel issues, budget management, project implementation, collaboration efforts, and management of the resources on their units, all of which could be interpreted as stewardship of the land. No Agency line officer's position is considered solely successful by the quantity of logs or acres treated. Specific direction to managers is needed for Idaho so the Agency can provide more tools for reducing wildland fire risk to at-risk communities and municipal water supply systems, while sustaining all ecosystem components.

## 2.5 Protect Other Roadless Areas

**The Forest Service should protect roadless areas in Colorado and the Tongass National Forest, Alaska.**

*Response:* The Proposed and Modified Rules provide management direction only for roadless areas in Idaho. Comments concerning the management of roadless areas in Colorado would be addressed during the comment period for a draft EIS for a proposed Colorado Roadless Rule. The Tongass National Forest roadless areas were part of a separate EIS and decision (2003), which removed Tongass National Forest roadless areas from the inventoried roadless areas of the 2001 Roadless Rule. There is no anticipated change at this time for the roadless areas for the Tongass National Forest. In addition, there are no expected impacts to Colorado or Tongass National Forest roadless areas from the Proposed or Modified Idaho Roadless Rules.

### 3. Purpose and Need

#### General Comments

#### 3.1 Need Clear Purpose and Need

**The Forest Service should have a clear and specific purpose and need that has a narrow interpretation to reduce confusion by those implementing the Rule and [to] avoid judicial review that may re-interpret the intent.**

*Response:* The purpose of the Proposed and Modified Idaho Roadless Rule is to provide State-specific direction for the conservation and management of roadless areas within the State of Idaho. Alternatives were developed in the EIS to meet that purpose and need. The range of alternatives provides clear management options and direction by establishing a continuum of prohibitions and permissions for timber cutting, road construction/ reconstruction, and discretionary mineral activities to meet the purpose (see final EIS, section 1.3, Purpose and Need for Action). In response to public comment on the Proposed Rule, language in the Modified Rule was developed to better clarify the intent and limitations of the prohibitions and permissions (see final EIS, section 2.2, Alternatives Considered in Detail).

#### 3.2 2001 Rule Already Meets Purpose and Need—No Need for the Idaho Roadless Rule Alternative

**The Forest Service should consider that the 2001 Roadless Rule provides the protections proposed in the draft Idaho Roadless Rule and it is not necessary to promulgate another rule. There is no reason to create another rule for the purposes of treating additional acres for forest health, wildland-urban interface (WUI) protections, or reduction of significant catastrophic fire risks. The 2001 Rule provides enough protection while**

**allowing exceptions for forest health and safety.**

*Response:* The 2001 Roadless Rule does not meet the purpose and need of the Idaho Roadless Rule, which is to provide State-specific direction for conservation and management of Idaho Roadless Areas while protecting access rights and communities and forests from negative effects of severe wildfire (final EIS, section 1.3, Purpose of and Need for Action). Some States were concerned that the prohibitions and exceptions of the 2001 Roadless Rule did not reflect unique situations at the local level. Ten lawsuits were filed against the 2001 Roadless Rule, including two filed by the State of Idaho.

One of the State's primary points of contention, as explained in the preamble to the Proposed Rule, was that the 2001 Roadless Rule only permitted road building for community and municipal water supply protection where an imminent threat to life and property could be demonstrated. Counsel to the Department of Agriculture has interpreted the phrase "imminent threat" as an acute emergency situation. This exception would not permit the agency to build temporary roads to permit expedited hazardous fuel treatments. In other words, the 2001 Roadless Rule would not allow the agency to fulfill one of its missions to be a good neighbor to these at-risk communities.

In addition, the State believed the 2001 Roadless Rule did not provide enough protections for about 3 million acres of Idaho Roadless Areas. The State did not want any road construction, of any kind, except as required by statute, treaty or other legal duty in these roadless areas with outstanding values.

Based on these concerns the Secretary of Agriculture determined there was a need to consider roadless area management

direction specific to the State of Idaho to help resolve the long-standing debates of roadless area management.

The State developed a proposal that became the Proposed Action. Other alternatives (Proposed Idaho Roadless Rule, Modified Rule, and Existing Plans) were developed that meet the purpose and need by incorporating local management concerns to reduce risk of fires to communities, clarify access to phosphate reserves in Idaho, and have greater protection for some roadless areas. Although the 2001 Roadless Rule does not meet the purpose and need, it is the no-action alternative and was brought forward as an alternative to provide a range of reasonable options for managing Idaho Roadless Areas (final EIS, section 2.2, Alternatives Considered in Detail).

### 3.3 Low Priority Need for Treatments Within Roadless

**The Forest Service should not promulgate this rule because the draft EIS states that priorities for treatments would occur outside roadless areas and that there is a backlog of treatment needs outside of roadless areas. The Forest Service should restrict use in roadless areas because the projections of the draft EIS state that treatments in roadless areas are unlikely because of factors such as budget.**

*Response:* The need for fuels treatment outside roadless areas does not minimize the importance of providing the necessary flexibility within roadless areas to enable the agency to be a good neighbor to at-risk communities. This sentiment is represented by the United States Congress' commitment to assisting at-risk communities by promulgating the Healthy Forests Restoration Act (HFRA). The purpose of the Rule is to provide State-specific direction for the conservation and management of inventoried roadless areas within the State of Idaho (final EIS, section 1.3, Purpose of

and Need for Action), not to restrict uses based on their likelihood of a future project being undertaken in an Idaho Roadless Area. Although some treatments outside roadless areas may have needs for fuels protections, the priorities for treatments in or out of roadless areas would be evaluated at local level management. Appropriate levels of NEPA analysis would be conducted to evaluate the cumulative effects for the need for treatments in or out of roadless areas.

### 3.4 Relative Scarcity of Roadless Acreage Compared to Acreage Available for Commodity Extraction

**The Forest Service should compare the acres of roadless areas with the acres available for commodity extraction outside roadless areas. The purpose and need in the Idaho Roadless Rule opens up too much land to commodity extraction such as logging and mining within the roadless areas when there are relatively few acres of roadless area compared to other acres available for commodity extraction on NFS lands across the Nation.**

*Response:* National Forest System lands comprise 192 million acres, which is 8.5 percent of the total land base of the United States. Within the NFS, there are currently 34.7 million acres of wilderness, 58.5 million acres of inventoried roadless area, and 4.2 million acres of areas in congressional designations other than wilderness that are not included in the inventoried roadless areas, such as wild and scenic rivers or national recreation areas. These areas either prohibit or limit commercial product extraction. The remaining 94.9 million acres (approximately 50 percent of NFS) include roaded and other non-inventoried unroaded areas where commercial product extraction may occur.

Within Idaho, there are 20.5 million acres of NFS lands, of which 9.3 million acres (45



percent) are in roadless areas. Idaho Roadless Areas make up a little less than 5 percent of total NFS lands in the United States. The final EIS section 3.1, Introduction, provides an overview of the Idaho Roadless Areas acreage in context of other ownerships and designations in Idaho. Only 31 percent of Idaho NFS lands are in prescriptions which allow timber harvest, if you exclude Idaho Roadless Areas and other national designations.

The purpose of timber cutting in Idaho Roadless Areas is not for commercial product extraction. In the Backcountry, Primitive, and Special Area of Historic and Tribal Significance (SAHTS) themes, commercial products may be removed as a by-product of timber cutting, where timber cutting is allowed, for the purposes of maintaining or improving TES species habitats; or maintaining or improving ecosystem composition and structure; or to reduce hazardous fuels in a CPZ; or reducing the significant risk of adverse effects of wildland fires to at-risk communities or municipal water supply systems. In the GFRG theme, commercial product extraction may also result from timber cutting, where it is consistent with forest plan components. It is predicted that most activities that result in the removal of a commercial product would primarily occur within the GFRG and Backcountry CPZs. There are 405,900 acres in the GFRG theme and 442,000 acres of Backcountry CPZ in the Modified Rule. These combined 847,900 acres (GFRG and Backcountry CPZ) are less than 1 percent of the NFS land base where commercial product extraction is either prohibited or limited, and less than 1 percent of the land base of roaded and other non-inventoried unroaded areas.

Furthermore, timber cutting would be prohibited in the Wild Land Recreation (approximately 1.5 million acres), Primitive (approximately 1.7 million acres) and

SAHTS (48,600 acres) themes. Primitive and SAHTS themes have limited timber cutting exceptions similar to the 2001 roadless rule (without road construction). Timber cutting and the potential for removal of commercial products are projected to occur on 15,000 acres over the next 15 years under the Modified Rule.

Road construction/reconstruction to access new mineral leases is permitted in the Proposed Rule in the Backcountry theme only for phosphate mining and in the GFRG theme for all mineral leasing. The Modified Rule restricts access to new mineral leases by permitting road construction/reconstruction in specified areas of unleased phosphate deposits in the GFRG theme (see fig. 3-20, final EIS, section 3.5, Minerals and Energy). Road access to specific unleased phosphate areas is permitted in the Modified Rule because phosphate is a national strategic mineral and there is a limited supply available in and out of roadless areas (final EIS, section 3.5, Minerals and Energy). Road construction/reconstruction would be prohibited in areas that have high resource values, such as in the Bear Creek Roadless Area, or in Deer Creek in the Sage Creek Roadless Area.

Road construction/reconstruction to access new leases for geothermal or oil and gas exploration and development would be prohibited in the Modified Rule because in Idaho this resource has low potential for development. Road access to unleased areas for geothermal development was also prohibited because there appears to be a large area of high geothermal potential outside roadless areas. If a need to develop geothermal resources through road construction/reconstruction in Idaho Roadless Areas is determined in the future, then that activity could be permitted through a change in the rule via the "change clause".

### 3.5 Permissible Activities of Purpose and Need Too Broad

**The purpose and need in the Idaho Roadless Rule opens up too much land to commodity extraction such as logging and mining, which in turn results in environmental degradation for such things as wildlife diversity and habitat connectivity, clean air and water, potential wilderness designations, etc.**

*Response:* Prohibitions with exceptions or conditional permissions for road construction, discretionary mineral development, and timber cutting are established for each theme of the Proposed and Modified Rules. The intent of either Rule is to allow for a balanced approach between local and national needs in the management of these areas. Although some commercial extraction may occur as a result of implementing the rule, it was neither the intent nor the primary reason for the State or Forest Service.

The Proposed Rule was changed in the Modified Rule to further limit the exceptions that allow for road construction in the Backcountry theme due to the concern that roads could be constructed on all 5.2 million acres in the Backcountry theme in the Proposed Rule. This was not the intent of the Proposed Rule; therefore, the Proposed Rule was modified as described in the Modified Rule to be more explicit on where and under what conditions roads could be constructed. For instance, the Proposed Rule permitted new road construction/reconstruction for the purpose of facilitating limited forest health activities. This provision is no longer applicable in the Modified Rule. Additionally, the Modified Rule limits the geographic scope of new temporary road construction/reconstruction for fuels treatments in the backcountry theme to two instances: (1) for activities within a CPZ, generally areas within 1½ miles from an at-

risk community approximating 442,000 acres ; or (2) to reduce hazardous fuel conditions outside the CPZ where there is significant risk that a wildland fire disturbance event could adversely affect an at-risk community or municipal water supply system (see final EIS, section 2.2, alternative 4, Modified Idaho Roadless Rule).

Effects on wildlife diversity and habitat connectivity, clean air and water, potential wilderness designations, and other effects are analyzed for all four alternatives in chapter 3 of the final EIS, within their respective resource areas. In addition, portions of some roadless areas were reassigned management themes in the Modified Rule because of public concerns regarding big game habitat and protections for fisheries in specific locations (see final EIS, section 2.2, alternative 4, Modified Idaho Roadless Rule; appendix E, Idaho Roadless Area Comparison, and appendix P, Consideration of Theme Changes)

### 3.6 Include Multiple-Use Mandate in Purpose and Need

**The Forest Service should incorporate the multiple-use mandate as part of the purpose and need. Single-use management would limit multiple uses on NFS lands.**

*Response:* The final EIS, section 1.3, Purpose of and Need for Action, states that the management direction of the purpose and need would reduce the risk to communities and properties from wildfire and insect and disease outbreaks, and would provide access to State, tribal, and private property in roadless areas. Management direction regarding prohibitions with exceptions or conditioned permissions for road construction, discretionary mineral development, and timber cutting would support multiple uses of the national forests in and near roadless areas to differing degrees.

The Multiple-Use Sustained Yield Act (MUSYA) defines the meaning of multiple-use for the agency. MUSYA recognizes that “some land will be used for less than all the resources” (MUSYA, section 4); therefore, an alternative that permits all uses across all lands is not required. The Existing Plan alternative best represents this interest.

Also, an alternative to fully develop roadless areas and an alternative to fully manage roadless areas designated as Wild Land Recreation or in accordance with the proposed Northern Rockies Ecosystem Protection Act were considered but eliminated from detailed consideration. Discussion of these suggested alternatives is included in the final EIS, section 2.3, Consideration of Comments.

### **3.7 Theme Development and Mapping Prior to Development of Purpose and Need**

**The Forest Service should explain why the themes were mapped by the State of Idaho prior to the development of the purpose and need for the draft EIS and the draft Rule by the Forest Service. The Forest Service needs to explain why they did not use the purpose and need to develop and map the themes instead of having Idaho’s themes and mapping drive the purpose and need.**

*Response:* The State of Idaho accepted the Secretary of Agriculture’s (Secretary) invitation to create a petition under the Administrative Procedures Act (APA). The APA states that a petition “by interested persons in accordance with 5 U.S.C. 553(e) for the issuance, amendment or repeal of a rule may be filed with the official that issued or is authorized to issue the rule.” The State of Idaho submitted a petition that developed and mapped themes based on public comment and guiding principles (see the record, Petition of Governor for

Roadless Areas Management in Idaho, October 5, 2006).

One of the State’s guiding principles was to not have theme management direction that was too disparate from forest plans. A decision was made by the Secretary to accept the Idaho State Petition, which included the mapped themes (draft EIS, p. 22). Upon accepting the State Petition, the Forest Service task was to explore and objectively evaluate reasonable alternatives (40 CFR 1502.14). The final EIS includes an alternative (Modified Rule) that proposes changes to mapping of theme locations (final EIS, section 2.2, alternative 4, Modified Rule).

### **3.8 Cutting Timber Is Not Necessary to Achieve Purpose and Need**

**The Forest Service should consider other methods of treatment to achieve the purpose and need of the Idaho Roadless Rule besides cutting trees. Treating acres for fire protection and forest health can be achieved without harvesting timber.**

*Response:* The analysis in the EIS recognizes that fuels treatment and forest health improvement in forested areas can be accomplished either by tree cutting or prescribed fire. The range of alternatives would allow cutting, sale, or removal of timber in certain limited situations including: maintaining roadless area characteristics; reducing wildfire risk; for administrative or personal use; where incidental to other activities; or in areas altered by prior timber harvest (see final EIS, section 2.2, Alternatives Considered in Detail). It also allows hazardous fuel reduction and forest health improvement to be accomplished by non-timber-cutting methods such as prescribed burning.

As the final EIS indicates (section 2.3, Consideration of Comments, Additional Limitations subsection), silvicultural activities include those that cut trees (timber

cutting, thinning, slashing) and those that do not (mechanical fuel treatment, prescribed burning, site preparation, and planting). All four alternatives permit timber cutting, sale, and removal, and do not pre-determine which silvicultural practices would be used. Flexibility is needed in order to meet site-specific needs and conditions. Timber cutting is provided as a management tool for several reasons. For example, some potential treatment locations in roadless areas may be too close in proximity to communities to risk setting prescribed burns because the landscape or conditions of the stand would increase the potential risk for losing control of a prescribed fire.

### **3.9 Do Not Close Off Additional Areas to Logging and Motorized Use in Order to Meet the Purpose and Need**

**The Forest Service should not reduce the areas open to logging and motorized use. A reduction would effectively eliminate logging – which would kill the timber industry, affect recreational opportunities, and negatively affect forest health by not being able to treat the land. The land needs to be used, not closed off. Money earned from logging can pay for maintenance. Don't waste money on wilderness land most people will never see or use.**

*Response:* The alternatives in the EIS provide different levels of limited opportunity for timber harvesting in roadless areas, ranging from 3.0 million board feet (MMBF) annually under the 2001 Roadless Rule to 13.36 MMBF under the Existing Plans, and 5.83 MMBF under the Proposed Rule; the Modified Rule would provide an estimated 5.04 MMBF (final EIS, section 2.5, Comparison of Alternatives). The alternatives provide for differing levels of forest health management. The final EIS, section 2.5, Comparison of Alternatives,

describes the needs and opportunities for forest health management by alternative.

Neither the 2001 Roadless Rule, the Proposed Rule, nor the Modified Rule provides direction for motorized access or other travel management. The Rules also do not change current access management as directed by existing forest plans. Increased motorized access may result from the increase of projected permanent roads for any of the alternatives. See final EIS, section 2.5, Comparison of Alternatives, for projections of new permanent roads for each alternative.

### **Reducing Risk of Fire**

#### **3.10 Fire Risk and Restoration Needs: Not a Valid Purpose or Need**

**Roadless areas do not need “restoration.” Fire suppression has not altered fire regimes, and the use of the historic range of conditions was not a valid modeling tool in portraying existing conditions. The Forest Service should not replicate the historic conditions.**

*Response:* The purpose of the Idaho Roadless Rule is to provide State-specific direction for the conservation and management of roadless areas within the State of Idaho (final EIS, section 1.3, Purpose of and Need for Action). This purpose and need supports management direction that provides for reducing the risks of fire to communities and municipal water supplies. The rule also provides management direction permitting “restoration” activities to improve TES species habitats or maintain or restore the characteristics of ecosystem composition and structure or to reduce the significant risk of wildland fire effects. Fuels reduction meets the objectives of reducing fire risk to communities and municipal watersheds and not for the objective of “restoration” for forest health conditions or to restore

historical conditions. Some fuels reduction projects may appear “un-natural” as they may not attempt to mimic historical condition (see final EIS, section 3.3, Fuel Management).

Although fire suppression may not have altered every acre in Idaho Roadless Areas, there are some areas where fire suppression has affected the fire regimes. These areas are in condition class 3 (those areas that are the most departed from natural conditions) and are sometimes near communities (final EIS, section 3.3, Fuels Management). Fire frequency and severity have also been and will continue to be affected by global climate change (final EIS, section 3.2, Vegetation and Forest Health, and section 3.3, Fuels Management). The Modified Rule provides the Agency the flexibility to be a good neighbor to reduce fire risk adjacent to communities and municipal water supply systems.

The use of “historic range of conditions” is not used in the final EIS to portray existing conditions. The Landscape Fire and Resource Management Planning Tools Project (LANDFIRE) fire regime condition class information was used in the draft and final EISs. For this analysis, the 2000 LANDFIRE data are used to show the general condition of the landscape. Based on the 2000 LANDFIRE data, about 4.37 million acres are at high risk of wildland fire (final EIS, section 3.3, Fuel Management).

During future project development under the final Rule, evaluation of existing conditions or fire-regime condition classes would be based on the best available site-specific information. For projects proposed in the Backcountry outside the CPZ, a determination of significant risk to an at-risk community or water supply system would be required under the Modified Rule. The determination would use the best

available information to support a significant risk finding.

### **3.11 Passive Management—Fire Risk**

**The Forest Service should explain the change in condition that necessitates building new roads to address fire risk. The 2001 Roadless Rule stated that there was no need for new roads to address fire risks, and the Idaho Roadless Rule states that new roads are permissible to reduce fire risk. There is no need for logging or road building to prevent wildfires. The Idaho Roadless Rule places too much emphasis on human intervention and “scientific solutions” to systems and processes that were relatively healthy and productive before humans dotted the landscape. Although humans have shaped the landscape for thousand of years, additional, more “enlightened thinking” human solutions are not needed to restore the landscape. Let nature take its course.**

*Response:* The goals and objectives of hazardous fuel reduction have evolved over the past 7 years. In October 2000, the Forest Service issued the Cohesive Strategy in response to GAO report RCED-99-65 (USDA Forest Service 2000q). The 2000 Cohesive Strategy established a framework to restore and maintain ecosystem health in fire-adapted ecosystems in the West. The Cohesive Strategy focused on the need to address “uncharacteristic wildfire effects” – which is an increase in wildfire size, severity, and resistance to control – and the associated impacts on people, property, and firefighter safety, compared to that which occurred in the native system. The 2001 Roadless Rule was based in part on this direction.

In August 2002, President Bush initiated the Healthy Forests Initiative, and in December 2003, Congress approved the HFRA ([P.L. 108-148](#)). The Healthy Forests Initiative and HFRA expanded the 2000 Cohesive Strategy to also address “unwanted wildfire effects”

(USDI and USDA Forest Service 2006). Unwanted wildland fire is any wildland fire in an undesirable location or season, or burning at an undesirable intensity, spread rate, or direction. In general, wildfire is unwanted in WUI. Hazardous fuels treatments to reduce the risk of unwanted wildfire are generally those that provide for conditions where firefighters can safely suppress fire or where the risk of stand-replacing wildland fire is reduced.

About 731,000 acres (8 percent) of Idaho Roadless Areas are within 1½ miles of a community. This area is also referred to as the WUI (final EIS, section 3.4, Fuels Management). In general, wildfire is unwanted in WUI; hazardous fuels treatments to reduce the risk are generally those that provide for conditions where firefighters can safely suppress fire or where the risk of stand-replacing wildland fire is reduced. About 57 percent (418,900 acres) of the WUI are in high-priority areas (fire regimes I, II, and III, and condition classes 2 and 3) (final EIS, table 3-8).

Community public water systems occur on more than 3 percent of the Idaho Roadless Area acres. Ten percent of the acres that provide public water supply systems from Idaho Roadless Areas overlap WUI. Generally, high-intensity or high-severity wildfire is unwanted in areas that contribute to community public water systems. The HFRA defines hazardous fuels for community public water systems as fire regime condition class 3 or fire regime I, II, or III condition class 2 or 3. About 49 percent (155,600 acres) of the community public water systems in Idaho Roadless Areas are in fire regimes I, II, and III and condition classes 2 and 3.

Under the 2001 Roadless Rule, hazardous fuels are defined in terms of uncharacteristic wildfire. In the non-lethal and mixed fire regimes (fire regimes I, II, and portions of III), restoring and

maintaining natural vegetative conditions can reduce risks of stand-replacing wildfire. However, in lethal fire regimes, the natural vegetative conditions can still produce stand-replacing wildfire, which is often consistent with the historical fire regime but undesirable in WUI because of property values and scenic quality concerns. Therefore, restoring natural fire regimes may not reduce wildfire risk in some WUI areas.

In addition, because road construction/reconstruction to accomplish fuels treatments is prohibited under the 2001 Roadless Rule, mechanical treatments would generally occur near the limited number of existing roads. This may compromise the ability to treat condition class 3 areas because these often need an initial mechanical treatment before application of prescribed fire can be applied safely. This is particularly true in WUI, where risk of escapes of prescribed fire and smoke is a concern to adjacent property owners.

Therefore, to address these concerns, in the Backcountry theme, the Proposed Rule was designed to allow limited road construction when a “road is needed to protect public health and safety in cases of significant risk or imminent threat of flood, wildland fire, or other catastrophic event that, without intervention, would cause the loss of life or property; or to facilitate forest health activities. The intent was to allow for the ability to reduce hazardous fuels where there was a need and to permit road construction to access these areas.

In the Modified Rule, this allowance was changed to allow temporary road construction only within the CPZ or outside the CPZ to reduce the significant risk of wildland fire effects to an at-risk community or municipal water supply system. This modification greatly reduces the geographic scope of these activities and

is based partly on the RACNAC unanimously agreeing that protecting communities from fire is important (RACNAC 2008). It is also based on other comments that said providing this flexibility was important to communities.

Neither the Proposed nor the Modified Rule permits or prohibits the use of wildland fire use as management tool, which reflects a more passive management strategy of “letting nature take its course.” The decision to use wildland fire as a management tool is determined at the forest plan and project level. Management direction for the use of wildland fire is not provided in the Proposed or Modified Rule.

### **3.12 Active Management— Fire Risk**

**There is a need for increased fire protection and reduction in catastrophic fires, along with the need to use mechanical treatments such as logging and associated road building. Grazing is also a legitimate way to reduce the grass fuels and should be included within Roadless areas. It is imperative that the final rule allow for the ability to use roads and to conduct salvage harvest, thinning, and other necessary treatments in the Backcountry/Restoration (Backcountry) and GFRG themes. Removing roads and timber management capabilities limits all vegetation management activity to either wildland fires or prescribed fires. This is not an acceptable alternative for such large acreages.**

*Response:* The range of alternatives provides a variety of management approaches for hazardous fuel reduction and limited road construction (see final EIS, section 2.2, Alternatives Considered in Detail).

The Proposed and Modified Rules do not provide direction for grazing management<sup>2</sup> because, unlike road building and timber harvesting, grazing was not identified as having the greatest likelihood of altering and fragmenting landscapes or the greatest likelihood of resulting in an immediate, long-term loss of roadless area values and characteristics (see final EIS, section 2.2, Alternatives Considered in Detail). Grazing would be managed and regulated by other existing regulatory and analytical processes such as forest plans or an allotment-level site-specific management decision.

See also responses 3.9 and 3.11

### **3.13 Forest Fires Need To Be Prevented**

**The Forest Service should actively manage to prevent catastrophic fires. Fire destroys the forest, kills animals, destroys their habitat, and is a threat to people and their homes. It is important to use the tools given us to prevent these catastrophic fires, such as cutting out dead trees, clearing fallen trees, thinning, and building roads to access these treatments. The adverse effects created by road building and/or harvesting are far fewer than the terrible effects of a large fire. After a fire, the animals are either dead or displaced and the trees are either gone or ruined.**

*Response:* The Forest Service and State agree that there is a need to provide flexibility to reduce the risk of wildland fire effects to communities and municipal water supply systems before they become imminent threats. This flexibility is provided in the Proposed and Modified Rules.

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<sup>2</sup> The Proposed and Modified Rules would not affect existing grazing permits in Idaho Roadless Areas; however future road construction associated with livestock operations would be required to conform to the rule.

## Scope

### 3.14 Expand the Scope to Encourage Consistent Management Direction

**The Forest Service is encouraged to expand the scope of the Idaho Roadless Rule to include a national perspective. This would provide consistent management direction with other national forests outside of Idaho.**

*Response:* The 2001 Roadless Rule is one of the alternatives that provides consistent management direction at the national scale for all roadless areas. In addition, throughout the development of the Proposed and Modified Rules, the Agency was engaged with the RACNAC, which provided a national perspective on individual state petitions regarding roadless area management. This committee consisted of diverse national organizations and individuals interested in conservation and management of roadless areas. Their recommendations and comments from other organizations have been incorporated in the Modified Rule (see final EIS, sections 2.2, Alternatives Considered in Detail, and 2.3, Consideration of Comments). Additionally, the Agency received comments from both national organizations and citizens from many different states.

The State did not believe the consistent single theme approach of the 2001 roadless rule accounted for the diversity of Idaho Roadless Areas or recognized the importance of local input into the conservation and management of these areas. Thus, the State of Idaho petitioned the Department of Agriculture for a state-specific rule recognizing these values. The Forest Service and the State believe the best approach to the conservation and management of roadless areas within Idaho recognizes the importance of both national and local perspectives. This approach is borne out by the Modified Rule's adoption

of many portions of the 2001 Roadless Rule and the HFRA, while designating many of these areas according to themes proposed during the State's local process.

### 3.15 Should Work With Congress

**The Forest Service should work with Congress to fully protect national roadless areas because the administration has shown no interest in protecting the environment.**

*Response:* The Forest Service has cooperated with Congress in roadless area management for more than 3 decades. The Agency is part of the Department of Agriculture in the Executive Branch, which is charged with the duty, authority, and responsibility to carry out laws enacted by Congress. Administrative rulemaking is within the authority of the Department of Agriculture. The Legislative Branch (the Congress) has passed laws setting aside the NFS and requiring the Forest Service to manage these lands within their natural capacity. Congress also appropriates the funds for this work. Congress has exercised its oversight role through hearings, letters of inquiry, and other involvement in roadless area management since RARE and RARE II studies in the 1970s. Therefore, this rulemaking process has been subject to involvement and direction from the Congress as well as the Executive Branch.

### 3.16 Remove Recommended Wilderness From Roadless Areas. Manage Remaining Under the Existing Forest Plans.

**Congress should complete what they started with the Wilderness Act. The inventoried roadless areas that were recommended for wilderness consideration should be removed from the roadless designation and be managed under the appropriate existing forest plan. This process has been ongoing for 44 years. The courts have stopped any**



**attempt at managing these areas. It is time to allow the areas not recommended for wilderness consideration in the 2001 Roadless Rule to be managed.**

*Response:* Congressional action on wilderness designation is beyond the designated authority of the Forest Service. See above response to 3.15. Areas recommended for wilderness designation through forest planning have forest plan components (or management direction) in place to protect the area's wilderness character until such time as Congress acts or a new evaluation is completed. The Proposed and Modified Rules include management direction for Idaho Roadless Areas that provides a variety of management actions beyond wilderness designation. Management of Idaho Roadless Areas under Existing Plans is one of the alternatives considered in the analysis of the final EIS. See final EIS, section 2.3, Consideration of Comments, for a discussion of alternatives considered.

### **3.17 Recommend Wilderness**

**The Forest Service should recommend wilderness areas to Congress (such as Borah Peak, Boulder-White Cloud; and Pioneer Mountains, West Big Hole, Diamond Peak, Rapid River, Hanson Lakes, and Horse Heaven Roadless Areas).**

*Response:* The National Wilderness Preservation System (NWPS) is managed to preserve its primeval and undeveloped character, and to maintain a condition affected primarily by the forces of nature. The U.S. Congress has the sole authority to add areas to the NWPS. A proposal for wilderness designation was considered but not analyzed in detail because the Agency has already evaluated Idaho Roadless Areas for potential wilderness, and because the NFMA planning process (36 CFR 219) is the appropriate process for the Forest Service to formulate wilderness recommendations (see

final EIS, section 2.3, Consideration of Comments).

In the Modified Rule, portions of 23 roadless areas would be placed in the Wild Land Recreation theme. Most, but not all, are recommended for wilderness designation under current or proposed forest plans (final EIS, section 3.13, Recommended Wilderness).

### **3.18 Additional Management Direction in the Purpose and Need**

**The Forest Service should expand the direction inside the Idaho Roadless Rule to include specific guidance and regulatory language for such management activities as travel management, recreation management, grazing, wildland fire use, motorized use, road construction, and finally much more restrictive direction for mining.**

**The Forest Service should not include such management direction as travel management and grazing activities as part of the Idaho Roadless Rule. These should be left to the discretion of the forests to allow more flexibility and site specificity.**

*Response:* The scope of this EIS is defined by the Proposed Action, alternatives developed to address significant issues while meeting the purpose of and need for action, and the potential impacts identified in the significant issues. Scope consists of the range of actions, alternatives, and impacts to be considered in an EIS (40 CFR §1508.24). The Proposed and Modified Rules provide management direction for the activities associated with road construction and reconstruction, timber harvesting, and discretionary mineral activities, because these actions pose a disproportionately greater risk of alteration of natural landscapes and roadless area values compared to other activities (see final EIS, section 2.2, Alternatives Considered in Detail).

Management direction for non-discretionary mineral activities, travel management, wildland fire use, recreation, and grazing are not included in the Rule because they pose a lesser risk to roadless values when compared to road construction and reconstruction, timber harvest, and discretionary mineral activities.

Management direction related to those activities would generally be developed by other existing planning and regulatory processes such as forest-level travel management planning, forest fire plans, etc. The Rule would prohibit new road construction associated with grazing, except for allotments in the GFRG theme; however, because very few, if any, roads are typically constructed for grazing operations, there would be little to no effect on grazing.

### **3.19 Roadless Values and Character Should Be the Only Reason for This Rule**

**The Forest Service should include a purpose and need driven by the benefits of sustaining roadless values for the future, rather than the economics of today or short-term economic profits. Resource extraction and commercial development would reduce the roadless values that include revenues from non-commodity resource values such as hunting, fishing, and other world class recreation.**

*Response.* The purpose of the Idaho Roadless Rule is to respond to the State's petition to provide State-specific direction for the conservation and management of roadless areas within the State of Idaho (see final EIS, section 1.3, Purpose and Need for Action). Management direction resulting from this purpose and need balances conservation and management of Idaho Roadless Areas with protecting communities from wildland fire and other risks, protecting forests from insect and disease risks, and providing access to State, tribal, and private property within roadless areas. The primary purpose for the rule and

its permitted activities is not for economic profit, although some commercial extraction and profit may occur as a result of implementing the Rule; for example, providing access to phosphate deposits (see final EIS, section 3.5 Mineral and Energy Resources, and section 3.17, Social and Economics). In addition, non-commodity resource values for hunting, fishing, and other world-class recreation would continue to be maintained in the Idaho Roadless Areas and were used in the evaluation of alternatives (see final EIS, section 3.17, Social and Economics).

Resource extraction and maintenance of non-commodity values may or may not occur over the same acres; however, both values are maintained within the Idaho Roadless Areas under the Proposed and Modified Rules. Limited resource extraction is expected from management direction (1) that permits activities to protect communities from wildland fire and protect forest from insect and disease; or (2) from permissible road construction and reconstruction related to phosphate deposits (see section 2.2, Alternatives Considered in Detail). The purpose and need also includes direction for conservation of roadless areas. This is reflected in the varying degrees of prohibitions among the themes of the Proposed and Modified Rules. For example, in the Modified Rule the Wild Land Recreation, Primitive, and SAHTS themes prohibit road construction and reconstruction. See final EIS, section 2.2, Alternatives Considered in Detail, Alternatives, for a more detailed comparison of permissible and prohibited activities among the themes and alternatives. Furthermore, forest plan components that provided additional criteria to reduce effects to resources would be retained.

### 3.20 Include Additional Road Management Direction in the Purpose and Need

The Forest Service should provide, in the EIS, clear direction on temporary roads, as defined at 36 CFR 212.1, and include specific standards and guidelines on when and to what extent roads should be obliterated, consistent with National Forest Management Act (NFMA). Without specific standards and guidelines, road decommissioning would focus on restricting access as opposed to higher levels of obliteration.

*Response:* In response to public comment, new conditions were added to the Modified Rule to include direction that temporary roads in the Backcountry theme may be used only for the specified purposes and must be decommissioned when no longer needed or upon expiration of the contract, or permit, whichever is sooner. A road decommissioning provision would be required in all such contracts or permits and may not be waived. Additionally, road construction is prohibited in the Wild Land Recreation, Primitive, and SAHTS themes in the Modified Rule. In the GFRG theme of the Modified Rule, roads construction and reconstruction are permitted (temporary and permanent); however, permissions for this activity would be consistent with applicable forest plan components.

Appendix O (Temporary Roads and Decommissioning) of the final EIS describes the process of identifying priorities for site-specific road segments and how specific treatments can address one or more of these priorities. Road decommissioning is applied with a goal of stabilization and restoration of unneeded roads to a more natural state. There is great variability in site conditions for roads being decommissioned. To address this variability, it is prudent to develop principles for restoration that maintain design flexibility. The publication,

*Forest Roads: A Synthesis of Scientific Information*, describes how roads differ greatly (USDA Forest Service 2000r).

### 3.21 Roads Should Not Be Built for Fire Suppression or Protecting Private Property

The Forest Service should not allow the building of any roads in any roadless areas, regardless of management theme. The mitigation measures to provide fire protection should be done on the property that would be at risk. If persons affected are not willing to implement those measures, and/or are not willing to accept the risk, then they should not locate in these areas, or they should relocate to another area. The environmental value of roadless areas should take precedence over people's needs.

*Response:* The Proposed and Modified Rules permit limited activities for the purposes of protecting communities, homes, and property from the risk of severe wildfire or other risks existing on adjacent Federal lands. Although private property owners and local communities have responsibilities to accept and reduce their own risk, the Forest Service recognizes the importance of being a "good neighbor". The rule allows the Forest Service to continue to be a good neighbor by protecting municipal water supply systems and homes from wildland fires and by allowing certain activities to occur to sustain local economies. Reducing fire risk to local communities and private property would assist in sustaining local economies.

In response to public comment with concerns regarding the construction of roads within roadless areas, language and new conditions were added to the Modified Rule to clarify conditions under which road construction and reconstruction would be permissible. Under the Modified Rule, road construction in the Backcountry theme is limited to temporary roads for limited

purposes. See final EIS, section 2.2, Alternatives Considered in Detail, for additional limitations for road construction.

## **Energy and Minerals**

### **3.22 Energy, Phosphate and Mineral Leasing**

**How does energy development (oil and gas, and geothermal), phosphate mining, and mineral leasing meet the purpose and need?**

*Response:* The purpose of the Idaho Roadless Rule is to respond to the State's petition to provide State-specific direction for the conservation and management of roadless areas within the State of Idaho (final EIS, section 1.3, Purpose and Need for Action). Part of the purpose is to integrate local management and Tribal concerns with the national objectives for protecting roadless area values and characteristics.

There are three primary leasable minerals in Idaho Roadless Areas: oil and gas, geothermal, and phosphate. In the Proposed Rule, road construction and reconstruction would be permitted to access unleased phosphate deposits in the Backcountry and GFRG themes, while access to unleased oil and gas and geothermal exploration and development would be limited to the GFRG theme.

Oil and gas are very limited in Idaho Roadless Areas. Geothermal resources appear to be expansive, both in and outside Idaho Roadless Areas. Phosphate, in particular, is a significant national resource and is found in the United States only in two primary locations, southeast Idaho and Florida. Significant deposits are located in Idaho Roadless Areas.

Based on public comment and review of the potential environmental consequences described in the draft EIS, language and new conditions with to regard to unleased

mineral and energy development were included in the Modified Rule. In the Modified Rule, road construction/reconstruction to access mineral leasing and development would be prohibited in all themes (except for to access specific unleased phosphate deposits in the GFRG theme). Surface use and occupancy would be permitted in the Backcountry and GFRG themes, unless prohibited in forest plans. This change was made because of the limited potential for oil and gas development and because of the lack of specific information about geothermal development and the amount of geothermal resources outside Idaho Roadless Areas. If in the future there is a specific proposal for road construction or reconstruction to access geothermal or oil and gas leases in a roadless area, then that proposal could go through the change clause.

The management direction for phosphate was also changed for the Modified Rule. Most of the existing lease areas were removed from the Backcountry theme. A 40-acre parcel remained in Backcountry because the adjacent area had already been mined out. Furthermore, unleased deposits that were of high probability of future development were moved from Backcountry to the GFRG theme. Unleased deposits in the Bear Creek, Bald Mountain, Poker Mountain, and a portion of the Sage Creek Roadless Areas were not moved from Backcountry to GFRG because of high natural resource values in these areas and the low likelihood of future phosphate development. Finally, the permission to construct or reconstruct roads in the Backcountry theme was removed. Road construction/reconstruction to access unleased phosphate deposits in the GFRG would be permissible (except to access 910 acres in the Bear Creek Roadless Area). These changes reflect local concerns about permitting phosphate development as well

as those who were concerned about prohibiting future development. These changes reflect a balance. Any future development would require environmental analysis through the appropriate level of NEPA, prior to activities.

## 4. Public Involvement

### General Comments

#### 4.1 Public Involvement Should Have Been the Same as the 2001 Roadless Rule

**The Forest Service should have the same level of public involvement as the 2001 Roadless Rule. Public meetings should be held throughout the country as the 2001 Roadless Rule had done. Additional public meetings need to be held outside Idaho and in Moscow, Idaho.**

*Response:* The Proposed Idaho Roadless Rule was published in the *Federal Register*, 73 FR 1135, on January 7, 2008, with the publication of the notice of proposed rulemaking and the request for a 90-day comment period (USDA Forest Service 2008p). The comment period for the draft EIS ended on April 7, 2008 (USDA Forest Service 2008q).

The draft EIS, map packets, summaries, web links, and/or compact discs were mailed to approximately 5,400 Federal, State, and local agencies, tribal representatives, and the public in late December 2007 and early January 2008. The mailing list is included as part of the record. In addition, Federal agency and other interested organization web pages provided information with links and instructions on how to make comments.

Public meetings were only one of several ways the Forest Service provided information and listened to the public, established a dialogue with interested persons and organizations, and collected comments. This public involvement process

provided an opportunity for any individual to comment no matter where a person resides in the Nation. More than 139,000 comments were received and considered from written, faxed, and electronic mail from across the nation. The Summary of Public Comments, included in the record, documents the demography of the comments<sup>3</sup>. All public comments, both from public meetings and those received by other media, were considered in the development of the final EIS.

Public meetings were held in communities near Federal lands affected by the Proposed Rule. The 2001 Roadless Rule public meetings were held across the Nation, because that Rule was applicable to all roadless areas across the Nation. Public meetings, which provided information on the Proposed Idaho Roadless Rule, as well as an opportunity to comment, were held throughout Idaho in 16 communities, with another held in Washington, DC, during the comment period. These meetings were held in representative communities where initial public involvement occurred during the State Petition process. A few meetings were strategically located near bordering states, where some individuals from Wyoming, Washington, Montana, and Utah attended.

The Introduction to this appendix lists the communities where public meetings were held. A request for an additional public meeting in Moscow was not accommodated because there was a public meeting in Lewiston, 30 miles away; in Orofino, 70 miles away; and in Grangeville, 100 miles away. A bus from Moscow, Idaho, brought more than 30 attendees to the Orofino meeting. Individuals who were not able to attend the Lewiston or Grangeville, Idaho,

<sup>3</sup> The Summary of Public Comments may also be found on the internet at [http://roadless.fs.fed.us/documents/idaho\\_roadless/idahosummary.pdf](http://roadless.fs.fed.us/documents/idaho_roadless/idahosummary.pdf)

meetings were given an opportunity to submit written comments and retrieve information through other media.

Approximately 843 individuals attended the public meetings, representing an array of interests from across the Nation. Some comments and speakers represented a larger base of individuals from national and local organizations, and industry.

Approximately 326 individuals provided public comments that were electronically recorded and transcribed. Both oral and written comments from the public meetings were included in the content analysis described in this volume.

In addition, four RACNAC meetings were convened between January and April, 2008. These meetings were located in Washington, DC, Las Vegas, Nevada, and Salt Lake City, Utah. The RACNAC meeting dates, times, and locations were published in the *Federal Register* and were open to the public for public comment and attendance. Comments submitted at these public meetings were also considered in the development of the final EIS (RACNAC 2008a-d).

#### **4.2 Comment Period for the Draft EIS Was Too Short**

**The comment period was too short; the Forest Service should extend it to 90 days.**

*Response:* The 90-day comment period on the draft EIS started December 21, 2007, with the publication of the notice of availability in the *Federal Register*, 72 FR 72708 (USDA Forest Service 2007r). The published comment period was to end on March 13, 2008. The Proposed Rule was published in the *Federal Register*, 73 FR 1135, on January 7, 2008, with the publication of the notice of proposed rulemaking and a request for a 90-day comment (USDA Forest Service 2008p). The comment period for the draft EIS was extended to April 7, 2008 (*Federal Register*, 73 FR 2027) to coincide

with the end of the comment period for the Proposed Rule (USDA Forest Service 2008q).

#### **4.3 Additional Review and Comment Period Requested for the Final EIS**

**The Forest Service should have a public review period and public hearings for the final EIS or supplemental EIS in order to review any new alternatives before a record of decision or final rule is implemented.**

*Response:* The Agency provided a period of 90 days for comment on the draft EIS. In addition, public meetings were also conducted to supply information on the Proposed Rule and to provide an opportunity to comment (see response to Public involvement above). Content analysis of the more than 139,000 comments assisted in the development of the Preferred Alternative (Modified Rule) for the final EIS. A comment period would not occur following publication of the final EIS because it is not required by the NEPA. In addition, the Modified Rule is within the range of the alternatives, including the effects of the alternatives analyzed in the draft EIS. A record of decision will be published 30 days after the publication of the notice of availability of the final EIS in the *Federal Register*.

Some members of interest groups attended the RACNAC meetings and were able to follow the development of their recommendations to the Secretary of Agriculture, many of which have been incorporated into the Modified Rule. These attendees to the RACNAC meetings were provided the opportunity to make comments to the committee.

#### **4.4 Value of Comments**

**The Forest Service should consider all public comments seriously. Forest Service officials and/or State officials deliberately**

**ignored people's comments. There was a lack of flexibility shown at the public meetings in regards to allotted time set aside for each speaker. Issues and information related to proposed rules are voluminous and complex, and informed public input should be encouraged. Do not just go through the motions. "This is why people are tired of politicians, and federal bureaucracies." They only pretend to listen to the people, and only for a very short time. They are the professionals. They think they already know what is best for the people.**

*Response:* Every comment has value, whether expressed by a single person or by thousands. Public comments were received through an array of media (written electronic mails, faxes, letters, and oral comments transcribed from public meetings). All comments (both verbal and written) were analyzed using a content analysis method described earlier in this appendix, section 1.2, Content Analysis. The process is designed to read each response and capture substantive comments. The intent was to consider all comments and not to ignore comments.

Public meetings were held to provide information on the Proposed Idaho Roadless Rule and to provide opportunities for public comment. Content analysis included transcriptions of public speakers from the public meetings. Speakers were allotted 3 minutes at all public meeting locations, no matter the number of speakers. This system established a consistent and fair process for all speakers to have equal time regardless of the number of speakers present for each public meeting. Speakers delivering oral comments at public meetings varied from 1 or 2 to as many as 61 speakers. In each case, an equal amount of time of 3 minutes was allotted for each speaker. If more than 3 minutes were to have been permitted at meetings with fewer

speakers, then the same flexibility would also have been required at larger meetings. In such a case, the ID team would have been unable to hear oral public comments from all who requested to be heard at these larger meetings. Oral speakers who required additional time for comments to be heard were provided an opportunity to supply written comments. Written comment forms were available at all public meetings. Written comments submitted at public meetings were also included in the content analysis.

The public comments were valuable in completing the final EIS. The ID team considered public comments to assist with modifying alternatives; developing and analyzing alternatives not given consideration in the draft EIS; supplementing, improving, or modifying the analysis that the draft EIS documented; and making factual corrections. In addition, non-substantive comments were also considered and an explanation provided for why the Agency would not provide further response. There were many suggestions for analysis and alternatives that reflect public desires and knowledge that the ID team did not include in the draft EIS. Some of the suggestions were incorporated into the Modified Rule. The final EIS, section 2.3 Consideration of Comments, provides a description of the suggestions and how they were considered or not considered in modification to the alternatives.

The Forest Service was not a partner of the Idaho State Petition process during the State's public comment process. The State hired two independent contractors to compile public comments and prepare county commissioner recommendations to the Governor of Idaho. Although the State received these consolidated county comments, they also received comments and recommendations from 66 organizations and 1,596 individuals and did

not solely rely on comments from county commissioners to prepare the Petition. The State developed a set of “guiding principles” to help evaluate the strength of comments; the principles included using forest plans as a baseline for recommendations. The State Petition attempted to not recommend management that was too disparate from forest plans (such as suggestions to designate all Idaho Roadless Areas as recommended wilderness or to remove all Idaho Roadless Areas from roadless inventory), because these suggestions do not reflect the forest plan management intent. The State did not have Federal agency requirements to consider a range of alternatives when submitting the Petition to the Forest Service. However, upon accepting the State Petition, the Forest Service is required by NEPA to rigorously explore and objectively evaluate reasonable alternatives (40 CFR 1502.14). This requirement is met in the analysis of the final EIS and is further discussed in the EIS, chapter 2, section 2.3, Consideration of Comments.

#### 4.5 Intent—Trust and Credibility

**The Forest Service and State’s motives for proposing the Idaho Roadless Rule are suspect because this rule is the product of a back-door agreement with the State of Idaho. The Idaho Roadless Rule is the Administration’s way of opening up roadless areas for commercial extractions.**

*Response:* The State of Idaho accepted the Secretary of Agriculture’s (Secretary) invitation to create a petition under the APA. This act states that a petition “by interested persons in accordance with 5 U.S.C. 553(e) for the issuance, amendment or repeal of a rule may be filed with the official that issued or is authorized to issue the rule.” The State of Idaho submitted a petition to the Secretary to provide a strategy for roadless area management in Idaho. A decision was made by the

Secretary to accept the Idaho State Petition as recommended by of the RACNAC, which was chartered by the Secretary to provide a national perspective on individual state petitions regarding roadless area management. This committee represents diverse national organizations interested in conservation and management of roadless areas. Members of this committee thus represent the public will from an array of viewpoints.

Motives for the Proposed Idaho Roadless Rule are not based on a need to open roadless areas for commercial extraction. The State’s motives in petitioning the Secretary to authorize a rule was to request a State-specific strategy that would reflect local management concerns to reduce risk of fires to communities, clarify access to phosphate reserves in Idaho, and have greater protection for some roadless areas. These local management concerns reflect a strategy having greater pertinence to the State of Idaho over the national management strategies of the 2001 Roadless Rule, which applies one set of management direction for all roadless areas nationwide. Upon acceptance of the State Petition, the Forest Service’s motives were to proceed in developing a rule, specific to NFS inventoried roadless areas in Idaho, with the State as a cooperating agency, and to determine whether to (a) promulgate a rule based on the State Petition (the Proposed Action); (b) promulgate a rule based on a modification to the Proposed Action; or (c) not promulgate a rule. Although some commercial extraction could occur as a result of implementing a final rule, it was neither the intent nor the primary reason for the State or Forest Service.

#### 4.6 Past Performance—Trust and Credibility

**The Forest Service has a poor track record when it comes to trust and credibility. The salvage logging riders of 1995 and 1996 are**



**examples of the Forest Service attitude toward roadless areas. These riders essentially suspended the normal environmental rules and regulations concerning management of national forests so that the Agency could address forest health emergencies. Rather than address forest health emergencies such as the construction of old logging roads on unstable soils in the state of Idaho, the Agency took that opportunity to offer hundreds of timber sales, including many sales that had been previously ruled illegal by Federal courts. Many of these timber sales, more than 150, involved roadless areas and could only really be described as drainage busters because they involved extensive road building of arterial roads into pristine wildland with the clear intention of opening these areas up and doing large numbers of timber sales in the future. The Forest Service needs to prove they can protect these lands and build trust and credibility with the public at the same time.**

*Response:* Consideration of public comments and recommendations helps build the foundation of dialogue and trust between the public and the Forest Service throughout the development of the Idaho Roadless Rule. The Forest Service has initiated extensive public involvement throughout the Idaho Roadless rulemaking process. Approximately 38,000 comments were received during scoping and more than 139,000 comments during the comment period for the draft EIS. In addition, the RACNAC was involved throughout the development of the Proposed and Modified Rules. Their recommendations represent a national perspective from an array of national interests that served as a balance to State or local perspectives. These comments and recommendations were reviewed in a content analysis process to assist the ID team in determining new analysis needs and modifications to the Proposed Action

(see final EIS, section 1.6, Public Involvement). Although not all suggestions could be accommodated, many comments and suggestions were incorporated into the Modified Rule. Changes to the Proposed Action, based on these public comments, are reflected in the Modified Rule (see final EIS, chapter 2, section 2.2, alternative 4). Comments that were considered and did not warrant an additional alternative are explained in the final EIS, section 2.3, Consideration of Comments.

Several new conditions are applied to the permissible actions of the Modified Rule. The conditions serve to provide accountability for projects proposed through this Rule. For example, a regional forester's approval is required for projects and temporary road construction in some cases. In addition, proposed projects outside the CPZ of the Backcountry theme are required to make a determination of significant risk of wildland fire effects to an at-risk community or municipal water supply system prior to project approval by the regional forester (see final EIS, chapter 2, section 2.2, alternative 4, for additional conditions). Another opportunity to build trust and credibility with the public would occur through the Idaho State Governor's Roadless Rule Implementation Commission, established through the State of Idaho Executive Order (EO) 2006-43. Through this EO, the Governor would appoint 15 members representing an array of public interests including industry, environmental organizations, tribes, other elected officials, and affected individuals. This EO directs the commission to work with the Forest Service and Tribes of Idaho to ensure implementation of the final Idaho Roadless Rule.

#### **4.7 Will of the People**

**People repeatedly give their input to protect all roadless areas across the Nation, but the Agency refuses to listen to the**

**public will. The public will – of the Nation and of the citizens of the State of Idaho – supports maintaining the 2001 Roadless Conservation Rule. The decision [with respect to the Idaho Roadless Rule] was made before the final EIS has been published.**

*Response:* Every comment has value, whether expressed by a single person or by thousands. Analysis of public comments is not a vote-counting procedure; however, it is a measure of public will (not majority will). By considering all substantive comments, the ID team may conduct additional analysis, or develop or modify alternatives. Content analysis focuses on the substance of a comment, not on how many individuals or organizations make the same comment.

A decision was made by the Secretary of Agriculture to accept the State of Idaho's Petition for management of Idaho Roadless Areas and directed the Forest Service to work cooperatively with the State to codify a rule based on the State Petition. This decision was partly based on a recommendation of the RACNAC, which was chartered by the Secretary to provide a national perspective on individual State petitions regarding roadless area management. This committee represents diverse national organizations and individuals interested in conservation and management of roadless areas. Members of the committee represent the public will from an array of viewpoints.

Concurrent with the development of this Rule a draft EIS was prepared to consider the effects of the Proposed Action (the Proposed Rule) in addition to other alternatives such as a no-action alternative (2001 Roadless Rule). Although the 2001 Roadless Rule received many supportive comments, many county commissioners, as well as others favored the Proposed Rule. They favored a approach that balances

competing concerns, such as local management needs of accessing phosphate minerals and reducing fuels around communities. Based on public comments, the ID team developed a Modified Rule, which became the Preferred Alternative, portraying this balanced approach to conflicting public will.

#### **4.8 Rule Changes Should Be State-by-State With Congressional Review**

**Negotiation to change these [rules] should be done State by State, followed by national congressional deliberation. Elected officials [representatives] need to be accountable. Stop this "in committee" non-voting decision making.**

*Response:* The Forest Service does not have legal authority to conduct a public referendum. The Privacy Act prevents the Forest Service from using public opinion polling to validate public comments or to carry out any administrative responsibilities. Congressional oversight and legislation can take place at any time independent of Agency rulemaking. The Secretary of Agriculture is within legal authority of the APA to accept the Idaho State Petition on roadless area management and to conduct rulemaking accompanied by a NEPA analysis.

#### **4.9 Local Compared to National**

**National View: All inventoried roadless areas should be managed with consistency at a national scale to reduce local-level influence, because the Idaho Roadless Areas are a national resource, equally belonging to all citizens. The public will – of the Nation and of the citizens of the State of Idaho – supports maintaining the 2001 Roadless Conservation Rule. By giving more influence to Idaho, it allows some counties a greater voice. The Idaho Petition's guiding principle #2 (regarding the dates for going out for comment), gave deference to counties instead of the**

**general public. State-wide majority consensus should have been the guiding principle instead of the larger, more active counties who ended up having greater influence. Local government is easily influenced by industry; allowing States to individually make the choice is not a solution.**

**Local View: Management decisions should reflect local-level concerns because decisions are better made at the local level where they are not influenced by special interest groups. The decisions would be less arbitrary. For example, the Rule should reflect the interest of all backcountry enthusiasts, not just the backcountry “worshippers.”**

*Response:* The 2001 Roadless Rule is an EIS alternative that provides consistent management direction at the national scale for all roadless areas. Some local interests think the 2001 Roadless Rule provides national management direction that does not allow for the diversity of roadless areas in Idaho and local management concerns to be addressed. Ten lawsuits were filed against the 2001 Rule with the State of Idaho as plaintiff on two of the lawsuits. The Idaho State Petition was developed to reflect these local concerns that were unique to the management Idaho Roadless Areas, while integrating the national interests. The State developed a set of “guiding principles” to help evaluate the strength of comments in the State’s Petition process, which gave deference to counties because the State felt that they best represented those who know, work, recreate, and live in the roadless areas. County commissioners hired two independent contractors to compile submitted comments for the Governor of Idaho. Although the State received these consolidated county comments, they also received comments and recommendations from 66 organizations and 1,596 individuals and did

not solely rely on comments from county commissioners to prepare the Petition.

The Secretary of Agriculture determined there was a need to consider roadless area management direction specific to the State of Idaho to help resolve the long-standing debates of roadless area management. Upon acceptance of the Petition by the Secretary, the Forest Service developed alternatives that represent a balanced approach considering both national and local management concerns for Idaho Roadless Areas. Throughout the development of the Proposed and Modified Rules the Agency was engaged with the RACNAC. This committee was chartered by the Secretary to provide a national perspective on individual State petitions regarding roadless area management; it represents diverse national organizations interested in conservation and management of roadless areas. Members of this committee worked to achieve a broad array of support from many interested groups and individuals (e.g., extraction and recreation industry, local and State governments, and environmental groups). No interest group’s views or comments were given preferential treatment or consideration, and no interest group monopolized the rulemaking or environmental analysis processes. Although not all local or national concerns could be accommodated to the fullest, the Modified Rule achieves a balance that represents an approach to management of roadless areas that allows the Forest Service to be good neighbors to local communities and at the same time allows for conservation of roadless characteristics from a national context.

#### **4.10 Previous Public Involvement**

**The EIS should show how past information provided for roadless areas through public involvement was incorporated into inventoried roadless area descriptions in appendix C.**

*Response:* Public involvement of roadless area management occurred through forest planning. Local, regional, and national comments have been received during these extensive public processes. Appendix C of the draft EIS was compiled using descriptions of roadless areas found in existing forest plans. Some of the plans date back to 1987 while others are more current. Roadless area descriptions were updated where new information was available (for example, in proposed plan revisions). Comments received on the draft EIS providing additional information on roadless areas were considered and incorporated into appendix C of the final EIS.

## 5. Heritage and Cultural Resources—Tribal Relations

### General comments

#### 5.1 Treaty Rights

**The permissible activities of the Idaho Roadless Rule do not provide sufficient watershed and habitat protections necessary to safeguard treaty rights. Even with human development in the roadless areas, these areas retain value to Treaty resources. The 1867 executive order established the Fort Hall Indian Reservation, and the treaty affirmed the reservation as the permanent homeland of the Shoshone-Bannock Tribes (Tribes). Native American Grave Protection and Repatriation Act (1990) and American Indian Religious Freedom Act (1978), are two examples of Federal legislation mandating land management agencies to provide access to sacred sites for ceremonial purposes] provide for the practice of traditional cultural practices and ceremonies on Federal lands and the protection of cultural/historical sites from undue degradation.**

*Response:* Based on public and Tribal comment, along with recommendations

from the RACNAC, language for the Backcountry theme for the Modified Rule was changed to clarify where roads could be constructed to facilitate fuel reduction activities and forest health. The Modified Rule also increases both Wild Land Recreation, Primitive, and Backcountry theme acreages, thereby decreasing the GFRG by 203,700 acres (see final EIS, section 2.5, Comparison of Alternatives).

All alternatives, including the Proposed and Modified Rule would not cause impacts on treaty rights as watershed and habitat protections would continue to be applied consistent with aquatic conservation measures in forest plans and other existing laws and regulations. Protection of cultural/historic sites would also continue to be consistent with applicable legal and other requirements with the appropriate level of analysis and consultation under NEPA and NHPA at the project level. All alternatives would continue to allow for access to sacred sites and would not preclude the practice of traditional cultural practices. Treaty rights and trust responsibilities are not changed by the management themes of the alternatives. The Forest Service has considered, and would continue to consider, the principles outlined in the Shoshone-Bannock Tribe's Snake River Basin Policy.

Any roads constructed under the Modified Rule in the Backcountry theme would be temporary and would be associated with fuels reduction projects near communities. Temporary roads are permissible only if the community protection objectives cannot be reasonably accomplished without a temporary road. The Modified Rule would require all temporary roads be decommissioned following their specified use.

In the Wild Land Recreation, Primitive, and SAHTS themes, under the Modified Rule, road construction/reconstruction is

prohibited, except where associated with reserved or outstanding rights or as provided for by statute or treaty. (This is more protective than the 2001 Roadless Rule with respect to road construction). There are 3,251,000 acres out of 9.3 million Idaho Roadless Areas acres included in these themes.

In the GFRG theme for the Proposed and Modified Rules, road construction and reconstruction is permitted; however road construction and reconstruction to access new mineral lease areas (other than phosphate) would be prohibited under the Modified Rule. In addition, the Modified Rule contains an additional condition that this activity would need to be consistent with applicable land management plan components. There are 405,900 acres assigned to this theme.

Projections of road construction and timber cutting are compared among alternatives in the final EIS, section 2.5, Comparison of Alternatives. Existing Plans are projected to have the most miles of new permanent road construction/reconstruction, and all other alternatives are projected to have 12 miles of new permanent roads (over 15 years). In addition, 1 mile of decommissioning roads per year is also projected for all alternatives. Based on these projections, for all alternatives (except for Existing Plans), no appreciable change is expected in big game hunting opportunities or backcountry recreation experience because the extent of activity would be fairly localized, generally adjacent to areas of development, and distributed across Idaho at low levels. Projected future activities in the next 15 years would likely only affect less than 1 percent of all roadless lands. Many of these activities would be beneficial to vegetation and local communities, consequently enhancing the recreational experience.

## 5.2 Impacts on Tribal Fisheries

**The Bighorn-Weitas Roadless Area is an important area for fisheries. While most of people generally associate the Tribe [Nez Perce] with anadromous salmon, steelhead, and lamprey, tribal members have historically also harvested resident species such as cutthroat trout. The Cayuse could be dramatically affected by logging and road building because of the highly erodible sediments found in these drainages.**

*Response:* The Cayuse Creek drainage is part of a catch-and-release fishery area of the Kelly Creek drainage. This regulation, established in 1970 to protect and enhance the westslope cutthroat trout, has resulted in a local and regional reputation for a quality fishery. Twelve-to-sixteen-inch trout are not uncommon in the major streams.

Appendix C, final EIS, in the Clearwater National Forest section, discusses the general effects of each alternative on the Bighorn-Weitas Roadless Area. A comparison among alternatives of potential road construction and timber cutting activity is also displayed. The placement of lands into a theme was based on permissions and prohibitions in proposed forest plans. Under the Proposed and Modified Rules, around 246,400 acres would fall under the Backcountry theme and 8,000 acres under the SAHTS theme.

In the Bighorn-Weitas Roadless Area, none of the Backcountry theme acreage is located within a CPZ under the Modified Rule. None of the Backcountry theme overlaps CPZ or municipal water supply systems; therefore the provisions that would permit temporary road construction under the Modified Rule would not apply. Timber cutting, sale, and removal could occur adjacent to existing roads or with aerial systems; therefore the majority of the roadless area is likely to see very little if any activity. Timber cutting, sale, or removal

would be permitted to maintain or restore TES habitat, restore ecosystem composition and structure, or reduce the uncharacteristic wildland fire effects (same as in the 2001 Rule). Under the Modified Rule, road construction to access new mineral leases is prohibited; therefore there would be no effect to Bighorn-Weitas from these activities. Essentially Bighorn-Weitas would be managed the same as the 2001 Rule. For more information on the Backcountry theme, see final EIS, chapter 2, section 2.2, alternative 4, Changes to Theme Designations, and Changes to Theme Management Direction.

Careful consideration was given to the theme assignment to the Bighorn-Weitas Roadless Area for the reasons stated and others. Because the Modified Rule changes the Backcountry theme to have essentially the same provisions as the 2001 Rule in this area, the Bighorn Weitas Roadless Area should continue to provide for aquatic and riparian habitat integrity, species diversity, and an outstanding fishery.

### 5.3 Consultation

**Consultation may not be effective in reducing impacts. There was no meaningful consultation because it was not initiated until after the draft EIS, which is not consistent with Executive Order 13175. The draft EIS states that impacts on tribal practices from resource management activities would be minimal because of future consultation requirements. However, the lack of incorporation of previous comments indicates that future tribal consultation would not be effective in reducing impacts to tribal practices.**

**The Tribes had no input in the issues to be addressed or in development of the alternatives to be analyzed. The Forest Service inappropriately conveyed initial public involvement responsibility to the State of Idaho. The State of Idaho, not**

**having the trust obligations of the Federal Government, made little effort to include tribal values in their public comment process. The Forest Service's process in developing the draft EIS did not correct this breach of their trust responsibility. The Proposed Rule is an attempt by the State of Idaho to usurp Federal management authority.**

*Response:* Executive Order 13175, Consultation, section 5(f) states: "To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation, (1) consulted with tribal officials early in the process of developing the proposed regulation...."

The Idaho Roadless Rule is distinguishable from other Forest Service actions in that it is based on the State's Petition to the Federal Government. The State of Idaho accepted the Secretary of Agriculture's (Secretary) invitation to create a petition under the APA. The State of Idaho submitted a Petition to the Secretary to provide a strategy for roadless area management in Idaho. A decision was made by the Secretary to accept the Idaho State Petition as recommended by the RACNAC. The Secretary of Agriculture is within legal authority of the APA to accept the Idaho State Petition on roadless area management and to conduct rulemaking accompanied by a NEPA analysis.

The State of Idaho conducted its own public comment process during the development of its petition. However, after the Secretary of Agriculture accepted the Petition and during development of the draft EIS, the Forest Service met with four of the five Tribes in Idaho prior to the release of the draft EIS while the Proposed Rule was also under development. Due to scheduling difficulties the meeting with the Shoshone-

Paiute Tribe occurred 3 days after the release of the Proposed Rule. The Tribes have also had opportunities to comment and consult on each of the three alternatives considered in the draft EIS, existing forest plans, 2001 Rule, and the Idaho State Petition.

Given the unique circumstances regarding this action, and given that the Proposed Rule was not completed until after the draft EIS was released, it was believed that consultation would be most constructive during the extended 90-day comment period. During this period, extensive discussions were held with all Tribes, and many of their ideas and suggestions resulted in substantive improvements to the Modified Rule (see comment and response to 5.1 and final EIS, section 3.16, Idaho Affected Tribes).

The Modified Rule reflects clarifications and additional restrictions to permissible activities, based on public and Tribal comments. The language in the final EIS has been strengthened to explain that prior to implementing resource management activities, impacts on Tribal government and Tribal practices would be assessed and consultation requirements fulfilled. Government-to-government consultation would continue to occur for future projects. Finally, it is clarified this rule does not change any Tribal rights or any federal government responsibilities to Tribes. Consultation continues with interested Tribes until a decision is reached and during project implementation.

Some suggestions for managing lands outside Idaho Roadless Areas and other access management suggestions were not incorporated into the Modified Rule, because these suggestions were not within the scope of the management direction provided by the Idaho Roadless Rule. The rule provides direction for activities (timber cutting, road construction /reconstruction,

and mineral leasing) that are considered to have the greatest impacts to roadless character. Suggestions not associated with these three activities would be evaluated with the appropriate level of NEPA, tribal consultation, and public involvement during other processes, such as forest planning, travel management planning, or site-specific project proposals.

#### 5.4 Snake River Policy

**The Shoshone-Bannock Tribes (Tribes) will pursue, promote, and where necessary initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions, which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate the enhancement of rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.**

**The Tribes drafted this policy because the Snake River Basin provides substantial resources that sustain the diverse uses of native Indian Tribes, including the Shoshone-Bannock. A natural riverine ecosystem provides for the continuation of the unique cultural heritage of the Shoshone and Bannock people. The use of fisheries or hunting and gathering areas allows for present day tribal members to practice the traditional way of life and reconnect with the cultural landscape, riverine environment, and ancestral lands. The Tribes request that the Forest Service take the Snake River Policy into consideration when drafting a decision on the Proposed Rule.**

*Response:* The Tribe's Snake River policy is in general agreement with the Agency's duty to protect or enhance off-reservation reserved rights on Forest Service lands. In

concert with that, and partly as a result, none of the alternatives evaluated for the final EIS predict any significant environmental impacts on the Snake River Corridor and they are not expected to accelerate the demand for uses by the non-tribal public. The Proposed and Modified Rules would not cause impacts on treaty rights because watershed and habitat protections for fisheries would continue to be consistent with Inland Native Fish Strategy (INFISH) or the Interim Strategy for Managing Anadromous Fish-Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California (PACFISH) or other aquatic strategies, such as those found in the Southwest Idaho Ecogroup (SWIEG) forest plans. Protection of cultural/historic sites would continue to be required and would be subject to further analysis and consultation under NEPA and NHPA at the project level. The Proposed and Modified Rules would not conflict with access rights to sacred sites and would not preclude the practice of traditional cultural practices. Treaty rights and trust responsibilities are not altered by the management themes included in the alternatives. The Agency has considered and would continue to consider the principles outlined in the Shoshone-Bannock Tribe's Snake River Basin Policy.

### 5.5 Fort Hall

**Areas in the original Fort Hall reservation of the Shoshone-Bannock Tribe are at risk from mining and should have highest protection, not GFRG that they are proposed. These areas include Toponce, West Mink Creek, Scout Mt., North Pebble, Bonneville Peak, Elkhorn Mt., Oxford Mt., Deep Creek, and portion of Clarkston Mt.**

*Response:* Under the Modified Rule no road construction or reconstruction would be permitted to access any new mineral

leases in any of these roadless areas. Road construction and reconstruction would be limited to the same exceptions as the 2001 Roadless Rule and the additional exception to construct temporary roads to facilitate hazardous fuel reduction projects in the Backcountry, or other timber cutting, sale, or removal activities in the GFRG theme. Regardless of the theme, land management components that provide project design criteria, such as protection of riparian areas, limiting road construction on steep or sensitive soils would still apply.

The lands in the GFRG theme on the Caribou portion of the Caribou National Forest are primarily located in management prescription 5.2 and 6.2 of the Caribou Forest Plans. Lands in the 5.2 prescription may be managed for timber growth and yield while maintaining or restoring forested ecosystems processes and function to more closely resemble historical ranges of variability with consideration for long-term forest resilience. Maintaining or improving aspen is a specific goal.

Lands in the 6.2 prescription are primarily rangelands and are mostly non-forested; therefore limited, if any, timber cutting, sale, or removal would occur on these lands. Management in the 6.2 prescription is designed to maintain and restore ecological processes and functions of rangeland ecosystems. Except as authorized under existing permits, no new roads may be constructed for future grazing operations.

Toponce (Caribou National Forest). About 9,800 acres were changed from GFRG to Backcountry, for a total of 11,000 acres in the Backcountry theme, and no acres in the GFRG theme. The remainder of this roadless area (7,300 acres) is in the Primitive theme. This area would be managed essentially the same as the 2001 Roadless Rule because there is no overlap with CPZ or municipal water supply systems.



Elkhorn Mountains (Caribou National Forest). About 26,600 acres were changed from GFRG to Backcountry for a total of 37,700 acres in the Backcountry theme, and 1,800 acres in the GFRG theme. The 1,800 acres are in the 5.2 prescription. About 3,000 acres overlaps the Backcountry CPZ. The area outside CPZ would be managed essentially the same as the 2001 Roadless Rule, except if a project determines there is a significant risk to an at-risk community and a temporary road is the only option to facilitate the fuel reduction activities.

Oxford Mountain (Caribou National Forest). About 4,400 acres changed from GFRG to Backcountry for a total of 13,500 acres in the Backcountry theme, and 26,700 acres in the GFRG theme. About 200 acres overlaps the Backcountry CPZ. Within the GFRG theme about 800 acres are in the 5.2 prescription and 25,900 acres in the 6.2 prescription.

West Mink Creek (Caribou National Forest). Only 300 acres in the West Mink Roadless Area is in the GFRG theme and is in the 5.2 prescription. This area is a travel corridor and is highly developed thus remains in GFRG theme. The remaining 15,600 acres are in the Backcountry theme, of which 10,700 acres are within the CPZ.

Scout Mountain (Caribou National Forest). About 2,500 acres of Scout Mountain is in the GFRG theme and much of this area is highly developed and remains in GFRG. Of the lands in the GFRG theme, about 200 acres are in the 5.2 prescription and 2,300 acres in the 6.2 prescription. Of the remaining 22,000 acres, 2,000 acres are a forest plan special area, and 20,000 acres are the Backcountry theme. About 4,200 acres are within the CPZ.

North Pebble (Caribou National Forest). About 1,600 acres of North Pebble is in the GFRG theme and much of this area is highly developed and remains in GFRG. All

1,600 acres are in the 5.2 prescription. The remaining 3,900 acres is in the Backcountry theme. There is no CPZ in this area.

Bonneville Peak (Caribou National Forest). About 7,700 acres of Bonneville Peak is in the GFRG theme and much of this area is highly developed and remains in GFRG. Of the lands in the GFRG theme, about 900 acres are in the 5.2 prescription and 6,800 acres are in the 6.2 prescription. Of the remaining 24,600 acres, 1,000 acres are a forest plan special area, and 23,600 acres are the Backcountry theme. About 1,700 acres are within the CPZ.

Deep Creek (Caribou National Forest). No changes were made to this roadless area. About 4,900 acres would be in the GFRG theme and 2,000 acres in the Backcountry theme, of which 1,700 acres are within the CPZ. All 4,900 acres of GFRG are in the 6.2 prescription.

Clarkston Mountain (Caribou National Forest). No changes were made to this roadless area. About 9,900 acres would be in the GFRG theme and 5,600 acres in the Backcountry theme, of which 3,600 acres are within the CPZ. All 9,900 acres of GFRG are in the 6.2 prescription.

Lemhi Range (Salmon/Challis National Forest). In the Modified Rule about 304,700 acres are in the Backcountry theme and 500 acres overlap the CPZ and 3,300 acres in a forest plan special area. Because only 500 acres overlaps the CPZ this area would be managed essentially the same as the 2001 Roadless Rule.

Diamond Peak (Challis/Targhee). In the Modified Rule about 29,500 acres are in the Wild Land Recreation, 8,900 acres in the Primitive theme, 106,000 acres in the Backcountry theme, 16,100 acres in the GFRG theme and 6,600 acres in forest plan special areas. There is no CPZ within this roadless area; therefore all lands in the Backcountry theme would be managed

similar to the 2001 Roadless Rule. All of the lands in the GFRG theme are on the Targhee and are in the 6.1(b) forest plan prescription, which is a rangeland prescription. Timber may be harvested to improve wildlife habitat and to provide miscellaneous forest products (post and poles, firewood, etc.). The GFRG is adjacent to the Wild Land Recreation theme, but in this case since the area is rangeland, limited, if any, timber cutting, sale, or removal, or new road construction would occur in this area.

Agency Creek (Salmon National Forest). In the Modified Rule, about 1,200 acres of previously roaded lands would be in the GFRG theme, with the remaining 5,200 acres in the Backcountry theme. Lands in the Backcountry theme would be managed essentially the same as the 2001 Roadless Rule because no CPZ is within this area.

### 5.6 Coeur d'Alene Comments

**The Coeur d'Alene Tribe recommends that the Forest Service begin the process over by doing adequate scoping. Then, the Tribe recommends that the Forest Service create a new alternative that encompasses the Coeur d'Alene Tribe's earlier recommendations. The Forest Service, by not including areas that are supposed to be covered by travel management plans and the forest plans, would not be able to adequately address cumulative impacts and global climate change impacts if it does not include all areas under their jurisdiction.**

*Response:* The scope of this EIS is defined by the Proposed Action, alternatives developed to address significant issues while meeting the purpose of and need for action, and the potential impacts identified in the significant issues. Scope consists of the range of actions, alternatives, and impacts to be considered in an EIS (40 CFR §1508.24). As explained in the EIS, the scope

of the activities considered in detail is limited to road construction, timber harvesting, and discretionary mineral activities, because these actions pose a disproportionately greater risk of alteration of natural landscapes and roadless area values compared to other activities. Discretionary mineral activities are within the scope, while non-discretionary mineral activities are outside the scope of the Proposed Rule direction for roadless areas. Climate change is addressed at a programmatic level, in chapter 3, in the final EIS. However, the Idaho Roadless Rule does not address travel management or wildland fire use. The Proposed Action would prohibit new road construction associated with grazing; however, because very few, if any roads are constructed for grazing operations, there would be little to no effect on grazing. Management direction related to those activities would be developed by other existing planning and regulatory processes such as forest-level travel management planning, forest fire plans, etc. Recreation and grazing (other than any associated roads) do not rise to the level of the above three types of actions that can substantially modify roadless area values.

Some suggestions for managing lands outside the Idaho Roadless Areas and considering access management have not been incorporated into the Modified Rule because they would have expanded the scope beyond the intent of the State and Federal Government for this rule making process. See chapter 3 of the final EIS for discussions of cumulative effects by resource and a discussion of climate change, in section 3.2, Vegetation and Forest Health.

### 5.7 Holistic Definition

**The Forest Service should include a holistic definition of cultural resources that goes beyond archeological and historic resources.**

*Response:* “Cultural resources” are not specifically defined in regulation – the language used in historic preservation includes historic properties and archeological sites, and traditional cultural properties. These resources are well-defined in the National Historic Preservation Act (NHPA), NPS Bulletin 38, and the Archeological Resource Protection Act, as well as the Historic Sites Act of 1935, and the Antiquities Act of 1906. All these laws require physical/geographical boundaries be established for these resources. The Forest Service can not change these requirements for this analysis.

The NHPA sets forth Government policy and procedures regarding “historic properties” – that is, districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of NHPA requires that Federal agencies consider the effects of their actions on such properties, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). In this analysis, the definition of “cultural resources” includes only those resources identified in historic preservation law and regulation.

However, regardless of the technical requirements restricting the analysis, the Agency does understand and respect Tribal cultural resources, including other values such as religious and spiritual ones, which may not necessarily manifest as something physical or visible. These values would be considered in consultation with Tribes prior to undertaking any activities in culturally sensitive areas.

### **5.8 Manage Shoshone-Bannock Aboriginal Lands in SAHTS Theme**

**The Forest Service should manage all Idaho Roadless Areas within the aboriginal territory of the Shoshone-Bannock Tribes under the terms of the**

**SAHTS management theme, regardless of the outcome of this Petition.**

*Response:* It was apparent during consultation with each of the Tribes that all aboriginal territory for each Tribe is important. The 2001 Roadless Rule is an alternative that provides for management of these territories with similar management direction as the SAHTS theme of the Proposed and Modified Rules. The Proposed and Modified Rules are also offered as alternatives to provide management direction for the diversity of management needs and ecological differences among Idaho Roadless Areas.

In response to public comment, several important adjustments were made to the theme allocations within tribal aboriginal territory in the Modified Rule. See the comment and response to 5.1 above for a discussion on some of these changes.

## **Analysis**

### **5.9 Subsistence and Religious Rights**

**The Idaho Proposed Rule significantly affects tribal members who use Idaho Roadless Areas for subsistence, gathering, and religious purposes. This is an unacceptable oversight by the Forest Service considering tribes are afforded off-reservation treaty rights to hunt, fish, and gather natural resources on unoccupied lands of the United States and the fact that these lands are of the highest spiritual and religious significance, as per AIRFA. Analysis should include how subsistence rights under EO 12898 would be affected (including effects to anadromous fish, aspen/sage habitat, biodiversity and habitat protection).**

*Response:* An environmental justice analysis was undertaken in accordance with Executive Order 12898; however, section 1-1, Implementation 1-103(4), “Identify differential patterns of consumption of

natural resources among minority populations and low-income groups,” was not addressed in the draft EIS. “Differential patterns of consumption” (such as hunting and fishing) in compliance with treaty rights are generally considered “privileged information.” Thus, specific areas or specific resource data are unknown. However, the analysis in the final EIS, section 3.16, Idaho and Affected Indian Tribes, concludes that overall potential effects on hunting, fishing, and botanical gathering would be negligible; thus, treaty rights would not be affected. Project-level analysis and associated tribal consultation would occur when site-specific projects are identified.

The Heritage and Cultural Specialist Report for the final EIS (USDA Forest Service 2008g) includes a delineation of the treaty rights for the five Tribes in Idaho. This information is summarized in the final EIS, section 3.16 Affected Indian Tribes. “Subsistence” uses in compliance with treaty rights are generally considered “privileged information” and thus specific areas or specific resource data are unavailable.

### **5.10 Sage Grouse Cultural Significance, and Other Upland Birds**

**The tribes are concerned that the activities allowed under the GFRG and Backcountry categories would diminish the ability of sage grouse and other upland species to survive and threaten the integrity of continuous habitat necessary for various life cycles. The Forest Service should consider the effects of the Idaho Roadless Rule to sage grouse. Sage grouse has traditional significance to the Shoshone and Bannock cultures.**

*Response:* See final EIS, section 3.9, Terrestrial Animal Habitat and Species, for a discussion of sage grouse. See comment and response to 33.1 in this appendix, for additional information.

There are 21,424,200 acres of predicted sage grouse distribution in Idaho, of which 1,294,900 acres (6 percent) are within the Idaho Roadless Areas. See the record for predicted distribution map (appendix M, table M-15b). The 6 percent within Idaho Roadless Areas likely overlap with phosphate development. On the Targhee National Forest there is one known inactive lek (breeding area) and on the Caribou National Forest there is one lek of unknown status (appendix M, table M-5). Both these leks are within the Backcountry theme. There are no known leks on the Salmon-Challis National Forest.

The highest potential where there may be an impact on sage grouse habitat is in Dry Ridge, Sage Creek, and Stump Creek, where there may be activities associated with phosphate leases in southeast Idaho. There has been a substantial reduction in the number of acres where this may occur, from about 12,190 acres in the Proposed Rule to about 5,770 acres in the Modified Rule. Additional known leks in the Sawtooth National Forest are within the GFRG and Backcountry themes, where there may also be a higher potential for impacts. Less than 1 percent of the predicted sage grouse habitat overlaps the GFRG and Backcountry CPZ themes in the Modified Rule.

The Agency understands and respects Tribal cultural resources, including the religious and spiritual values. These values would be considered in consultation with Tribes prior to undertaking any activities in culturally sensitive areas. In addition, the sage grouse is currently under review for listing under the ESA and is currently a regional forester sensitive species. Future projects in known or potential sage grouse habitat would consider site-specific effects through the appropriate NEPA analysis.

### 5.11 Sage Grouse Programmatic Goals and Objectives

The USDA has not fully considered programmatic goals and objectives within the Proposed Rule for the successful preservation and eventual restoration of upland bird habitat. Nor has the USDA implemented, at the programmatic level, proposed management areas for known leks within the Idaho Roadless Areas that are subject for the Proposed Rule. The Forest Service should provide an alternative that does not contribute to decline of the species.

*Response:* This request would require the establishment of specific management direction for a specific resource area. This type of direction is better addressed in forest plans because sage grouse are not unique to roadless areas; therefore, this request was not considered in detail. In the context of specific issues, these sage grouse may be found outside as well as inside roadless areas. Management direction in existing and proposed plans generally provides direction for management of sensitive species. All actions must adhere to these requirements. The purpose of this Proposed Action is not to determine the management direction for activities designed to meet other resource needs, but to determine what timber cutting, road construction/reconstruction, and discretionary mineral activities will be allowed in roadless areas.

Under the Modified Rule less than 1 percent of the predicted sage grouse habitat overlaps the GFRG and Backcountry CPZ themes. Most activities would occur on these lands; with such a small overlap of habitat the risk to sage grouse would be low.

### 5.12 Ethnographic Study to Establish Baseline Information for Tribal Impacts

Analysis should include an ethnographic study of the Shoshone and Bannock people. Every Idaho Roadless Area needs further archaeological and ethnographic research that focuses on the Tribe as a whole.

*Response:* The decision to be made regarding management themes for lands now identified as Idaho Roadless Areas does not depend on or affect Tribal uses that might be revealed in any present-day ethnographic analysis. Ethnographic reports and historical accounts provide documentation that tribal groups have subsisted and persisted in what is now the State of Idaho for generations. The Idaho Roadless Areas lands are a significant portion of aboriginal territories for at least 11 Tribes. The present analysis responds to a proposal that would designate management themes that maintain the ability to exercise treaty rights and trust responsibilities, and enable continued tribal use of these lands for traditional purposes.

However, in response to comments from the Shoshone and Bannock people, an additional discussion on each major Tribe has been included in the final EIS, section 3.16 Affected Indian Tribes.

### 5.13 Geothermal Development Would Affect Culturally Significant Lands and Treaty and Subsistence Rights

**Energy development would affect culturally significant lands. Hot Springs are an important cultural area to the tribes.**

*Response:* The Proposed Rule permitted road construction/reconstruction to access new geothermal development in the GFRG theme. No road construction for geothermal is permitted in any theme in the Modified Rule. Surface occupancy is permitted in the Backcountry and GFRG themes if it is allowed in the applicable forest plan;

however, it is unlikely this would occur given the infrastructure requirements for a geothermal development. The Forest Service estimates that there are ample opportunities for geothermal development outside roadless areas that would be considered first. Any proposal for development of geothermal resources would trigger a consideration of effects, including consultation with the Tribes regarding their concerns and interests. No decision regarding geothermal development would be made by the Forest Service without completing the process required by the NHPA as implemented in 36 CFR 800.

#### **5.14 Potential Wilderness May Be Lost Along With a Spiritual Experience Ruined by Roads**

**This [Rackliff-Gedney] Roadless Area borders the Selway-Bitterroot Wilderness Area, and thus development of this area would damage the potential of this area to be included as wilderness in the future. Additionally, development of areas in close proximity to wilderness areas would potentially damage the wilderness characteristics of those protected areas by making development clearly visible from inside the wilderness. Seeing logging patches and roads from within the wilderness ruins much of the spiritual importance that Nez Perce Tribal members gain from wilderness.**

*Response:* In the Proposed and Modified rules, the majority of the Rackliff-Gedney Roadless area is in the Backcountry theme. In the Modified Rule, none of the Backcountry acreage is within the CPZ. Management in the Backcountry theme of the Modified Rule would essentially be the same as the 2001 Rule. Therefore, the Rackliff-Gedney Roadless Area would not be proposed for management under any theme in any alternative that would allow logging, without some very special considerations.

See final EIS, section 2.2 Alternatives Considered in Detail, for specific conditions. In addition to the special conditions, the appropriate level of NEPA analysis would be done, as well as a review under NHPA, and these would require tribal consultation. The potential effects on wilderness characteristics would be considered in any area that borders on the Selway-Bitterroot. The Modified Rule would require that projects be consistent with forest plans, which would include any visual quality components specified in forest plans. See also comments/responses for 26.1 through 26.3 and 27.1 in this appendix for additional information on wilderness and recommended wilderness.

#### **5.15 Roads and Their Impact on Cultural Resources**

**Disagree that alternatives 1 and 3 have the same low level of road-related human damage to cultural resources. Roads have the potential for increased damage to cultural resources from looting, vandals, and off-highway vehicle use. Include in this analysis the degree to which temporary roads would affect cultural sites.**

*Response:* The narrative in final EIS, section 3.15 Cultural Resources concludes that the effects that might be associated with management under the Proposed Rule would be less than under the Existing Plans, but greater than under the 2001 Rule. Table 2.3 in the Chapter 2 of the final EIS and the table in the Summary are corrected to be consistent with the analysis in section 3.15 Cultural Resources.

The Modified Rule projects fewer miles of road construction than the Proposed Rule. Also, only temporary roads may be constructed in a much more limited geographic area in the Backcountry theme (see final EIS, section 2.2, Alternatives Considered in Detail). No roads would be

constructed without considering the potential effects on cultural resources. No decision regarding road construction would be made before concluding the NHPA Section 106 process as prescribed in 36CFR800. The analysis of potential for increased damage to cultural resources would be conducted at the time such road construction is proposed.

### **5.16 Logging in Roadless Areas Would Affect Tribal Treaty rights**

**Under the Proposed Roadless Rule, timber harvest is directly permitted in Primitive and Backcountry themes to reduce the risk of wildfires and is open in the GFRG theme. Under the 2001 Rule, no timber harvests were allowed unless the threat was immediate. Under the Proposed Roadless Rule, roughly 4 million board feet of timber on about 800 acres would be harvested, compared to about 0.5 million-board feet on about 100 acres under the 2001 Rule. The Tribes [Shoshone-Bannock] rely on forest systems for subsistence and timber harvests within an Idaho Roadless Areas would affect tribal resources.**

*Response:* The 2001 Roadless Rule permitted timber cutting to maintain or improve TES habitat; or to maintain or improve ecosystem composition; or to reduce the risk of uncharacteristic wildland fire effects. No roads could be constructed to facilitate timber cutting in the 2001 Rule. In the Modified Rule the purpose of timber cutting in Idaho Roadless Areas is not for timber production. The purpose is to maintain or improve TES species habitat; or to maintain or improve ecosystem composition; or to reduce hazardous fuels in a CPZ; or reduce the potential for significant adverse effects from wildland fires to at-risk communities or municipal water supply systems. Timber cutting is a broad umbrella that may include timber harvest; other mechanical treatments (such as timber cutting for thinning, slashing,

pruning); and fuel-reduction activities (both mechanical and prescribed burning). The practices are planned as a sequence of treatments to address site-specific management objectives.

Even in the GFRG theme, timber production is not the purpose for timber cutting in Idaho Roadless Areas. Existing plans provide other reasons for timber cutting in GFRG including, but not limited to: restore and maintain desired vegetation and fuel conditions (prescriptions 5.1 and 6.1 Boise, Payette and Sawtooth National Forests); where aspen exists, it should be maintained or enhanced as a component through restoration treatment (prescription 5.2 Caribou National Forest); focus vegetation treatments in those communities that have departed from their historical range of variability (prescription 6.2 Caribou National Forest); timber may be harvested to improve wildlife habitat and to provide miscellaneous products (prescription 6.1 Targhee National Forest) (appendix B).

The rights reserved under treaty would not be affected by the programmatic decision to be made. The Tribes' reserved rights and any potential effects on the resources associated with those rights would be the subject of consultation when any logging is proposed. Please see comment response 5.1 for further discussion.

### **5.17 Loss of Habitat for Important Gathering of Botanical Resources**

**The Forest Service needs to protect roadless areas for botanical resources. The Tribes [Shoshone-Bannock] have been using the lands for botanical gathering since time immemorial for ceremonies, subsistence, and traditional cultural practices. There has been a substantial loss of habitat, since European contact, for native vegetation and an increase in noxious or invasive species. Idaho Roadless Areas are the last intact habitat**

**for native vegetation and present the best opportunity for successful gathering of native botanical resources. Road-building activities increase the risk that invasive and noxious weeds would diminish the abundance of native vegetation that the Tribes rely on for ceremonies, subsistence, and traditional cultural practices.**

*Response:* The final EIS, section 3.2, Vegetation and Forest Health, lists the mechanisms that noxious weeds can spread, including roads and off-road vehicles. Other mechanisms also exist, including wildlife, livestock grazing, and human overland travel. Because roads provide suitable habitat for many noxious weed species, and because motorized vehicles travel on roads, noxious weeds are often found in greatest concentrations in roaded environments. Therefore, the environmental consequences section uses the projected road construction/reconstruction miles as one measure to compare noxious weed infestation risk by alternatives. This includes a cumulative effects analysis and the incremental contribution of roads to noxious weed infestations.

Noxious weeds do exist in roadless areas, as the EIS discloses. Fewer known acres of noxious weeds infestations exist in roadless areas compared to the roaded environment. While the sampling design for noxious weeds does not permit estimates of the total population of weed infestations, it is thought that the difference between the amount that occurs in roadless compared to roaded environments is in part due to disturbances such as roads, motor vehicle travel, timber harvest sites, and other disturbance areas.

The Forest Service would conduct project-specific consultation with the Tribes on any proposed road construction activity. During project analysis, a botanical analysis would be done and include considerations of

plants important to Tribes and mitigations for the risk of noxious weed spread.

### **5.18 Effects of Selenium on Fish Consumption**

**The Forest Service should disclose the degree to which selenium contamination from phosphate mining would affect fish consumption.**

*Response:* The Affected Environment for the Abandoned and Inactive Mines section in the final EIS, section 3.5, Minerals and Energy, makes a statement that selenium is an essential nutrient for human and animals and incorporates by reference a report that discusses both the nutritional and toxicity aspects of selenium. Please reference section H.1.2.1 in appendix H of the Final 1998 Regional Investigation Report found at the Southeast Idaho Selenium Information System website, [http://giscenter-ims.isu.edu/SISP/Area\\_Wide\\_Reports.html](http://giscenter-ims.isu.edu/SISP/Area_Wide_Reports.html). In addition, the Affected Environment section for Leasable Minerals in the final EIS includes a discussion of BMPs that are being used at active phosphate mines to reduce the potential for selenium mobilization and migration from mine sites.

The Affected Environment for the Abandoned and Inactive Mines section in the final EIS, section 3.5, Minerals and Energy, includes a discussion of the human health effects of selenium contamination in the phosphate mining area of Southeast Idaho. It also incorporates by reference a February 24, 2006, public health assessment of selenium in the area conducted by the BCEH, Division of Health, Idaho Department of Health and Welfare. In their February 2006 report, BCEH revisited the conclusions and recommendations made in past health consultations for groundwater, beef, elk, sheep, and fish. BCEH concluded the Southeast Idaho Phosphate Mining Resource Area constituted “no apparent public health hazard,” but to be cautious,



issued recommendations on: (1) the amount of Yellowstone Cutthroat and Brook trout children under the age of seven should eat from East Mill Creek because of selenium contamination; and (2) the amount of elk liver people can safely eat per month.

See final EIS, section 3.8, Aquatic Species, for a discussion of the effects of selenium on fish and other aquatic species. Best management practices would be used to mitigate the risks of selenium to aquatic species. The Forest Service would conduct project-specific consultation with the Tribes on any proposed activity, along with the appropriate level of NEPA.

### 5.19 Heritage Tourism

**The Forest Service should not consider heritage tourism as commodity values as stated in the draft EIS (page 262).**

*Response:* It was not the intent to portray heritage resources as a tourism commodity in draft EIS, page 262. The final EIS does not make this inference.

Heritage tourism is an integral part of the American experience. Heritage tourism is an activity that depends on cultural resources, which includes many valuable and educational historic sites and archeological sites. Mesa Verde, the Liberty Bell, the Little Big Horn Battlefield, and many other areas are valuable interpretive sites included under the umbrella term of “heritage tourism.” Such sites provide the American public with opportunities to enjoy and appreciate their heritage on public lands. This is an important function of public land management.

The Preserve America initiative (EO13287) directs all Federal agencies to manage and plan for heritage tourism. The Forest Service recognizes that not all cultural resources are suitable for use in heritage tourism, and that many cultural resources have intangible values that outweigh any

potential commodity values. The decision to use cultural resources for tourism purposes is a decision that triggers a process for consideration of effects under Section 106 of the NHPA, as prescribed under 36 CFR 800. Any development of historic properties or archeological sites would be consistent with NHPA according to the process defined in 36 CFR 800, a process that includes consultation with Tribes and other interested parties. The Forest Service would not make such management decisions regarding resources of interest to Tribes without consulting the Tribes, the State Historic Preservation Office, and, when necessary, the Advisory Council on Historic Preservation.

### 5.20 Save Historic Buildings

**There are many historic cabins in these inventoried roadless areas. The Forest Service should not continue to destroy these historic structures.**

*Response:* Neither the Proposed nor Modified Idaho Roadless Rules provide direction for the management of historic cabins. Removal of historic structures is a management action that falls under the guidance of the NHPA and the process described in 36 CFR 800. Some cabins may be removed if they present a hazard to the visiting public, but in most cases the cabins would be left to deteriorate. In a few cases, cabins may be restored. The Forest Service would not remove any historic structures without following the appropriate level of NEPA and public involvement.

## Technical Comments

### 5.21 Technical Corrections

**The Forest Service should consider these technical and grammatical corrections. (1) Include the word avoidance in the last sentence of the draft EIS p. 256; (2) correct the spelling of Paiute.**

*Response:* The spelling correction for Paiute is corrected in the final EIS. Also, language in the final EIS, section 3.15, Cultural Resources, was modified to reflect that future proposed projects would not proceed “until consideration is given to avoid, minimize, or mitigate impacts.”

## 6. Proposed Action: Theme Comments

### General Comments

#### 6.1 Themes Fragment the Ecosystem

**The Forest Service should manage the roadless areas as a whole, instead of assigning different management themes to the roadless areas. Parceling of roadless areas is reminiscent of historical forest management that divided ecosystems into smaller management units.**

*Response:* The Secretary of Agriculture accepted the Idaho State Petition to provide State-specific management direction for roadless areas. This decision was based on the recognition that there was a need to consider roadless areas management direction specific to the State of Idaho to help resolve the long-standing debates of roadless area management. The Secretary acknowledged that the national approach of managing all roadless areas as a whole did not consider the local needs and concerns unique for each roadless area. The Idaho State Petition developed the roadless area themes to correspond with the diversity of the roadless areas within Idaho (see final EIS, appendix C, for descriptions). When the Secretary of Agriculture accepted the State Petition, the Agency made a decision to manage and conserve these roadless areas using different management themes over an approach to manage all roadless areas under one type of management. This approach is much like the dividing of forest system lands into management areas within forest plans. With some exceptions, the

Idaho Roadless Rule theme classifications mirror existing uses and management activities and reflect forest plan management prescriptions (see final EIS, appendix B for how themes relate to plan prescriptions).

Idaho Roadless Areas were either designated as a whole or sometimes divided into the themes that represent the differing roadless characteristics and different local and national management concerns. The Forest Service recognizes the need to manage large expanses of roadless areas as whole systems; however, the Agency also recognizes that the differences among the roadless areas warranted the parceling of roadless areas into themes that would allow for different management needs and local concerns.

Based on changes in the Modified Idaho Roadless Rule, about 3,251,000 acres would have stronger protections than the 2001 Rule (Wild Land Recreation, Primitive, and SAHTS themes); 4,870,900 acres would have similar protections (Backcountry theme outside CPZ); and 848,900 acres (GFRG and CPZ in the Backcountry theme) would have less protection than the 2001 Rule. The areas where there would be fewer protections are those areas that have already been modified, where access to unleased phosphate deposits would be allowed, or where there is a potential need for fuel reduction projects adjacent to communities.

#### 6.2 Do Not Allow Geothermal Energy Exploration and/or Development

**The Forest Service should not allow private industry to exploit Federal and tribal lands for geothermal development. There would be a detrimental impact on tribal rights and treaties.**

*Response:* Multiple-use is part of the mission of the Forest Service. The MUSYA defines the meaning of multiple-use for the Agency. MUSYA recognizes that “some

land will be used for less than all the resources” (MUSYA, section 4); geothermal development is one of the multiple uses that the Agency manages, as well as other uses such as recreation, timber harvest, and mining.

As the EIS describes, Idaho national forests have only two roadless areas with lease applications for geothermal leases – the Peace Rock area on the Boise National Forest, and the West Panther Creek area on the Salmon-Challis National Forests (see final EIS, section 3.5, Minerals and Energy Resources).

The Proposed Rule would not recommend approval of new geothermal leases in roadless areas in the Wild Land Recreation, Primitive, or SAHTS themes. This would essentially preclude geothermal development in these areas. It would not recommend surface use and occupancy in the Wild Land Recreation, Primitive, and SAHTS themes to protect surface resources. However, the Proposed Rule would permit road construction, reconstruction, and surface use and occupancy for new mineral and energy development in the GFRG theme.

In response to public comments, additional language and conditions for the Modified Rule were included to preclude road construction/reconstruction to access exploration or development for geothermal resources in all themes. Surface use and occupancy would be prohibited in the Wild Land Recreation, Primitive, and SAHTS themes. Surface use and occupancy would be permitted in the Backcountry and GFRG themes, unless prohibited in forest plans. This provides greater protection than the 2001 Rule in all themes, because the 2001 Rule does not recognize local decisions made in the forest plans.

## Site-specific Theme Assignments

### 6.3 Site-specific Theme

**The Forest Service should consider the site-specific theme change suggestions received during public comment.**

*Response:* Numerous site-specific requests for theme changes were received during public comment. These site-specific theme change requests and responses to them are located in the final EIS, appendix P.

## General Theme Assignments

### 6.4 Selkirk Mountains

**The Forest Service should not assign the GFRG theme to areas of Selkirk Mountains.**

*Response:* In the Selkirk Mountain, there are 8,600 acres in the Selkirk Roadless Area and 5,000 acres in the Kootenai Peak Roadless Area in the GFRG theme, in both the Proposed and Modified Rules. The areas are important to the community of Bonner’s Ferry because they are located in the cities municipal watershed (Myrtle Creek). Through public collaboration during the Idaho Panhandle National Forests Proposed Land Management Plan (LMRP), these areas were assigned to management area 6 (General Forest), which is equivalent to the GFRG theme in the Proposed and Modified Idaho Roadless Rules. The GFRG management designation is also consistent with the Boundary County Community Wildfire Protection Plan (CWPP) WUI.

The ID team considered changing the GFRG to Backcountry in the Modified Rule. The Backcountry CPZ would have provided the flexibility for needed fuels reduction treatments (as expressed during collaborative meetings for the Idaho Panhandle National Forest Proposed LRMP). However, based on the ID teams review, these lands were determined to not overlap the CPZ; therefore, these areas

remained in the GFRG theme. Retaining these lands in the GFRG theme also responds to the Kootenai Tribe of Idaho's desires to provide maximum flexibility to reduce hazardous fuels in the municipal watershed.

### 6.5 Lands Visible from Highway 2 and 92

**The Forest Service should designate all areas visible from highways 2 and 95 in the Primitive theme.**

*Response:* Any projects undertaken in this area that are visible from these two highways or from other Idaho Roadless Areas would conform to forest plan components, including any components specific to visual quality and view sheds. All future proposed actions would be analyzed through the appropriate level of NEPA and public involvement. Therefore, the theme assignment would not adversely affect the scenery.

### 6.6 Long Canyon and Selkirk Crest

**The Forest Service should adjust boundaries of the Long Canyon and Selkirk Crest ecosystem to have boundaries consistent with the Idaho Conservation League wilderness proposal.**

*Response:* The boundary of the Selkirk Roadless Area (including Long Canyon) is steeped in history. There are many viewpoints in addition to the Idaho Conservation League's. Most recently the Idaho Panhandle National Forests has worked collaboratively with the public to develop recommendations for this roadless area. Those recommendations have been incorporated into the Modified Rule.

### 6.7 Southeast Region

**The Forest Service should designate areas in the Southeast region of Idaho in the Caribou-Targhee, Sawtooth, and Salmon-Challis in the GFRG theme and allow vegetation treatments in these areas.**

*Response:* One of the principles used by the State to develop the Idaho Roadless Petition was to base it, to the extent possible, on forest plans. Many of the roadless areas allocated to the GFRG theme were established on the allocations in the forest plans. As a result of public comment on the draft EIS, some areas that were primarily rangeland have been reassigned to the Backcountry theme in the Modified Rule because there was no intent to build roads in these areas, there was no merchantable timber, and there was limited, if any, development. Some areas that had been assigned to GFRG were determined to be either already developed or important to protect communities from wildland fire effects and were reallocated to GFRG.

### 6.8 Lemhi Mountains Assessment

**The Forest Service should not place the Lemhi Mountains in the Backcountry theme because it is inconsistent with the roadless characteristics assessment described in the draft EIS.**

*Response:* Based on public comment, a compromise in the Lemhi Roadless Area on the Salmon-Challis National Forest was made in the Modified Rule. The Existing Plan allocated 9,300 acres to Primitive, 246,800 acres to Backcountry, and 49,100 acres to GFRG. The Modified Rule allocated 305,200 acres to Backcountry. This change, coupled with the Modified Rule refined management direction for the Backcountry theme, would essentially provide the Lemhi Roadless Area with the same protection level as the 2001 Rule. The Backcountry theme designation is consistent with the descriptions of the Lemhi Roadless Area as described in final EIS, appendix C.

### 6.9 Pioneer Mountains Assessment

The Forest Service should consider the Pioneer Mountains as a high priority for protection; the Agency should include it as part of a larger preserve and manage the Copper River Basin area.

*Response:* The Modified Rule proposes 108,000 acres as Wild Land Recreation, 28,700 acres as Primitive, and 146,800 acres as Backcountry. This reflects an increase over the Proposed Rule in the Backcountry theme, based on public comment (about 21,000 acres were changed from GFRG to Backcountry). The mixture of these assigned themes would continue to provide a high level of protection and conservation for the Pioneer Mountains.

### 6.10 North Fork Clearwater River

The Forest Service should consider the importance of the roadless areas within the North Fork of the Clearwater River and prioritize these areas to remain intact.

*Response:* Based on public comment two changes are reflected in the Modified Rule. Several Roadless Areas had themes reallocated from Backcountry to Primitive: Mallard Larkins (31,600 acres), Meadow Upper North Fork (42,800 acres), Moose Mountain (14,000 acres), North Lochsa Slope (55,200 acres), and Rawhide (5,100 acres). Additionally, the permissible and prohibitive activities in the Backcountry theme were modified to focus on protecting communities and municipal water supplies from adverse effects of wildland fire. Thus, remote areas such as Bighorn-Weitas are unlikely to have any development.

### 6.11 Ski Resort Development

The Forest Service should consider the opposition to ski area development in the Lolo Creek Roadless Area.

*Response:* There are 100 acres of the Lolo Creek Roadless Area in Idaho (Clearwater National Forest). The Lolo Creek Roadless

Area is allocated to the Backcountry theme, which would not allow road construction for a ski area.

### 6.12 Upper Priest Roadless Area

The Forest Service should add the Upper Priest Roadless Area to the Upper Priest Scenic Area because that would add quality to the existing scenic area. Private lands in this area should be purchased by the Forest Service and managed as wildlands. Very little logging has occurred along the three remaining roadless miles in the Upper Priest River southeast to Upper Priest Lake.

*Response:* The Modified Rule maintains the forest plan direction for the Upper Priest Scenic Area. Additionally, with the changes reflected in the Modified Rule, the Backcountry assignment of the remainder of the Upper Priest Roadless Area would have compatible management with the scenic area. Management of and additions to scenic area designations are conducted through the forest plan revision process. The Proposed or Modified Idaho Roadless Rules do not address management direction for scenic area designation and do not provide management direction for Federal acquisition of private lands.

### 6.13 French Creek Designation Correction

The Forest Service should not consider French Creek as eligible for wild and scenic designation because a suitability study was completed as a part of forest plan revision and it was not found eligible. That determination was made in the ROD for the forest plan.

*Response:* This correction was made and is reflected in the final EIS.

### 6.14 Cuddy Mountain

The Forest Service should keep the Cuddy Mountain area roadless because it is one of

the last decent mule deer hunting areas of the Seven Devils Wilderness.

*Response:* The Modified Rule is consistent with the Payette National Forest Plan in the Cuddy Mountain Roadless Area; 36,500 acres are assigned to the Primitive theme and 2,700 acres are assigned to the GFRG. No road building and limited exceptions for timber harvest is permitted in the Primitive theme. Although road construction and reconstruction are permitted in the GFRG theme, projects conducted under this Rule would be consistent with forest plan components, which include any forest plan components that provide protection for mule deer habitat.

### 6.15 Roadless Areas Bordering Montana

**The Forest Service should designate all areas along the Idaho/Montana border in the Backcountry theme.**

*Response:* A major objective of the Modified Rule was to ensure compatibility of management themes with adjacent States. With regard to Montana, the ID team worked with the Governor's Office to refine theme assignments. In response to this specific comment, most of Garfield Mountain was changed to Backcountry. See final EIS appendix P for details on considered theme changes.

### 6.16 Roadless Areas on the Clearwater National Forest

**The Forest Service should designate all areas on the Clearwater National Forest in the final Idaho Roadless Rule themes to be equivalent to or more protective than what was proposed in the Proposed Rule.**

*Response:* The Modified Rule has assigned all Clearwater National Forest roadless areas in themes that are equivalent to or more protective than what was proposed in the Proposed Rule. (See response 6.10 and appendix E for details).

## **General Forest, Rangeland and Grassland (GFRG)**

### 6.17 GFRG criteria

**The Forest Service should avoid use of the GFRG as a management theme, (a) because it would result in areas becoming denuded, roaded, and severely damaged; and (b) because it would allow destructive phosphate mining. There is nothing subtle about the GFRG allocation. The landscape would experience over time maximum timber harvest and associated road construction. Watersheds and fish and wildlife habitats would be extensively degraded and remain so. Cumulative impacts of GFRG zone management have been observed.**

*Response:* The GFRG theme would provide a variety of goods and services as. For both the Proposed and Modified Rules, timber cutting, road construction/reconstruction, and surface use and occupancy for mineral leasing are permissible activities in the GFRG theme.

In response to public comment on potential impacts of the permissible activities, language was added to the Modified Rule to further limit these activities. For example, surface occupancy for mineral leasing is permissible under both Proposed and Modified Rules; however, the Modified Rule only permits surface use and occupancy when consistent with forest plan components. In addition, road construction is not permissible for new mineral leasing, except when needed to access unleased phosphate deposits identified in the final EIS, fig. 3.20. The area where phosphate deposits are likely to be developed because road access is provided has been reduced from 13,190 acres to approximately 5,770 acres within the GFRG theme. Road construction/reconstruction associated with mining activities would also be conducted in a manner that minimizes effects on

surface resources, prevents unnecessary or unreasonable surface disturbances, and complies with all applicable lease requirements, land and resource management plans, regulations, and laws. Road associated with mineral leasing would also be decommissioned when no longer needed upon expiration of the lease, contract, or permit, whichever is sooner. Further discussion of these modifications is in the final EIS, section 2.2, alternative 4, Changes to Theme Designations, and Changes to Theme Management Direction.

Also, in response to public comment, the Modified Rule alternative reduces the GFRG theme to 405,900 acres. This is a decrease of 203,700 acres from the Proposed Rule and is in response to public comments. On the Caribou-Targhee National Forest, the Modified Rule designates 205,700 acres of GFRG, a reduction of 193,100 acres from the Proposed Rule; all these acres were placed into the Backcountry theme. Some of these changes in the GFRG theme on the Caribou-Targhee National Forest were in response to public comment about concerns for mule deer and other game management. See final EIS, appendix P, for the consideration of theme changes.

These additional conditions would limit the degree and extent of impacts of activities permitted in the GFRG. Projections for timber and road construction activities are included in final EIS, section 3.1, Analysis Assumptions and Projections. Some impacts on water, fish, and wildlife would be expected and are disclosed in the final EIS, but the activities would not cover all 405,900 acres of the GFRG theme. Language has been added Modified Idaho Roadless Rule to clarify that activities implemented under this Rule would be consistent with forest plan components designed to protect resources. Additional project-level environmental analysis would occur to

determine site-specific effects and other cumulative impacts.

### **6.18 Analyze Effects of GFRG as a Theme**

**The Forest Service should fully disclose and analyze the effects of development activities on lands proposed for management under the GFRG management theme.**

*Response:* The environmental effects of the GFRG theme are described in the final EIS, chapter 3, and more specifically in appendix C, for each roadless area. This is a programmatic analysis of effects, because the rule is a programmatic level of direction. The effects analysis is based on the impacts of the projected activities that are permissible and prohibited with the management direction provided by the four alternatives in the EIS (see final EIS, section 3.1, Analysis Assumptions and Projections). Site-specific projects are not predicted across all the GFRG area, because the locations for future proposed projects are unknown at this time.

See response to 6.17 above for further discussion on how the Modified Rule reflects public comments. These additional conditions of the Modified Rule would limit the degree and extent of impacts of activities permitted in the GFRG.

### **Backcountry Restoration (Backcountry)**

#### **6.19 Avoid Backcountry as a Theme**

**The Forest Service should avoid using the Backcountry theme because it would allow extractive activities that are destructive to the undeveloped nature of these lands and wildlife habitat and result in superfund cleanup sites. This theme appears plausible; however, it does not provide valid reasons for management.**

*Response:* The intent of the Backcountry theme is to provide protection/conservation of the roadless areas and also flexibility for management to reduce wildland fire risk to communities and municipal water supply systems. The Backcountry theme would permit timber cutting, sale, or removal to maintain or improve TES species habitats; or to maintain or improve ecosystem composition and structure; or to reduce hazardous fuels in a CPZ; or to reduce the significant risk of adverse effects of wildland fires to at-risk communities or municipal water supply systems. These activities may generate timber products as a result of the permissible purposes of the Backcountry theme. Although activity implemented under the Proposed or Modified Rules could temporarily alter the character of the lands, in the long term, all activities would also need to maintain or improve one or more roadless area characteristics.

In response to public comment to clarify the intent and reduce the potential disturbance to the “undeveloped nature” or roadless areas, the Backcountry theme was adjusted substantially in the Modified Rule, by establishing CPZs, within which only temporary roads could be constructed for the purposes of reducing fuels in the CPZ; these roads would be decommissioned after use. Permanent roads would not be permitted, in contrast with the Proposed Rule.

Outside CPZs, temporary road construction would require a regional forester’s approval and would be for the purposes of facilitating fuels reduction to reduce the significant risk of wildland fire to an at-risk community or municipal water supply system. The Modified Rule also removes permissions in the Proposed Rule that would allow temporary roads to facilitate the “forest health” activities identified in

the Proposed Rule. Forest health activities to improve TES habitats or maintain or improve ecosystem composition and structure would have to be conducted using aerial systems, existing roads, or roads constructed for the purposes of fuels reduction or reducing wildland fire risk to at-risk community or municipal water supply system until those temporary roads are decommissioned. For more information on the Backcountry theme, see final EIS, chapter 2, section 2.2, alternative 4, Changes to Theme Designations, and Changes to Theme Management Direction.

In addition, the Modified Rule was also changed to eliminate the exception for road construction/ reconstruction for phosphate mining in the Backcountry theme. Surface occupancy would be permitted, as was with the Proposed Rule and 2001 Rule; however, surface occupancy would not be permitted if forest plan components prohibit it. These changes to the Modified Rule reflect a refinement of the intent to manage for wildland fire risk primarily near at-risk communities and municipal water supply systems and to alleviate the concern over potential impacts on roadless characteristics. Most acreage in the Backcountry theme under the Modified Rule would have management direction essentially the same as the 2001 Rule, thus mirroring then-Governor Risch’s desire to be consistent with the 2001 Rule while providing for limited stewardship activities.

The effects of the Backcountry theme are described in the EIS generally in chapter 3, and specifically in appendix C, for each roadless area.



## Primitive

### 6.20 Avoid Primitive as a Theme

**The Forest Service should avoid using the Primitive theme because it would allow extractive activities that are destructive to the undeveloped nature of these lands.**

*Response:* The Primitive theme recognizes areas where undeveloped characteristics are generally retained. In the Modified Rule alternative, approximately 1,722,700 acres would be assigned to the Primitive theme. This is an increase of 69,900 acres over the Proposed Rule. The effects of the Primitive theme are described in the EIS generally in chapter 3, and specifically in appendix C, for each roadless area. In response to public comment, the purposes of timber cutting were changed in the Modified Rule to be more consistent with the 2001 Roadless Rule. Instead of reducing fuels anywhere in the Primitive theme, a condition was added that fuels reduction must have a connection with reduction of risk of uncharacteristic wildland fire effects to communities and municipal water systems. These activities are expected to be infrequent. Also added to the Modified Rule are conditions to retain large trees applicable to the forest type, to the extent the trees promote fire-resilient stands, a requirement for consistency with forest plan components and regional forester approval for project implementation. A detailed description of the new conditions is found in the final EIS, section 2.2, alternative 4, Changes to Theme Management Direction. These changes reflected in the Modified Rule represent a refinement of the intent to manage for risk primarily near at-risk communities and municipal water supply systems and to alleviate the concern over potential impacts on roadless characteristics.

As with the Backcountry theme described earlier, the intent of the Primitive theme is to provide protection for the roadless areas

and flexibility for management to reduce wildland fire risk to communities and municipal water supplies. The Primitive theme would permit activities to maintain or improve TES species habitats; or to maintain or improve ecosystem composition; or to reduce the potential for significant adverse effects from wildland fires to at-risk communities or municipal water supply systems. Again, these activities may “extract” resources such as timber; however, this extraction is a by-product of the permissible purposes of the Primitive theme. Although activities implemented under the Proposed or Modified Idaho Roadless Rules could temporarily alter the character of the lands, in the long term, all activities would also need to maintain or improve one or more roadless characteristics.

## Wild Land Recreation

### 6.21 The Objectives for Wild Land Recreation Would Not Be Realized

**The Wild Land Recreation areas are supposed to show little evidence of human-caused disturbance. However, the fact that foresters have cultivated non-traditional forests in these Wild Land Recreation areas is ignored, even though these forests are the major cause of non-traditional, human-initiated ecological upset. High-intensity wildfires were not the pre-Columbian norm, but they certainly are now. Moreover, high-intensity wildfires perpetuate the problem by changing the forest composition. Only concerted forest health activities can return these human-cultivated forests to Wild Land Recreation type forests. Hence, the proposed rule misses the very point it is trying to make and condemns Wild Land Recreation areas to almost certain trauma.**

*Response:* One of the objectives of the State of Idaho was to provide more protection to certain lands (lands in the Wild Land

Recreation, Primitive, and SAHTS themes), than what was in the 2001 Rule because these areas are the truly outstanding roadless areas in Idaho. The 2001 Rule did not recognize the outstanding roadless area characteristics these lands retain. The Wild Land Recreation theme recognizes areas where there is little evidence of human-caused disturbance and where natural conditions and processes are predominant. Appendix C includes descriptions of the roadless areas assigned to the Wild Land Recreation theme that correspond with the intent of this theme. Other themes of the Idaho Roadless Rule reflect the concern to manage (actively or passively) for forest health.

In the Modified Rule alternative, approximately 1,479,700 acres would be in the Wild Land Recreation theme. This is a ncrease of 101,700 acres over the Proposed Rule. Much of the area assigned to this theme shows little or no evidence of active management. In response to public comment, no changes were made in the Modified Rule language compared to the Proposed Rule. New roads are allowed only by statute, treaty, or valid existing right or legal duty. Timber cutting is prohibited unless incidental to other activities such as trail building. The Wild Land Recreation theme is more restrictive and protective of roadless area characteristics than the 2001 Roadless Rule because of it does not permit road construction, except as described above, and does not permit timber cutting. For more information on the Wild Land Recreation theme, see final EIS, chapter 2, section 2.2, alternative 4, Changes to Theme Designations, and Changes to Theme Management Direction.

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## 7. Alternatives

### Range of Alternatives

#### 7.1 Consider Alternatives That Offer More Protection

**The Forest Service should consider a wider range of alternatives that includes more protections for Idaho Roadless Areas. Both alternative 1 (2001 Roadless Rule) and alternative 2 (Existing Plans) are no-action alternatives. The draft EIS does not consider the full range of alternatives that represent the more protective spectrum. Consideration of HR 1975 as an alternative that allocates more wilderness areas, or another alternative that does not have “loopholes” for management (such as mineral lease allowances), would represent a more complete array of alternatives.**

*Response:* Alternative 1, the 2001 Roadless Rule, is the no-action alternative. Alternative 2, Existing Plans, is a different alternative. The Northern Rockies Ecosystem Protection Act (HR 1975) is proposed congressional legislation that would designate roadless areas as wilderness areas, prohibiting all road construction, reconstruction, timber cutting, and discretionary mineral activities across 9.3 million acres of Idaho roadless areas. This proposal was not given consideration as an alternative because (1) all Idaho roadless areas have already been evaluated for wilderness during the forest planning process and have not been designated as wilderness by Congress; and (2) managing all roadless areas in one prescription (proposed wilderness) would not recognize the specific individual characteristics the purpose and need for this rule seeks to recognize, and would not apply “tailored” management that fits each specific area.

## 7.2 Consider an Alternative for Water Resources

**The Forest Service should consider an alternative that would provide additional protection for water-quality-limited stream segments (WQLS) and protect municipal watersheds from development activities.**

*Response:* Municipal watersheds and WQLSs occur outside roadless areas as well as inside. Establishing specific management direction for municipal watersheds and WQLS is better addressed in forest plans, through forest plan components. The Proposed Idaho Roadless Rule provides management direction for activities determined to have the greatest risk to alter roadless character (timber cutting, road construction/reconstruction, and discretionary mineral activities would be allowed in roadless areas). Activities to meet water quality needs were not considered to be among those activities with the greatest potential impacts on roadless characteristics. (See final EIS, section 2.3, Consideration of Comments.) Any future projects that may affect water quality and/or municipal watersheds would be analyzed and mitigated through the appropriate level of NEPA.

## 7.3 Consider an Alternative for Threatened and Endangered Species

**The Forest Service should consider an alternative that would establish procedures and protocols for management activities that would affect threatened, endangered, and sensitive species (TES).**

*Response:* See response to above public concern, 7.2. As with the other suggestions for additional alternatives, activities associated with the management of TES were not considered to have the greatest potential impacts on roadless characteristics; therefore, such activities were not considered during the development of alternatives for

management direction for the Idaho Roadless Areas. Direction that includes procedures and protocols for TES management exist with other Forest Service Manual (FSM) direction (FSM 2670) and with the Endangered Species Act (ESA) (1973). Projects initiated in Idaho Roadless Areas under the Proposed or Modified Idaho Roadless Rules would be consistent with FSM 2670, ESA, and other forest plan components.

## 7.4 Consider an Alternative for Multiple Use

**The Forest Service should consider an alternative that allows for multiple uses across all roadless areas. The Forest service should start over with a plan to “use” the lands.**

*Response:* As stated in final EIS, section 2.3, Consideration of Comments, the Multiple Use-Sustained Yield Act (MUSYA) defines the meaning of multiple use for the agency. MUSYA recognizes that “some land will be used for less than all resources” (MUSYA, section 4). Therefore, a separate alternative that permits all uses across all roadless lands is not required.

There are locations within Idaho Roadless Areas and even entire roadless areas that are not suitable for certain activities. Since one component of the purpose and need of the Idaho Roadless Rule is to retain roadless characteristics, allowing all activities everywhere in every roadless areas would be detrimental to not only the environment but also to the core values that made these areas roadless in the first place. The Proposed and Modified Rules would provide opportunities for different mixes of use in the varying roadless areas.

## **Alternative 1 – 2001 Roadless Rule**

### **7.5 Support of Alternative 1**

The Forest Service should select alternative 1, to retain the 2001 Rule, because it has greater public support. The 2001 Roadless Rule provides protection of the unique roadless character of Idaho roadless areas. It also preserves roadless areas for other essential reasons, such as the value of their non-commodity resources, the need to restore forest health naturally, to protect and preserve biological and physical resources, and to address climate change and global warming.

The 2001 Roadless Rule would protect the roadless areas from commodity extraction such as timber and mining. These activities are not supported because the Agency should stop using NFS lands to provide commercial products. There are few timber resources in roadless areas, and long-term health of public lands for future generations should have higher priorities than short-term profits of extraction. Protection of these roadless areas would result in sustainable economic growth through ecotourism and other non-invasive recreational opportunities.

### **7.6 Support of Alternative 3**

The Forest Service should support alternative 3 (Idaho Roadless Rule) because it stabilizes communities with the economic opportunities of industry and agriculture, along with balancing industry needs and environmental health. The Proposed Rule fulfills the Forest Service's mandate for multiple use by allowing timber cutting and phosphate mining. The Proposed Rule also allows for management flexibility at the local level and extensive public involvement, and ensures coordination with tribal leaders.

*Response:* The 2001 Roadless Rule and the Proposed Rule are two of four alternatives

analyzed in the final EIS for management direction of Idaho Roadless Areas. Responses to specific concerns regarding support or opposition for all alternatives are provided throughout this appendix. Although not all suggestions or preferences could be accommodated, many comments and suggestions were incorporated into the Modified Rule. While the 2001 Roadless Rule reflects a majority preference, it does not represent a balanced preference that incorporates competing concerns, such as local management needs of accessing phosphate minerals and reducing fuels around communities. Based on public comments, the ID team developed a Modified Rule that became the Preferred Alternative, representing a balanced approach to conflicting public will.

### **7.7 2001 Rule Protections in Comparison to the Idaho Roadless Rule**

The comparisons of permissible activities among the 2001 Roadless Rule and the management themes in alternative 3 are not accurate. The Backcountry theme allows for activities under the "significant risk" criteria and is less restrictive than the 2001 Roadless Rule, so it is not comparable. The draft EIS claims that the Primitive and Wild Land Recreation themes of alternative 3 are more protective than the 2001 Roadless Rule but this is not true. Timber and road construction are more likely to occur with the adoption of alternative 3.

*Response:* The 2001 Roadless Rule allows timber cutting to maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects. The Proposed Rule would allow timber cutting to maintain or restore the characteristics of ecosystem composition and structure or to reduce the significant risk of wildland fire effects. In the final EIS, the depiction of the 2001 Rule as being the "same as" the

Proposed Rule was modified to indicate the 2001 Rule as being “similar” and identifies the specific areas where there are differences (chapter 2). Based on public comment, the Proposed Rule was changed for the Modified Rule to provide more consistency with the 2001 Rule where it was warranted. The following summarizes how the 2001 Roadless Rule and Modified Rule compare.

In the Wild Land Recreation, Primitive, and SAHTS themes, the Modified Rule provides more protection than the 2001 Rule because all road construction/reconstruction is prohibited, except those associated with reserved or outstanding rights, or as provided for by statute or treaty. In addition, surface use and occupancy is prohibited, which is a stronger protection than the 2001 Rule. Timber cutting in the Wild Land Recreation is prohibited, which is more restrictive than the 2001 Rule. For Primitive and SAHTS themes, the language for timber cutting, sale, or removal was changed for the Modified Rule to be essentially the same as the 2001 Rule, except that timber cutting, sale, or removal to reduce uncharacteristic wildland fire effects may be applied only if there is a connection of uncharacteristic wildland fire effects to at-risk communities or municipal water supply systems. The 2001 Rule would allow use of this exception anywhere in Idaho Roadless Areas for any reason; the Modified Rule requires a link of reducing uncharacteristic wildland fire effects to communities at risk and municipal water supply.

Based on public comment and recommendations from the RACNAC, language for the Backcountry theme was changed for the Modified Rule to clarify where roads could be constructed to facilitate fuel-reduction activities and forest health. The modified rule would permit temporary road construction to facilitate

fuels reduction within the CPZ. Temporary roads are permissible only if the community protection objectives cannot be reasonably accomplished without a temporary road.

Outside this zone, temporary roads could be constructed to facilitate timber, cutting, sale or removal done to reduce the significant risk of wildland fire effects to at-risk communities or municipal water supply systems. Other conditions for outside the CPZ would be required, such as: temporary roads could be constructed only if the activity cannot be reasonably accomplished without a temporary road and if the project maintains or improves one or more of the roadless area characteristics over the long-term. In addition, the regional forester would be required to approve such actions.

The permission for the cutting, sale, and removal of timber within the Backcountry CPZ is more permissive than the 2001 Rule; however, this permission is allowable only within the CPZ (442,000 acres). Outside the Backcountry CPZ, the permissions for timber cutting are similar to the Primitive and SAHTS themes. The intent is to limit the scope of when this permission for road construction and timber cutting with conditions would be applied. The Modified Rule reflects a refinement of the intent to manage for significant risk primarily near at-risk communities and municipal water supply systems and alleviate the concern that the Backcountry theme was more permissive than the 2001 Roadless Rule.

The permission to construct roads for “forest health” was removed from the Modified Rule for the Backcountry theme. Roads constructed in the CPZ for fuels reduction or roads constructed outside the CPZ for significant risk could be used; but roads could not specifically be constructed for forest health activities. This change reflects a more restrictive permission than the Proposed Rule and is more similar to

the 2001 Rule, which prohibited roads except for public health and safety in cases of imminent threat of flood, fire, or other catastrophic event that without intervention would cause the loss of life or property.

Also in the Modified Rule, both the Primitive and Backcountry (outside CPZ) themes have additional conditions for timber cutting to retain large trees, applicable to the forest type, to the extent they promote fire resilient stands. This condition is more aligned with the condition of the 2001 Rule that permits the removal of small-diameter material. Within the CPZ, the project should generally retain large trees appropriate for the forest type. Within GFRG forest plan components would provide design criteria for large tree retention

In the Modified Rule, the permission to construct roads in the Backcountry theme to access unleased phosphate deposits was removed. Road construction to access mineral leases would be prohibited (except for existing rights). Only surface use and occupancy would be permitted to access new mineral leases unless it is prohibited by a land management plan. With this change the Modified Rule would be the same as the 2001 Rule with regard to discretionary mineral leasing in the Backcountry theme.

In the Modified Rule, the permission to construct roads in the GFRG theme to access new mineral exploration and development for minerals other than phosphate would be prohibited; surface use and occupancy would be permitted. With this change the Modified Rule would be the same as the 2001 Rule for new mineral leases, except with regard to phosphate leases. Roads could be constructed or reconstructed to access unleased phosphate deposits in the GFRG theme. Road construction/reconstruction would be prohibited to access 910 acres of unleased

deposits in the Bear Creek Roadless Area in the GFRG theme.

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## 8. Effects Analysis

### 8.1 General Effects Analysis

**The Forest Service should include an analysis of effects from all permissible activities discussed in the rule (oil and gas development, road construction/reconstruction, phosphate mining, and logging).**

*Response:* Section 3.1, Introduction, in the final EIS describes the foreseeable actions evaluated in the final EIS. These actions may result from the permissions in the Proposed and Modified Idaho Roadless Rules. The foreseeable actions include road construction reconstruction (section 3.2); timber cutting, sale, and removal (section 3.3); fuels management (section 3.4); and discretionary mineral activities, including phosphate, geothermal, and oil and gas development (section 3.5). Along with section 3.1, these other sections provide additional detail on foreseeable actions, which are not site-specific actions and represent a likely scenario of activities that may occur. In addition to this analysis, the final EIS evaluates the prohibitions with exceptions and the permissions with conditions associated with the varying themes and how they overlap specific resources. This overlap provides information on the degree of risk and protection to any given resource that may arise from the permissions and prohibitions.

The Idaho Roadless Rule does not make site-specific, project-level decisions. Subsequent development activities for road construction and reconstruction, timber cutting, sale, or removal, oil and gas leasing and development, and phosphate mining would have separate and site-specific environmental analysis with the appropriate level of NEPA and public involvement.

## 8.2 Programmatic Compared to Project-level Analysis

The Forest Service should conduct site specific analysis of effects. It is stated that the programmatic intent of the Proposed Action would have no effects because it does not make any site-specific project level decisions; however, there may be direct effects. Nevertheless, the Proposed Rule establishes a precedent for future actions with significant effects, resulting in a decision in principle about future management. It is reasonable to assume that cumulatively significant impacts on the environment would result from activities precipitated by the Proposed Rule. Permissible activities would result in projects being proposed that may not have been proposed without the Idaho Roadless Rule. These newly permissible projects would result in on-the-ground effects. The cumulative impacts of the foreseeable proposed projects over the entire area of the Rule need to be analyzed as a whole, not deferred to future fragmented analysis.

*Response:* Please see response 8.1, above, and response 7.7 in the Alternatives section of this document for a brief summary of comparison. In some cases, the Proposed and Modified Rules would be more permissive than the existing 2001 Roadless Rule; in some cases, they would be less permissive; in many cases, they would be comparable. There is no requirement that a programmatic EIS include an analysis of the site-specific environmental effects of any projects that the corresponding decision makes possible. Those projects would undergo site-specific environmental analysis, using the appropriate level of NEPA that would disclose their effects before approval.

Significant effects of any kind would trigger an EIS as opposed to an environmental assessment, and this project is being analyzed in an EIS. This EIS does consider

the direct, indirect, as well as cumulative effects of all alternatives. This includes projected future timber cutting, removal or sale, road construction and reconstruction, and exploration and development of minerals based on trends from existing forest plans, information from the 2001 Roadless Rule, and considerations from the final EIS, section 3.1, Analysis Assumptions and Projections. Site-specific impacts are not predicted because the locations for future proposed projects are unknown and impacts would be site-dependent.

## 8.3 Projections

Projections for timber cutting, road construction/reconstruction, and mining activities are underestimated and if the projections are underestimated then so are the effects analysis. The permissible activities are foreseeable over all the acres having allowances for those activities. If these activities are of low priority in the roadless areas and/or are not foreseeable over all the allowable acres, then why would there be a need to promulgate a rule to have allowances for the permissible activities over so many acres?

*Response:* Projections and assumptions were based on best available information (final EIS, section 3.1, Introduction). Based on public comment, the projections and assumptions were revisited. An error was found in the projections for the 2001 Rule. The draft EIS indicated the 2001 Rule timber cutting, sale, and removal would occur on 100 acres per year; however, after further review, the acres should have been 600 acres. This error affected the projections for the Proposed Rule. It did not affect the projections for the Existing Plan alternative. This information was updated in the final EIS. Information regarding the projections for road construction/reconstruction was correct.

The projection for phosphate development was also corrected (section 3.5, Minerals and Energy). About 1,870 acres of leased phosphate deposits were determined to be unleased; this change is reflected in the final EIS.

#### **8.4 Map Scales Inadequate for Direct, Indirect, and Cumulative Effects**

**The maps provided did not clarify the management themes because they were not produced to scale and are available only at the forest level. Scaled maps of each Idaho Roadless Areas with vegetative types, watercourses, and critical habitat areas – and layered with management themes – are the only accurate way to ascertain the direct, indirect, and cumulative impacts from the designation of management themes.**

*Response:* The ID team used geographic information systems (GIS) to overlay the management themes with resources of concern, such as critical habitat for fish and wildlife species or surface and groundwater. Some of the maps used for the analysis are presented in the EIS. The appendices to the EIS contain extensive resource information by roadless area, and appendix C (Forest Plan Management Area Prescriptions for Road Construction/Reconstruction, Timber Cutting, and Minerals Management) has been expanded in the final EIS to include descriptions of effects on each roadless area, including acres by theme, effects on potential activities permitted to occur, and effects on the nine roadless area characteristics.

#### **8.5 Fragmentation Effects**

**The Forest Service should include in their analysis a comparison among the alternatives on the effects of landscape fragmentation of the Idaho Roadless Areas on resources that rely on connectivity. This**

**analysis should include fragmentation effects on roadless characteristics.**

*Response:* The final EIS addresses fragmentation for botanical resources (section 3.7), aquatic resources (section 3.8), terrestrial habitats and species (section 3.9), and cumulatively (section 3.9). Regarding effects of fragmentation caused by the alternatives to roadless area characteristics, appendix C of the final EIS has been expanded to include descriptions of effects to the nine roadless area characteristics.

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### **9. Cumulative Effects**

#### **9.1 Inadequate Job of Cumulative Effects Analysis**

**It is reasonable to assume cumulatively significant impacts on the environment from activities precipitated by the Proposed Idaho Roadless Rule. The draft EIS fails to account for the direct and indirect impacts of the proposal, which makes it inherently impossible for the agencies to then claim that they have included an accounting of the cumulative impacts of the Proposed Idaho Roadless Rule. Further, the Proposed Rule prescribes land uses that have cumulative effects, yet there is no cumulative effects analysis in the draft EIS.**

*Response:* In the draft EIS, chapter 3, Affected Environment and Environmental Consequences, each resource section has a “Cumulative Effects” section after the direct and indirect effects section. The only exception was the Minerals section, and that section has been added to the final EIS. (The cumulative effects section for Aquatics resources was included in Cumulative Effects: Terrestrial and Aquatic Species.) These sections analyze the collective impacts of the Proposed and Modified Rules combined with the effects of other plans and policies including PACFISH, INFISH, National Fire Plan, Healthy Forests Initiative, HFRA, the national Energy



Policy, Northern Rockies Lynx Amendment, grizzly bear management direction, Idaho Comprehensive Wildlife Conservation Strategy, and others. This cumulative effects analysis is programmatic in nature and appropriate to the programmatic level of the analysis.

Additional cumulative effects analysis would be performed at the project level prior to implementation of any management activities within Idaho Roadless Areas.

### 9.2 Beyond Idaho borders analysis

**The Forest Service should include cumulative effects analysis that considers effects on resources beyond the Idaho State line borders. The final EIS should address the effects on resources in a larger context, such as the importance of the roadless areas in the Caribou-Targhee National Forest to the Greater Yellowstone Ecosystem.**

*Response:* All Idaho Roadless Areas would continue to be managed as roadless areas with purposes of conservation and management. Roadless areas adjacent to or straddling State boundaries would continue to be managed as roadless areas. Management direction for Idaho Roadless Areas may have more or less permissible and prohibitive direction for timber cutting, road construction/ reconstruction, and mineral leasing than the bordering roadless areas. However, each Idaho Roadless Area that borders another State was evaluated to consider compatibility (final EIS, appendix N).

The analysis included consideration of consistency and environmental resources and effects across State boundaries. For example, in the Yellowstone area, on the Caribou-Targhee National Forest, the Agency coordinated with the State of Montana on theme allocations for the Garfield Mountain Roadless Area that lies

in both states. The State of Montana provided comment, and the themes in Garfield Mountain were modified (changed from GFRG to Backcountry) based on their comments. The State of Montana also wanted lands in Agency Creek and West Big Hole to remain in the Backcountry theme; in that case the lands adjacent to the State boundary remained in Backcountry and the areas already roaded and away from the State boundary were changed to GFRG. The Agency has also coordinated with the State of Wyoming on the Winegar Hole Roadless Area that lies in both states.

In addition, the final EIS includes additional information in Appendix N, Cumulative Effects, describing other proposed Roadless Area Rule petitions in Colorado and other States across the country. The analysis for terrestrial and aquatic species and economics also evaluate potential effects outside of Idaho Roadless Areas where appropriate.

### 9.3 Time Frame for Cumulative Effects Analysis

**The Forest Service should consider a longer time frame in the cumulative effects analysis. A 100-year analysis period as the demand for resources is not speculative. As an example, the Yucca Mountain Geologic Repository EIS analyzed beyond 10,000 years, while many other EISs have estimated impacts to 100 years.**

*Response:* Management direction provided for all alternatives do not permit any site-specific ground-disturbing activities, and it does not irreversibly commit resources. The rule identifies the land areas where activities could occur; however, not every acre would be affected. The EIS relies on trend analysis of past, present, and reasonably foreseeable actions to disclose the implications of the different management themes. In addition, the EIS

evaluates how the management themes overlay resources of concern, and what the potential effect on those resources could be (final EIS, section 3.1, Introduction).

The time frame for the cumulative effects analysis extends over a 15-year time period, unless otherwise noted. This time period was used to evaluate the amount of disturbance that could occur over a reasonable planning horizon. Phosphate leasing projections were estimated for beyond 50 years because phosphate is found only in certain locations. Beyond 15 years, predicting the future of programmatic environmental effects begins to become too remote and speculative to be reliable because of changing vegetative conditions, markets, and other influences. This is in contrast with the above example of Yucca Mountain; the predictable, long-term radioactive decay rate is a very different situation where a long-time horizon is appropriate.

#### 9.4 Mining Law Reform Effects

**The Forest Service should consider the cumulative effects of current Mining Law reform efforts on all affected resources.**

*Response:* The definition of cumulative effects includes “reasonably foreseeable future actions” regardless of what entity undertakes them (40 CFR 1508.7). Reform of the 1872 Mining Laws is a possible action by Congress. However, it is not sufficiently foreseeable to predict when it might occur, what provisions it would include, and what specific changes it would make to mining in Idaho roadless areas. The House of Representatives on November 1, 2007, approved HR 2262, legislation that would make a number of changes in the 1872 Mining Laws including new environmental standards and a royalty provision on new and existing mines. The current status of this legislation in the Senate is uncertain. However, the proposed legislation applies

to locatable, not leasable minerals. Oil, gas, geothermal, and phosphate deposits are leasable mineral deposits and would not be affected by that particular legislation. To the extent that such potential legislation may limit or reduce mining, then it could contribute toward a cumulative reduction of effects on Idaho roadless areas that contain mines and mineral resources. To make more definitive projections of effects would be speculative.

## 10. Forests Plans and other Management Plans

### *Forest Plan and NFMA conflicts*

#### 10.1 Forest Plan Analysis and Activities Permitted in the Proposed Rule

**The Forest Service needs to display the degree to which alternative 3 (Idaho Roadless Rule) deviated from permissible activities of current forest plans, and to display the methodology and results of how the forest plans were used to assign management themes described in alternative 3. There is disagreement on whether the management themes correspond with current forest plans, and on whether alternative 3 permits activities not permitted under current forest plans. There is no consistent management directive for roadless areas based on the individual forest plans, except for the Southwest Idaho Ecogroup (SWIEG). Therefore, because of these inconsistent management directions from forest plans, a set of management themes cannot be built.**

**The Forest Service should analyze and consult with the U.S. Fish and Wildlife Services (FWS) on permissible activities of the Proposed Rule that were not previously analyzed or consulted on from existing forest plans. Some of the permissible activities in alternative 3 of the draft EIS overstep bounds of existing forest plans and would conflict with the**

**NFMA, which requires all Forest Service projects to be consistent with individual land and resource management plans. The Proposed Rule would effectively amend current direction in existing plans, weakening protections and providing allowances for new development activities.**

**For example, the GFRG theme of alternative 3 allows for activities not analyzed in the forest plan EIS of the Caribou and Targhee National Forest Plans. Also, oil and gas leasing was not analyzed in the Caribou Forest Plan but is now proposed as permissible in alternative 3 of the draft EIS. In addition, alternative 3 permits oil and gas leasing in some roadless areas of the Targhee National Forest; however, current Targhee Forest Plan direction does not permit surface occupancy. This would result in some roadless areas having less protection than areas outside of roadless areas.**

*Response:* Based on public comments, a thorough review was conducted of the crosswalk of forest plan prescriptions to management themes. Theme assignments were changed in some cases to improve the consistency of the management direction of each of themes with the forest plan prescriptions within roadless areas. In some areas the management direction (with respect to timber cutting, road construction/ reconstruction, and mineral leasing) is less permissive than forest plan prescription and other areas the theme was more permissive. The Idaho Roadless Rule would take precedence over forest plans in areas with inconsistencies (whether the rule is more or less permissive). There are portions of several roadless areas within themes that would be less restrictive than existing forest plans. The final EIS, section 2.4, Responses to Other Questions, provides details on these areas. Appendix B in the final EIS was modified to provide the management direction for each prescription

found in existing plans and show what themes would be assigned to areas with that prescription.

Effects on roadless areas are disclosed in the final EIS and effects on specific roadless areas are included in appendix C. In addition, the FWS has consulted on this rule (see comment and response to 36.1). Although some areas may now permit temporary road construction for timber cutting, future road construction would comply with species-specific or resource-specific forest plan components, such as the Northern Rockies Lynx Amendment, grizzly bear habitat requirements, and INFISH/PACFISH (or other similar aquatic strategy).

In response to public comments, the Proposed Rule was changed in the Modified Idaho Roadless Rule with regard to permissions for surface occupancy within the Backcountry and GFRG themes. The Modified Rule would permit surface occupancy unless this activity is prohibited in forest plans. This additional language in the Modified Rule provides greater consistency with forest plans. In the example of the Targhee National Forest, forest plan direction prohibits surface occupancy for oil and gas leasing; therefore, this activity would also be prohibited within the Modified Rule. Where forest plans are silent on surface occupancy, this activity would be permissible in the Modified Rule.

## **10.2 Forest Plans Compared to Rule Direction: NFMA Compliance**

**The Proposed Idaho Roadless Rule prohibits future forest plans from changing direction/permissible activities that are “inconsistent” with the Idaho Roadless Rule through forest plan revision. This is at odds with Congress’ intent in enacting the NFMA. Congress provided clear direction for management**

**of activities on national forest lands, requiring the Forest Service to develop land and resource management plans (LRMPs) to govern all activities on a forest. These LRMPs were to be developed with extensive public involvement provided under NEPA. For example, Tribes and other publics have provided extensive input over the years into the development of the LRMPs for several forests. Many of the standards and guidelines existing on these forests reflect these ongoing efforts to ensure that habitat on NFS lands are maintained to provide for protection.**

*Response:* The rulemaking process is consistent with NFMA. One of the four alternatives considered in detail embodies the Existing Plans' direction for roadless areas. "The management direction proposed to be established by these regulations [Idaho Roadless Rule] would take precedence over any inconsistent regulatory provision or land and resource management plan" (final EIS, section 2.4, Response to Other Questions). Appendix B in the final EIS displays the relationship of each land management prescription to the Idaho Roadless Rule themes with regard to the permissible and prohibitive management direction of the Idaho Roadless Rule. The Modified Rule clarifies that where land management plan components are not inconsistent with this rule they would continue to provide guidance for projects and activities within Idaho Roadless Areas.

The process of developing this rule included extensive public involvement as well as Tribal and interagency consultation. Also see responses to Public Concerns in the Public Involvement section 3.2.4 of this appendix.

The Modified Rule provides a process for future changes to themes. Changes may be made to the Rule during the land

management plan revision process. If the change is significant it would require rulemaking; if not significant, the change would require public notice and comment. For example, if during revision the public desires a portion of a roadless area to be recommended wilderness and the area is in a Backcountry theme, then rulemaking would be used to adjust the theme to Wild Land Recreation so the management direction would be consistent.

Changes to prohibitions and permissions could also be made, but these changes would be subject to rulemaking.

### **10.3 Use of Standards and Guidelines a Flawed Assumption, Resulting in Under-Estimating Project Effects**

**The Forest Service should include in the cumulative effects analysis the potential for elimination of forest plan standards and guidelines as sideboards during project implementation. The draft EIS analysis relies on the retention of standard and guidelines, such as INFISH, as project level mitigation measures. For example, the draft EIS states that "Any timber cutting under any alternative would be designed based on applicable forest plan standards and guidelines." However, in many instances, those standards effectively prohibit road building and logging activities expressly authorized under alternative 3. As a result of the assumption that projects would conform to standards and guidelines, the effects from those projects are underestimated in light of the provision that the Idaho Roadless Rule would take precedence over any inconsistent regulatory provision. In addition, with the new planning regulations it is foreseeable that standards and guidelines would not be incorporated into new forest plans.**

*Response:* As stated in the above public comment and response (10.2), permissible and prohibitive activities of the themes are

aligned with forest plan components, for the most part. Appendix B in the final EIS displays the relationship of each forest plan management prescription to the Idaho Roadless Rule themes with regards to the permissible and prohibitive management direction of the Idaho Roadless Rule. A few inconsistencies exist where the Proposed or Modified Rules are more permissive than the forest plan components of Existing Plans. These are disclosed in appendix C of the final EIS.

The EIS analyzes effects at the programmatic level. The reliance on standards and guidelines or other forest plan components, FSM direction, and other regulations as side boards for analysis at both this programmatic level and future project-level is an appropriate application. Use of these forest plan components does not underestimate effects within this programmatic EIS, because the effects are expressed in comparison among the alternatives. Standards and guidelines or other forest plan components are equally applied to all the alternatives. As for guidelines such as PACFISH and INFISH, the Forest Service has demonstrated the value of these conservation measures by incorporating them into existing forest plans through plan amendments or through development of similar aquatic strategies in more recent forest plan revisions (such as SWIEG, and the proposed Idaho Panhandle National Forests plan revision). Although there is no clear direction for how INFISH/PACFISH or other conservation strategies would be incorporated into new forest plan revisions under the 2008 Planning Rule, it is the intent that forest plan revisions would incorporate aquatic strategies having outcomes similar to INFISH/PACFISH into forest plan components to assist with project-level planning and implementation.

## Theme assignments

### 10.4 Inventory Incomplete

**The Forest Service should not use draft forest plans to assign management themes as outlined in alternative 3. There is a lack of defensible inventory of roadless areas, such as areas adjacent to the Gospel Hump Wilderness on the Nez Perce National Forest and areas adjacent to Meadow Creek Idaho Roadless Areas in the Clearwater National Forest. Inventories in these draft forest plans are incomplete and do not reflect the new information.**

*Response:* As described in appendix A, a concerted effort has been made to use the best available inventoried roadless area boundaries for the analysis in this EIS. The draft EIS used roadless inventory from the 2001 Roadless Rule updated to 2007, the date of this project's draft EIS. Since the 2001 Roadless Rule was released, forests have continued to refine roadless area boundaries as part of the land management plan revision process and in accordance with Agency direction (FSH 1909.12, chapter 70). Information regarding roadless area inventories for the Clearwater, Nez Perce, and Idaho Panhandle National Forests has been made available to the public on their associated forest plan revision websites since 2006 (<http://www.fs.fed.us/cnpz/> and <http://www.fs.fed.us/kipz/index.php>).

## Other Management Plans

### 10.5 Fire Management Plans

**The Forest Service should explain in the final EIS how the Proposed Rule would affect existing fire management plans, wildland fire use, and the zones where fire use is permitted. Also, explain if amendments to forest plans would be required to implement new fire management plans.**

*Response:* A fire management plan is the document used for implementing a forest's fire management program based on policy, forest plan direction, and other national, regional, or local guidance or decisions. It is not in itself a decision document. By policy (FSH 5103.50.3), fire management plans are updated each year to reflect changed conditions including new policy, revised or amended forest plan direction, and other changes. The final Idaho Roadless Rule would have no direct effect on fire management plans because it would not alter how a forest would determine the appropriate management response to a wildland fire, including wildland fire use (see final EIS, section 3.3, Fuel Management). Since the final Rule has no direct effect on fire management plans, no forest plan amendment would be required.

### **10.6 Clearwater Plan Settlement Agreement**

**The Forest Service should include in the final EIS a discussion on how the final Rule will comply with the Clearwater Plan Settlement Agreement (Stipulation of Dismissal, The Wilderness Society, et al. v. F. Dale Robertson, et al. Civil No. 93-0043-S-HLR, 1993). "The settlement agreement on the Clearwater National Forest (CNF) plan is legally binding. It states in section II. a: The Forest Service agrees, effective immediately, not to approve any timber sale or road construction project decisions within the area covered by the proposed 'Idaho Wilderness, Sustainable Forest and Communities Act of 1993,' H.R. 1570 and that such lands would be managed according to forest plan standards and guidelines for recommended wilderness (Management Area B2). The Forest Service further agrees to apply these management prescriptions to any area(s) added by amendment to H.R. 1570, and to any area(s) included in any other Idaho wilderness proposal introduced in**

**Congress by any member of the Idaho delegation."**

*Response:* The Proposed or Modified Rule would not direct management in conflict with current settlement agreements in the Clearwater National Forest. Future projects implemented under the Rule would be consistent with forest plan components and the Clearwater Plan Settlement Agreements. The Rule does not require the Agency to act. It permits or prohibits activities depending on the management theme designation.

### **10.7 Other plan settlement agreements (did not put this in the regulatory framework section)**

**The Forest Service should address in the final EIS how the Proposed Rule complies with the NFMA and the NEPA with respect to settlement agreements and rulings for the Caribou-Targhee National Forest, Payette National Forest, Idaho Panhandle National Forests, and others.**

*Response:* The Proposed Rule is consistent with NFMA and NEPA with respect to these plan resolutions (see response in sections 3.2.9 in the 3.2.40).

In response to comments, the Caribou, Payette, and Idaho Panhandle National Forests reviewed current settlement agreements for consistency with the Proposed and Modified Rules.

On the Caribou-Targhee National Forest, there is one active settlement agreement on the Curlew National Grassland, which does not contain Idaho Roadless Areas. The Proposed and Modified Rules do not conflict with this settlement agreement ruling on the Caribou-Targhee National Forest.

On the Payette National Forest, a plan settlement agreement with respect to changed conditions resulted in a forest plan revision. Other settlement agreements concern bighorn sheep and avian

management. The forest is in the processes of addressing these settlement agreements. . The Rule would not direct conflicting management with current settlement agreements on the Payette National Forest. Future projects implemented under the Rule would be consistent with forest plan components and settlement agreements.

On the Idaho Panhandle, there are two settlement agreements that resulted in forest plan amendments. An amendment incorporated a set of motorized access and security guidelines for the IPNF forest plan to meet ESA responsibilities and to conserve and contribute to the recovery of grizzly bear in the Selkirk and Cabinet-Yaak Recovery Zones as well as grizzly bear occupied areas outside of the recovery zones. The Rule would not direct conflicting management with this settlement agreement.

Another amendment clarified the Forest's intent to protect eligible Wild and Scenic Rivers until suitability studies were completed. The Wild and Scenic Rivers that were eligible in the 1987 Forest Plan are being proposed as eligible in the Proposed Land Management Plan and in addition, are identified in the Proposed and Modified Idaho Roadless Rule as Special Areas, which would follow forest plan management direction.

### 10.8 Revision Compared to Amendment

**The Idaho Roadless Rule is a forest plan revision for all forest plans in Idaho. Clarify revision compared to amendment.**

*Response:* As explained in the final EIS, section 2.4, Response to Other Questions, under the Idaho Roadless Rule, direction for management of Idaho Roadless Areas would be established by regulation. Regulations supersede forest plan direction and cannot be changed by forest plans. Therefore, future projects taken to implement the forest plan in roadless areas

would be required to be consistent with the Rule. As a result, the Proposed Rule would compel neither a forest plan revision nor an amendment.

### 10.9 Number of Idaho National Forests and Planning Status of Each

**The Forest Service should clarify how many national forests are in Idaho and at what stage each forest is with respect to forest planning.**

*Response:* As indicated in the draft EIS in footnotes on p. 43, 12 national forests lie partly or entirely within Idaho. Five forests have completed forest plans – Boise, Caribou, Payette, Sawtooth, and Targhee; revision of seven other forest plans are ongoing and are unlikely to be finalized prior to issuance of this Rule – Challis, Clearwater, Idaho Panhandle, Kootenai, Nez Perce, Salmon, and Wallowa-Whitman. In two cases, the Kootenai and Wallowa-Whitman, the forests lie almost entirely in States outside Idaho, with only small portions within Idaho.

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## 11. Change Clause

### 11.1 California v. Block

**The Forest Service should analyze and disclose potential changes to and impacts on foreseeable re-assignments of recommended wilderness status.**

*California v. Block* requires a site-specific analysis of roadless areas to determine if re-designation of recommended wilderness may affect wilderness characteristics for potential future designation. Re-designation brought about by the change clause of the Idaho Roadless Rule may have incremental cumulative effects on the erosion of protections and wilderness characteristics and potentially be inconsistent with *California v. Block*.

*Response:* The Proposed or Modified Idaho Roadless Rules do not change or re-assign the recommended wilderness status as

designated in existing forest plans. The NFMA provides direction for the periodic evaluation of roadless condition of undeveloped lands for their potential as wilderness in future forest planning efforts. Neither the Proposed nor Modified Idaho Roadless Rule would affect this requirement. Changes to recommended wilderness status can be accomplished only through NFMA and forest planning; therefore, existing recommended wilderness would continue to have recommended wilderness status until a forest plan revision, including public involvement, makes alterations to the status. Neither the Proposed nor the Modified Idaho Roadless Rule confers recommended wilderness status. Future evaluation of wilderness potential of undeveloped lands would occur in future forest planning efforts, irrespective of the theme assigned by the Idaho Rule. For the Wild Land Recreation, Backcountry, SAHTS, and Primitive themes of the Modified Idaho Roadless Rule, timber cutting and road construction/reconstruction, may affect roadless characteristics in the short term; however, over the long term, all activities would also need to maintain or improve one or more roadless characteristics. Effects on roadless characteristics are disclosed in the final EIS, section 3.14, Roadless Characteristics, and effects on specific roadless areas are included in appendix C. However, wilderness evaluation is an analysis not only of the current condition and use, but also of the capability, availability, and need; wilderness evaluation is specifically not tied to current management direction.

*California v. Block* (1982) was a court decision that established the need for a specific level of impact analysis of effects on roadless areas. As a result, the Forest Service compiled comprehensive

descriptions and maps of each roadless area in the NFS. These have been incorporated into all forest plan EISs as appendix C since the 1990s. This final EIS includes an appendix C that duplicates and updates the forest plan final EIS appendix C for all Idaho Forests for each roadless area specifically. In response to public comment, the final EIS appendix C also includes environmental consequences for application of each theme to each roadless area.

The Proposed and Modified Idaho Roadless Rules would establish a procedure where changing societal needs or environmental circumstances may necessitate a need for change to the management/theme status of individual roadless areas or portions thereof. In such cases, public comment and notice would be required prior to any change in management theme for Idaho Roadless Areas. Administrative corrections by their nature are not substantive to the management of each area. They refer to technical corrections of size, location, and naming that may result from identification of errors, application of newer inventories, or improved mapping technologies. In the Proposed Rule, public notice was considered sufficient to identify these changes to interested publics, but because they typically do not create any change in management of the area, there was no need for additional analysis or public comment. However, in response to public comments with concerns regarding public notice for use of the “change clause,” the Modified Rule was refined from the Proposed Rule to provide an opportunity for public comment, not just public notice, on all changes to the rule, whether “administrative corrections” or changed management classifications. At the time of a proposed change, a determination would be made about the appropriate level of NEPA analysis.



## 11.2 Future Adjustments May Put Current Roadless Areas at Risk

Would the proposed mechanism for administrative corrections and modifications be sufficient to accommodate future adjustments necessary because of changed circumstances or public need? Future adjustments would be a big issue. Already, people are lining up to change the status of roadless areas. For instance, the 2007 fires almost completely annihilated the ecological integrity of several central Idaho Roadless Areas. If local concerns are not quickly and satisfactorily addressed by the proposed mechanism, the local population has learned that legal action can be effective. This would open a whole new can of worms, because even one successful challenge, via a faulty EIS, would put the status of all roadless areas at risk.

*Response:* Changes to the ecological status of inventoried roadless areas due to environmental circumstances would not affect the inventory except through additional rulemaking, including public notice and comment. The Idaho Roadless Rule establishes a procedure where changing societal needs or environmental circumstances may necessitate a need for change to the management status of individual areas. In such cases, public comment and notice would be required prior to any change in management theme for Idaho Roadless Areas. While administrative corrections may not trigger NEPA, a minimum of 45 days public comment period would be required in the Modified Rule, allowing the public full disclosure, notice, and opportunity to be involved.

The rule has a severability clause, which means if one part is found unlawful; the remainder of the Rule is still in effect; therefore, the hypothetical successful

challenge would not affect the status of all roadless areas.

## 12. Roadless Inventory

### 12.1 Roadless Inventory Incomplete

The Forest Service should clarify what are the Idaho Roadless Areas and explain that they are based on and how they are different from the 2001 Roadless Rule. Current roadless inventories are incomplete, lack site-specific information, and in some cases had no public involvement regarding changes from existing forest land management plans.

*Response:* Idaho Roadless Areas are based on the most current inventory of roadless areas (final EIS, appendix A). The 2001 Roadless Rule used the inventories of record from late 1999 as the basis for boundaries. The Idaho Roadless Rule used these areas as a starting point but also looked at updates identified through forest plan revision efforts, most notably for the southwest Idaho national forests (Boise, Payette, and Sawtooth, 2003) and the Caribou-Targhee National Forest (2003–1998, respectively). New inventories for northern Idaho forests (Idaho Panhandle, Clearwater, and Nez Perce) currently in forest plan revision were the basis for the Proposed and Modified Idaho Rules. These inventories are based on Agency direction found in FSH 1909.12 section 70. The only old inventory is from the Salmon-Challis National Forest, which dates to its forest plan from the mid 1980s.

Changes to the roadless inventory reflect improvements in mapping, use of GPS, and elimination of areas that had been developed since the last inventory of record. Inventories used for the Proposed and Modified Idaho Rules had all received some formal review and comment by the public during the forest planning process (see response to 10.4).

## 12.2 Lime Creek Roadless Area Boundaries

**The Forest should re-evaluate the Lime Creek Roadless Area boundaries to consider snowmobile and snowcat skiing use. Approximately 75 percent of the recreationists using this roadless area are motorized users.**

*Response:* The Idaho Rule does not affect travel management. Roadless area boundaries are also not affected by winter time motorized use. The presence of motorized use within a roadless area is one factor considered during evaluation of roadless areas for their wilderness potential but it does not affect roadless area boundaries (FSH 1909.12 chapter 70).

## 12.3 Mapping of (All) Roads – Exclude Any Roadless Areas From the Inventory if They Have Roads

**The analysis should include a map of all roads within Idaho Roadless Areas, including historical roads, row tracks that are used to reach irrigation facilities, mines, private land, and county asserted RS 2477 claims. These roads should be excluded from roadless area consideration.**

*Response:* A map of all system and non-system roads was used for the analysis in both the draft and final EISs. The information from this map is displayed in the final EIS, section 3.2, Road Construction and Reconstruction. More specific road or trail information would be included in the transportation atlas at the forest level. Idaho Roadless Areas are based on the most current inventory. Some inventories, such as the Salmon-Challis, have not been updated since the 1980s.

Based on public comment on the draft EIS, some areas that do not have roads were changed to the Backcountry theme, while others that do have roads, such as on the Salmon and the Targhee were changed from Backcountry to GFRG. See final EIS,

appendix P, for theme change considerations and dispositions for the Modified Rule.

In addition, during development of the Petition, several counties recommended dropping 25 roadless areas from the inventory because they were either less than 5,000 acres or they were roaded. These areas were reviewed, and three roadless areas were recommended for dropping (Telephone Draw, Kootenai Peak, and Hellroaring) or for adjusting the boundary (Buttercup). None of the areas would be dropped from the inventory. However, Kootenai Peak and Hellroaring on the Idaho Panhandle National Forests were placed into the GFRG theme. A portion of Telephone Draw is in GFRG and a portion in Backcountry. The portion of the Buttercup Roadless Area that overlaps the ski area was placed into a forest plan special area and would be managed according to forest plan direction (appendix G, Roadless Area Technical Review).

## 12.4 All Roads Should Be Excluded From Inventories

**All roads, regardless of their type and their “area of influence,” should be excluded from roadless area inventory and mapping.**

*Response:* There are two situations where roads may be included in a roadless area. Some types of roads do not disqualify an area from consideration as potential wilderness during roadless inventory. While this may seem illogical, certain types of user-created routes, non-improved roads, and routes that do not have constructed features have been included in roadless inventories in the past. The rationale for including these routes in the inventory is that Congress has included them in wilderness designations in the past because they can be easily restored to a natural condition and they do not adversely affect

the naturalness or undeveloped character of the area once motor vehicle use is prohibited.

Some Idaho Roadless Areas also have roads that reflect development that occurred between the last forest plan inventory and the start of the 2001 Roadless Rule. These routes are artifacts of the inventory process and are recognized as being included in some roadless areas. The Proposed and Modified Idaho Roadless Rules would designate what areas are to be considered Idaho Roadless Areas. These would not change unless modified through the change clause. In the future, forests would continue to review undeveloped lands contained within Idaho Roadless boundaries for their wilderness potential, but this review would not result in changes to the Idaho roadless inventory. As of 2008, all Idaho national forests except the Salmon-Challis have updated their roadless inventories during forest plan revision efforts. Many of the roaded areas on the Salmon portion of the Salmon-Challis National Forest were placed into GFRG because they were already roaded.

### 12.5 Roads in Roadless Areas

**Roadless areas should not be considered roaded if they have roads. It could be construed that the Forest Service has, in fact, without appropriate NEPA analysis and disclosure, made travel plan decisions that would decommission or obliterate roads that do exist but would not be accommodated in order to create a larger block of roadless area.**

*Response:* The Proposed and Modified Idaho Roadless Rules do not provide direction for travel management and do not make any travel management decisions. Management direction related to these activities would be developed by other existing planning and regulatory processes such as forest-level travel management

planning. Guidance for travel management including decommissioned roads is currently being developed by travel management planning specifically by each national forest across the country. See response to comment to 12.4 for a discussion on roads within roadless areas.

### 12.6 Roadless Area Boundaries

**Boundaries should follow topography of the land.**

*Response:* Roadless area boundaries can be set by any number of criteria, including offsets from roads, natural terrain features, proximity to structures and developments, and topography. Inventory boundaries reflect the undeveloped condition of the landscape. Boundary management and adjustments are not included in the management direction provided in the Proposed and Modified Rules. Boundary adjustments are considered during evaluation of wilderness potential through the forest planning process (FSH 1909.12, chapter 70).

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## 13. Access

### 13.1 Access Rights and Values

**The Forest Service should consider the effects of prescriptive rights to access to NFS lands if no roads are permitted for access to roadless areas. The Forest Service should include in this analysis that land owners purchasing lands around roadless areas could block access.**

*Response:* For all alternatives, management direction includes “protecting access to property, by ensuring that States, Tribes, and citizens owning property within roadless areas have access to that property as required by existing laws.” See final EIS, Purpose of and Need for Action, section 1.3 for further discussion. Effects analysis in the final EIS, chapter 3, includes a projection of 1 mile per year for road construction associated with these rights.

Cumulative effects of private property purchases surrounding roadless areas would be analyzed at site-specific project-level planning or other forest-wide planning efforts such as forest plans or travel management planning.

### 13.2 Access and ANILCA Effects

**The Forest Service should include the cumulative effects that the promulgation of this Rule would have on Alaska National Interest Lands Conservation Act (ANILCA) access claims in Idaho roadless areas. The Rule may influence claims currently accessing roadless areas via non-road mechanisms (such as horse or foot) to now request a road for “reasonable” access into management themes that allow for road building as a permissible activity. The Forest Service should consider that mining claim road access requests may increase with the new allowances for road building in some roadless areas. The Idaho Rule would expand “reasonable” access. The Forest Service should disclose the nature of private ownership within Idaho Roadless Areas, the potential for land exchanges to affect these areas, past claims, and the likelihood of future ANILCA claims and effects on Idaho Roadless Areas.**

*Response:* As described in response 13.1, management direction for the Idaho Roadless Rule provides protection for property rights access. As described in the final EIS, section 3.1, Introduction, the Agency projects an average of 1 mile per year of new construction in roadless areas for “other” (non-timber) access roads associated with rights-of-way, including ANILCA access, locatable minerals, and existing phosphate leases. The projected 1-mile average is the same for all alternatives and reflects the best estimates of the Idaho national forests combined.

Management direction for access rights under ANILCA would be administered in

the same manner for all alternatives; therefore, the projections for road construction for this purpose are consistent for all alternatives. There are no new allowances for access rights with the Idaho Roadless Rule. New permissible road construction and reconstruction for other purposes (such as fire risk or forest health) under the Idaho Roadless Rule would not influence claims for access through a new road compared to requests for access via horse or foot travel, because the right to request access through ANILCA is consistent for all alternatives.

The final EIS, appendix N, discusses known and foreseeable land exchanges, which could potentially increase Idaho Roadless Area acreage. Adjustments for other land exchanges are unpredictable in location, timing, and magnitude; therefore, they are not reasonably foreseeable future actions. Other than identifying the possibility that land exchanges in the future could add or subtract an unknown amount of acreage to or from Federal ownership within roadless areas, it would be speculative to predict land exchanges in roadless areas.

Because the potential for access claims to private property inholdings within roadless areas is constant among all alternatives, the final EIS analysis did not include the acres of known inholdings within roadless areas.

### 13.3 Access to Water Rights Development Needs to Be Assessed

**Roadless inventory should take into consideration water rights development and access.**

*Response:* See responses to 13.1 and 13.2. Protection of legal access to valid existing rights, including water developments, is part of the management direction of the Idaho Roadless Rule. These access rights are administered through ANILCA, and execution of ANILCA is consistent among all alternatives. The Proposed and Modified

Idaho Roadless Rules allow for consideration of road construction in situations where a valid existing right exists.

### 13.4 Airstrip Access

**The Forest Service should preserve all pre-established Forest Service airstrips in Idaho wilderness areas. They provide a low-impact, historically justified access to roadless areas of Idaho.**

*Response:* The Idaho Roadless Rule does not address travel management, which includes airstrip access. Management direction related to those activities would be developed by other existing planning and regulatory processes such as forest-level travel management planning. The Proposed and Modified Idaho Roadless Rules would not affect airstrip access in Idaho's roadless areas. Landing of aircraft at airstrips already established in wilderness areas at their time of designation is permitted under the Wilderness Act of 1964. In addition, the Central Idaho Wilderness Act of 1980 provides for the continuation of service of airstrips on national forest lands within the Frank Church-River of No Return Wilderness. The State of Idaho recently completed a strategic plan for Idaho's backcountry airstrips, called the Idaho Airstrip Network. The Forest Service is a party to a memorandum of understanding (2008) with the State and other Federal agencies and aviation partners to preserve and maintain Idaho's airstrip resources.

## 14. Vegetation

### General Comments

#### 14.1 Sustained Yield Timber Harvest Is Important to the Survival of Local Communities

**The Forest Service has not managed the timber on a sustained yield basis, as required by law. Instead, the Agency**

**makes management decisions on a 10-15-year cycle through their various plans. This is a poor way to manage a crop that can be harvested only every 100-125 or 130 years. Depending on the elevation, the timber is cut as soon as it reaches a marketable maturity. Not managing for sustained yield is against the law.**

*Response:* Sustained yield is mandated by law (MUSYA of 1960) and further regulated by the NFMA; the role individual forest plans play is to set established long-term sustained yield volumes based upon the productivity capabilities and management objectives for each forest during the forest planning process. While it is correct that a forest plan is on a 10- to 15-year cycle, the rotation cycle to determine sustained yield is not based on procedural planning regulations, but rather on silvicultural and professional forest management practices. Elevation, species, climate, forest health, and wildlife habitat needs are examples of factors taken into account when deciding the rotation and volume of timber harvesting. Further, the sale and disposal of timber are governed by the Code of Federal Regulations (Title 36, CFR, part 223), which is administered by each national forest.

Neither the Proposed nor the Modified Idaho Roadless Rules would establish sustained yield volumes, but rather would provide direction for management of roadless areas within these sustained yield limits. Any potential timber harvest would occur within the sustained yield context established through individual land management plans.

#### 14.2 Forest Stewardship Program

**The Forest Service should promote forest stewardship to provide a steady income and job environment, as opposed to the volatile timber industry.**

*Response:* The purpose and need of this project is to provide State direction for

conservation and management of roadless areas within the State of Idaho (final EIS, section 1.3, Purpose and Need for Action). Economic analysis is included in the final EIS, section 3.17, Social and Economic. Economic analysis of the vegetation management program (including forest stewardship) outside Idaho Roadless Areas is included in the individual national forest plans for each national forest in Idaho.

Individual forest plans establish the relationship between management programs and employment and incomes based on the projected levels of activities. Evaluation of stewardship needs is conducted at the forest plan level to address management of the entire forest land base, not just roadless areas, and at the project level based on the site-specific objectives of each project.

### 14.3 Timber Harvesting Needs to Be Allowed

**The Forest Service should not reduce timber harvesting as a management activity. Do not reduce existing areas to harvest timber. It would kill the timber industry and negatively affect forest health by accelerating insects and diseases and consequently increasing the risk of catastrophic wild fires.**

*Response:* The EIS acknowledges the unresolved debate over the management of Idaho Roadless Areas (final EIS, section 1.1, Introduction). One of the purposes of the EIS is to consider alternative levels of prohibitions and permissions for timber cutting, sale, or removal in these areas.

The alternatives in the final EIS provide different levels of limited opportunity for timber harvesting in roadless areas. Projected outputs range from 3 MMBF annually under the 2001 Roadless Rule to 13.36 MMBF under the Existing Plans, and 5.83 MMBF under the Proposed Idaho Roadless Rule. The Modified Idaho

Roadless Rule would provide an estimated 5.04 MMBF (final EIS, section 2.5, Comparison of Alternatives table).

Timber harvesting is permitted for the purposes of forest health and fuels management within the four alternatives, with varying exceptions. While local economic opportunities are an important component when balancing environmental needs with social and economic needs, conserving roadless areas is also important. Even prior to the 2001 Roadless Conservation Rule, timber harvesting in roadless areas has never been a large source of commercial timber.

The four alternatives provide for differing levels of forest health management. The final EIS, section 2.5, Comparison of Alternatives, describes the needs and opportunities for forest health management.

### 14.4 Forest Service Timber Cutting Regulations Should Align With the State Of Idaho's Rules.

**The State of Idaho does not hold Federal lands in Idaho accountable to follow State law. The Forest Service does not hold its employees accountable to follow Federal law. The State of Idaho has a clearcutting restriction of 10 acres. Why does the Forest Service exceed this restriction?**

*Response:* Timber harvest on NFS lands is governed by the NFMA of 1976; individual national forest plans were developed as a result of this law. The NFMA provides direction regarding the size of clearcuts, which generally are restricted to 40 acres or less. Exceeding this limit requires approval by the regional forester where the national forest is located. All timber sale projects, regardless to their proposed size of harvest areas, are required to be analyzed through the appropriate level of NEPA and public involvement prior to implementation.

State forest lands of Idaho are managed under the purview of the State and have their own regulations and direction for management. Idaho Roadless Areas are Federal lands and are managed under the jurisdiction of the individual national forests in the State of Idaho; therefore, these lands subject to Federal laws and regulations.

#### **14.5 Vegetation Diversity and Wildlife Habitat**

**The Proposed Rule limits the diversity in vegetation types and wildlife habitat (e.g., mule deer habitat) by allowing for development on roadless areas in Southern Idaho. Diversity of Idaho national forests is at risk because of the lack of specific protections for these areas. The Caribou-Targhee National Forest has some of the last remaining Idaho Roadless Areas that contain sagebrush/aspens interface and aspen/conifer woodland type.**

*Response:* In response to public concern regarding areas of the Caribou-Targhee National Forest in the GFRG theme, the Proposed Rule was changed for the Modified Rule to reduce the acreage of GFRG in the Caribou-Targhee. About 398,800 were in the GFRG theme in the Proposed Rule for the Caribou-Targhee National Forest; the Modified Rule designates 205,700 acres of GFRG in the Caribou-Targhee National Forest, a reduction of 193,100 acres from the Proposed Rule. All these acres were placed into the Backcountry theme. In addition, permissions for road construction/reconstruction associated with mineral leasing were removed (except for phosphate leasing), and the permission for surface occupancy was modified to be permissible, unless prohibited in a forest plan. See response to 6.17 for further discussion of changes to the GFRG theme, and appendix P for specific changes to roadless area

theme designation in response to public comment.

In addition, the appropriate level of NEPA would be done for site-specific analysis that would include consistency with forest plan components, which may include vegetation diversity components for sagebrush and aspen. Maintenance and management direction for vegetation diversity is provided in forest plans and FSM direction. Future proposed projects would provide consistency with these management directions and other regulations and policies through the appropriate level of NEPA.

#### **Affected Environment**

##### **14.6 Treatment Types**

**The Forest Service should analyze and display the feasibility of the types of treatment (such as prescribed fire, harvest, etc.) that would meet the purpose and need objectives, and should consider what type of road (if any) is needed to meet those objectives. For example, the Forest Service should display how much mechanical treatment would occur from existing temporary roads compared to how much prescribed fire would occur without temporary roads to meet management objectives.**

*Response:* The final EIS, section 3.2, Vegetation and Forest Health, compares the projections for vegetation management among the four alternatives that would meet management direction to protect communities from severe wildfire or other risk and protect forests from severe wildlife and insect and disease. To meet management direction, multiple tools are available, such as thinning/harvesting treatments with or without temporary roads, and prescribed fire without temporary roads. Because this is a programmatic EIS that focuses on the direction of management for Idaho

Roadless Areas, no site-specific project proposal is evaluated. Any future proposed activity in Idaho Roadless Areas would require site-specific NEPA analysis, including specifics on vegetation management activities and alternatives, including any road construction/reconstruction that may be associated with the project proposal.

In general, the 2001 Rule does not permit roads. Helicopter harvest would be the principal yarding method, with activities primarily occurring ¼- to ½- miles from existing roads (final EIS, section 3.2, Vegetation and Forest Health). The remaining alternatives permit roads to varying degrees. Alternative projections for timber harvest and road building in association with harvest are included in the final EIS, section 3.1, Analysis Assumptions and Projections. The basis for these projections is also explained in this section. The decision for which tool to use and whether permanent, temporary, or no roads are required to meet management direction would be made prior to initiation of any project. A site-specific analysis, using the appropriate level of NEPA, would disclose direct, indirect, and cumulative effects of the Proposed Action.

The Modified Rule prohibits road construction/reconstruction to facilitate timber cutting, sale, or removal in the Wild Land Recreation, Primitive, and SAHTS themes. The Rule permits temporary road construction in the Backcountry theme if it is within the CPZ. The rule also requires that other ways to access the treatment areas be considered. Outside the CPZ, the rule permits temporary road construction if the activity cannot be reasonably accomplished without a temporary road and the project maintains or improves one or more of the roadless area characteristics over the long-term.

### 14.7 Definition of Old Growth

**The definition of old growth needs to be referenced to an established, widely accepted definition.**

*Response:* The Forest Service uses old-growth definitions based on Green et al. (1992, updated 2005) and Hamilton (1993). These definitions are for the Forest Service Northern and Intermountain Regions, respectively, and were developed by interdisciplinary teams in both regions. Old-growth definitions in these documents vary by forest type and site potential, and include minimum characteristics of tree size, age, density, and numbers. Other characteristics sometimes associated with old growth (canopy layers, snags, down wood, etc.) are not part of the old growth definition, because these can vary greatly even in stands that are clearly old growth. The associated characteristics may sometimes be useful in assessing certain specific resource values.

### Environmental Consequences

#### 14.8 Logging Contributes to Insect and Disease Epidemics

**The Forest Service needs to include an analysis that shows the degree to which logging contributes to insect and disease epidemics.**

*Response:* Timber harvest can contribute to the activities of certain insect and disease agents. Examples include stump colonization by certain root diseases, and some bark beetles that can reproduce and build populations in logging slash. There are site-specific occurrences that are associated with many factors, such as presence of disease and the quantity and size of post-harvest slash.

The final EIS, section 3.2, Forest Health–Insect and Disease: Environmental Consequences, provides additional information on silvicultural practices,



including timber harvest and associated activities, and their relationship to insect and disease populations. This includes additional references related to management of specific insect and disease agents, including possible negative effects. Because of the programmatic nature of the Proposed and Modified Idaho Roadless Rules, it is not possible to address every combination of site factors and biotic agents that influence forest health, including insects and diseases.

Since individual forest sites are unique, the relationship between vegetation management activities (including timber harvest) and their potential effects on insect and disease conditions are most appropriately dealt with when project proposals are developed, and their effects would be analyzed and disclosed in the site-specific project NEPA document. This analysis and disclosure would include both potential positive and adverse impacts on insect and disease agents within the project area, and provide information on mitigation measures necessary to limit adverse impacts of timber harvesting.

## 15. Forest Health

### **Affected Environment**

#### **15.1 Cover Types and Forest Health**

The Forest Service should include additional baseline information in the Vegetation and Forest Health Affected Environment descriptions to assist in evaluating the risk of insects and diseases. Table 3-4 should display the cover types by roadless areas to assist in evaluating the risk for insects and diseases.

*Response:* Forest Inventory and Analysis (FIA) data were used to estimate the amount of forest vegetation by forest cover type for all national forest lands in Idaho. The FIA inventory uses a sampling design based on a balanced, systematic grid to

measure forest vegetation. The State of Idaho has 10 percent of the grid plots measured annually. The selection of grid plots measured annually is done in such a manner that the results are statistically reliable. At the time of the publication of the EIS, only 20 percent of the total inventory plots for NFS lands was available.

The FIA cover type map, modeled from the existing FIA inventory, was used to depict forest cover types in Idaho Roadless Areas because only a portion of the total inventory has been measured on the 20.5 million acres of Idaho's NFS lands. This is the best information available at this time.

A discussion of the major cover types in Idaho Roadless Areas is contained in the final EIS, section 3.2, Vegetation and Forest Health. Currently, the vegetation inventory of every roadless area in Idaho is not sufficient to estimate and display the amount of cover type for each roadless area. However, the extent of major cover types, considering all roadless areas in Idaho, was used for purposes of context and to provide a baseline for the subsequent discussion on risks by cover types. Additionally, this section also includes the comparison of overall risk between Idaho Roadless Areas and NFS lands outside roadless areas.

#### **15.2 Forest Health and Sustainability**

The Forest Service needs to define the term sustainable in the context of the Idaho Roadless Rule EIS and Forest Health. The Forest Service should include a discussion on how sustained management is positive for roadless areas.

*Response:* Sustainable management includes management activities that allow for continuous goods and services to be provided over time. The goods and services can include a variety of ecological, social, and economic benefits that are provided to American citizens. In the context of the Idaho Roadless Area conservation, this

includes maintaining roadless characteristics at different degrees by recognizing the uniqueness of individual roadless areas, while addressing the range of projected activities associated with the alternatives.

The EIS addresses the potential impacts for each alternative, including the potential effects of different levels of management. Discussion of the comparative levels of different aspects of forest health is contained in the section 3.2, Vegetation and Forest Health.

## **Environmental Consequences**

### **15.3 Whitebark Pine**

The Forest Service should include a discussion on the potential effects on white bark pine populations because of the effects of mountain pine beetle in the unmanaged and at-risk lodgepole pine forest types. Unmanaged lodgepole forest types affected by mountain pine beetle may also affect whitebark pine populations and subsequently affect grizzly bear populations.

*Response:* Research indicates that there is a relationship between mountain pine beetle populations that occur in susceptible lodgepole pine stands and the possible “contagion” effects that may include spreading into whitebark pine stands. The combination of mountain pine beetle, fire suppression, and blister rust has reduced the extent of whitebark pine forests in Idaho (final EIS, section 3.2, Vegetation and Forest Health). Historically, mixed severity fires maintained whitebark pine at high elevations by removing competing species. Without fire, whitebark pine is eventually replaced by subalpine fir and spruce. This change to spruce/ fir could indirectly affect grizzly bears (Arno and Hoff 1990; Tomback et al 2001). All alternatives permit timber cutting, sale, or removal (without

roads) and prescribed fire to restore ecosystem composition and structure; therefore restoration of whitebark pine forest is permitted under all alternatives. Management strategies that address threats to whitebark pine, including the mountain pine beetle populations associated with lodgepole pine, would be addressed before each project, with the appropriate level of NEPA and public involvement.

### **15.4 Process Must Be Improved to Facilitate Forest Health Treatments**

The Forest Service should plan for mechanical treatments based on risk rather than ongoing crises because it is extremely difficult to respond in a timely preventative fashion to natural ecosystem disturbances such as wind-throw, ice storms, hurricanes, and other events that would allow rapid insect or disease outbreaks to reach epidemic levels.

The NEPA process, appeals, litigation, and road development on national forests, plus the actual start-up to conduct timber operations, takes 18 months to 2 years to begin the allowed treatment operations. This long period usually allows insects such as bark beetles with more than one generation per year to exceed the current timber industry capability to accomplish significant control that might slow the insect outbreak.

*Response:* Risk rating can be completed and prioritized years before actual outbreaks occur. A broad-scale risk assessment was provided in the final EIS, section 3.2, Vegetation and Forest Health, with accompanying discussion of the different forest types and their potential threats. This is useful for determining which forest stands are at greatest risk, and for allowing for appropriate time frames for analysis and planning of treatments. Landscape and site-specific risk assessments would be needed on individual

national forests to address and prioritize the specific threats.

The Proposed and Modified Idaho Roadless Rules do not direct or mandate any activities within roadless areas, but do allow different management tools to be available by alternative and theme. Based on the prohibitions and permissions, work plans can be developed. These plans help identify high-risk areas and help determine priorities based on projected budgets for the upcoming year. The Forest Service is on a 2-year budget cycle, meaning the Agency plans 1 year in advance. By planning several years ahead of time, delays caused by appeals or litigation can hopefully be taken into account. However, due process does take time and sometimes decisions are not as quick as desired. The Agency makes every attempt, within the confines of the law, to expedite projects as quickly as possible.

### **15.5 Scheduled Management Activities to Mitigate Forest Health Issues May Not Be Enough**

**Most of central Idaho backcountry roadless areas need major repair after the 2007 fires. Considering the dearth of Federal funds, backcountry forest health activities might be best accomplished with cost-effective roads and with monetary help from associated economic activities such as salvage timber sales.**

*Response:* Site-specific analysis would be required to determine the type of restoration work required and whether commercial timber harvest is the proper tool to assist in restoration. The Proposed and Modified Idaho Roadless Rules permit or prohibit different activities based on management theme, but they do not make site-specific decisions. Decisions regarding what tools to use, regardless of urgency, would be assessed at the Forest and District

levels with the appropriate level of NEPA and public involvement.

### **15.6 Forest Health and Logging**

**An analysis needs to show what impact logging has on protecting forests from insects and diseases or the effects logging may have on forest health. Clarify the term forest health and significant risk, and discuss how salvage is considered a forest health tool. The terms are so ambiguous that the current effects analysis is either underestimated or not comprehensive.**

*Response:* The final EIS, section 3.2, Vegetation and Forest Health, provides additional information on silvicultural practices, including timber harvest and associated activities, and their relationship to insect and disease populations. This includes additional references related to management of specific insect and disease agents, including possible negative effects. Because of the programmatic nature of this EIS, it is not practicable or possible to address every combination of site factors and biotic agents that influence forest health, including insects and diseases.

Appropriate levels of site-specific NEPA analysis would be conducted to fully analyze and disclose the potential effects of timber harvest and associated activities (including non-commercial timber cutting, fuel reduction, etc.) on specific insects and diseases. This is completed by evaluating the specific site potentials, applying appropriate management direction, describing desired conditions that address the forest health concern, and evaluating different options or alternatives, in both an ecological and economic context. To meet the purpose and need of the project, alternatives may include a variety of different harvest methods, other treatments such as prescribed fire, and removal of post fire timber salvage).

Clarification of the definition of forest health is provided for the final EIS, Glossary. To summarize, forest health would be viewed by management objectives of the specific forest in question, as well as ecologically, in that a healthy forest is capable of maintaining a desirable character or condition (e.g., visually attractive or relatively resistant to insects, disease, and fire), while sustaining desirable outputs. Management prescriptions that address forest health should consider both management-driven objectives and resilient forest conditions, including resiliency to potential climate change.

The Modified Idaho Roadless Rule clarifies “significant risk” and where it may be used as a purpose for timber cutting, sale, or removal and for road construction/reconstruction. Significant risk is further addressed in the final EIS, section 3.3, Fuel Management. Once a project is proposed, the appropriate level of NEPA would include analysis that would specifically describe what factors were used to determine if the risk was significant.

Salvage may or may not be a forest health component, depending on the site-specific conditions and how those factors relate to ecological processes and significant risk. In general, fire salvage would be prohibited in management themes other than GFRG. Salvage of insect-and-disease-damaged areas may be permitted in all themes, except for Wild Land Recreation, if it is needed to restore ecosystem components or reduce the significant risk of wildland fire effects (see final EIS, section 2.2, Alternatives Considered in Detail, for permissions and prohibitions specific for alternatives and themes).

### 15.7 Forest Health and Roads

**The Agency needs to explain the correlation between no roads and less insects and disease. Vegetation treatments in roaded areas often leave slash that can pose threats to residual stands, and root disease can be exacerbated by logging and soil disturbance. Conversely, unroaded areas that do not have vegetation treatments would have fewer threats from insects and diseases. The 2001 Roadless Rule indicated that roadless areas are at lower risk for insect and diseases infestation than other national forest areas.**

*Response:* The EIS assumes that there is a relationship between road access and the ability to address forest health concerns. The EIS discloses the difference in risk for insects and disease in section 3.2, Vegetation and Forest Health. Essentially, on NFS lands in Idaho, the percentage of at-risk area within and outside roadless areas for insects and diseases is similar (16 to 18 percent) based on the 2006 National Insect and Disease Risk Map (NIDRM). Since this is a national map product, inferences below multi-State scales should be interpreted with caution. However, the map does provide a consistent model of risk across the state of Idaho, including NFS lands.

The 2001 Forest Service Roadless Area Conservation EIS concluded that approximately 58 million acres of all ownerships, and 24 million acres of NFS lands, were at risk of significant tree mortality, defined as 25 percent or more tree mortality or growth loss (beyond the endemic level) that could be expected over the next 15 years. Using this same mapping product, an estimated 7 million acres on NFS lands were identified at risk within roadless areas, nationwide. The percentage at risk in inventoried roadless areas is about the same as the percentage at risk for all NFS lands (USDA Forest Service 2000, p. 3-119).

Thus, the statement that roadless areas are less at risk for insects and diseases does not appear to be supported by the broad-scale risk mapping from broad-scale mapping for either the 2000 or the 2006 mapping efforts.

The appropriate level of NEPA for site-specific projects would include an analysis of the threats of insects and disease on the forests. This includes options or alternatives that can reduce the effects through timber harvest and associated activities (thinning, fuel reduction, reforestation, etc.).

Vegetation treatments have been shown to reduce insect and disease threats by reducing tree densities, improving vigor of residual trees through increased availability to light, moisture and nutrients; removal of susceptible trees or trees infested with insects and disease organisms; and retention of tree species less prone to insect and disease attack. Additional citations are included in the final EIS, section 3.2, Vegetation and Forest Health. These include references on bark beetles (Fettig et al., 2007) and general strategies that influence specific insect and disease organisms (USDA Forest Service 2008b). These proposed actions are specifically developed to address activities that limit negative effects on forest health, such as exacerbating insect and disease occurrences, including mitigation measures.

Vegetation treatments may also have negative effects if not properly planned and implemented. Examples would include vegetation treatments that ignore existing insect and disease populations, such as when susceptible trees are retained after treatment or when treatments do not sufficiently remove post-harvest slash so that insect infestations can gain a foothold. To avoid this situation, a logical sequence of treatments that uses a variety of tools may be necessary to reduce potential negative effects after treatment. Examples of sequential treatments could include

harvesting (where the harvesting retains vigorous, less susceptible trees) followed by slash disposal and reforestation of less susceptible tree species. Site-specific analysis during project development is necessary to identify known risks, to determine necessary tools for management of risks, and to develop treatment sequences. Any proposed management activity would be accompanied by appropriate level of NEPA and public involvement.

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## 16. Grazing

### 16.1 Effects of Selenium on Grazing

**The Forest Service should disclose the direct, indirect, and cumulative effects on grazing from selenium leaching as a result of phosphate mining.**

*Response:* The Proposed and Modified Idaho Roadless Rules do not “authorize” phosphate mining. The Modified Idaho Roadless Rule would permit road construction and reconstruction to access specific unleased phosphate deposits in the GFRG theme; however, further site-specific analysis would be required prior to disturbance.

The EIS concludes that it is reasonably foreseeable that 1,100 acres of road construction and mining disturbance is expected to occur with mine expansion in the Sage Creek and Meade Peak Roadless Areas on the Caribou National Forest. Additionally, approximately 6,000 acres of existing phosphate leases within seven roadless areas are likely to be mined over the next 50 years or more under all alternatives.

The 2001 Roadless Rule would prohibit road construction and reconstruction to access 14,460 acres of unleased phosphate deposits. The Existing Plans permit road construction and reconstruction to access 13,620 acres of unleased phosphate

deposits. The Proposed Idaho Roadless Rule permits road construction and reconstruction to access 13,190 acres of unleased phosphate deposits. The Modified Rule permits road construction and reconstruction to access 5,770 acres of unleased phosphate deposits.

Past studies on effects that relate to cattle grazing include uptake of selenium by grass and forbs at concentrations that that would exceed removal action level where reclaimed areas had thin or no topsoil. Concentrations in areas where more extensive reclamation had occurred (thicker topsoil or chert cover) were at or below the removal action level (Smoky Canyon Mine FEIS, p. 3-23). Indirect effects from selenium as a result of phosphate mining are disclosed in the Smoky Canyon Mine EIS, pages 4-125 through 4-131 (USDI, Bureau of Land Management and USDA, Forest Service 2007).

In summary, the Smoky Canyon Mine EIS disclosed that some vegetation in selenium-bearing mine waste rock at phosphate mines in southeastern Idaho is known to bioaccumulate selenium. Consumption of selenium-enriched plants by livestock can result in selenium poisoning as the element is further concentrated in the organs of the animal. Past studies at Smoky Canyon Mine indicate that reclamation vegetation rooted in salvaged topsoil over a chert cover has selenium concentrations at or below background and well below the Idaho Department of Environmental Quality removal action level. Presently, livestock are not permitted to graze on the reclaimed areas of the mine until these areas are accepted by the Bureau of Land Management (BLM) and Forest Service for bond release. The areas of the Smoky canyon mine where current reclamation vegetation has elevated selenium levels would need to be remediated to bring these concentrations below acceptable levels

before grazing would be allowed (Smoky Canyon Mine final EIS, p. 60 [USDI, Bureau of Land Management and USDA, Forest Service 2007]).

## 16.2 Grazing Affects Fire Behavior

**The Forest Service needs to analyze the impacts grazing has on fire behavior and on natural resource values and ecological integrity.**

*Response:* Analysis in this EIS did not analyze the effects of grazing on fire behavior or other values affected by grazing. Grazing, recreation, and other uses do not pose a disproportionately greater risk of alteration of natural landscapes and roadless area values compared to road construction, timber harvesting, and discretionary mineral activities; therefore, these uses are not considered as activities needing direction in an Idaho Roadless Rule. Management of grazing and the effects of this activity on other resources are addressed at the forest and district levels and use site-specific analysis (through NEPA).

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## 17. Fuels Management

### *Affected Environment*

#### 17.1 Recent Fires

**The Forest Service should include additional baseline information in the Fuels Management Affected Environment section to assist in evaluating the locations for risk of uncharacteristic or unwanted fire within Idaho Roadless Areas. The assumptions for baseline data use outdated data from 2000. The baseline data neglect to include fire history data from 2001–2007. The Forest Service should include in the analysis the changes in condition classes resulting from the 2006–2007 fires. The analysis should also include the assumption that Idaho has lethal fire regimes.**

*Response:* LANDFIRE fire regime condition class information was used in the draft and final EISs. The LANDFIRE data were in the process of being updated to incorporate acres burned since 2000 as the final EIS was being prepared. Because this information was not available in time to include in the final EIS, acres burned by wildland fire from 2001 through 2007 in Idaho Roadless Areas are discussed in the final EIS to provide additional context for the fire regime condition class discussion. For this analysis, the 2000 LANDFIRE data are still useful to show the general condition of the landscape and a comparison among alternatives. Based on the 2000 LANDFIRE data, about 4.37 million acres are at high risk of wildland fire (final EIS, section 3.3, Fuel Management).

### 17.2 Mapping Historical Fires With Current Data

**The Forest Service needs to develop up-to-date maps that describe fire conditions. The draft EIS and specialist’s Fuel Report do not analyze fire conditions to determine if and what forests are currently departed from the natural range of variability, but all assumptions, tables, and management criteria are based on outdated 2000 data. It is impossible to analyze where and how Idaho roadless area management themes can be used to prevent “uncharacteristic” and “unwanted” wildfire if they are not mapped with current data.**

*Response:* The LANDFIRE fire regime condition class information was developed for national- and regional-scale planning and assessments similar to this EIS. This information was used in the analysis as a relative representation of how the different alternatives would address uncharacteristic wildland fire. It is not intended to provide an absolute indication of precisely how much or where certain conditions occur, because these conditions vary over time and

space. For this reason there is no map included in the EIS. Vegetative conditions that contribute to uncharacteristic or unwanted wildland fire would be identified and analyzed at a scale below the LANDFIRE data. This would occur during project planning at the site-specific level.

The LANDFIRE project is currently updating its products to account for changes since 2000. However, because this information is in development, acreage burned by wildland fire from 2001 through 2007 in Idaho Roadless Areas was discussed in the EIS to provide additional context for the fire regime condition class discussion. For this analysis, the 2000 LANDFIRE data are still useful to show the general condition of the landscape and provide a comparison among alternatives.

### 17.3 Historical Logging

**The Forest Service should include a discussion on the effects of historical logging practices on current fire risk conditions. Past logging has contributed to fire risk through weeds, heavy brush, and thick, uncontrolled stands that return after logging treatments. Logging also creates increased fuel-loading that increases fire severity. Harvested areas are where fires are severe and not in the thick timber, alpine areas, and old growth.**

*Response:* Historical logging practices have affected vegetative conditions and fire hazard on NFS lands, including some portions of Idaho Roadless Areas. As stated in the final EIS, section 3.3, Fuel Management, mechanical treatments can increase fire severity if natural and activity fuels are not mitigated. (“Activity fuels” are fuels created as a consequence of management.) Recent synthesis of findings from reviews of wildland fires have pointed out some of the issues related to use of mechanical treatments. Some examples of these reviews and findings are documented

in the Hayman Fire Case Study (Graham 2003); the Fire, Fuel Treatments, and Ecological Restoration Conference Proceedings (Omi and Joyce 2003); and Basic Principles of Forest Fuel Reduction Treatments (Agee and Skinner 2005).

Information from sources such as these has been used by forests to develop mitigations that address the issues and concerns about mechanical treatments. These issues were described in the Assumptions sections, including concerns about the relationship between activity fuels created from mechanical treatments and fire severity. One of the assumptions is that for hazardous fuels treatments to be effective, activity fuels would be addressed. Typical mitigations are activities such as under-burning, piling and burning, whole-tree yarding, crushing, mulching, and chipping. Mechanical treatments may not be effective in reducing hazardous conditions, if assumptions – such as mitigating activity fuels by under-burning, pile burning, whole-tree yarding, or other methods – are not applied.

## **Environmental Consequences**

### **17.4 Mechanical Treatments May Not Reduce Fire Risk**

**The Forest Service should provide analysis and rationale for how mechanical treatments reduce the risk of fire. The final EIS needs to disclose the controversy surrounding the concept of harvesting to reduce catastrophic fires, as opposed to logging actually increasing the likelihood of such fires. Logging may reduce the short-term risk of fire but may increase long-term risk. This practice is not economically or ecologically sustainable over the long term. Logging may increase fire risk by increasing the potential for insects and disease caused by bark damage and slash build-up from logging practices. In addition, logging would not reduce fire**

**danger, because most lands are too far away from towns to create a fire threat.**

*Response:* While fuel treatments in themselves would not stop wildland fires, they can change fire behavior such that the outcomes are less catastrophic or may increase the effectiveness of fire suppression by reducing resistance to control. Fuels treatments accomplish these goals by removing or modifying wildland fuels to reduce the potential for severe wildland fire behavior, lessen the post-fire damage, and limit the spread or proliferation of invasive species and diseases. The final EIS, section 3.3, Fuel Management, provides examples and a discussion supporting the effectiveness of mechanical treatments to reduce the risk from wildfire.

Section 3.3, Fuel Management, also includes a discussion about effects related to mechanical treatments. This discussion was developed based on existing literature regarding the efficacy and consequences of mechanical treatments in abating hazardous fuels. The analysis acknowledges that while mechanical treatments can abate hazardous conditions in some circumstances, it can also elevate fire hazard in other situations. Information from these reports was used to develop assumptions relative to the use of mechanical treatments.

In some cases mechanical treatments may not be economically or ecologically sustainable or desirable over the long term. There may be areas where vegetative conditions could be maintained in a desirable condition with prescribed or wildland fire. However, in some WUI or municipal water supply areas, the current vegetative conditions may not be conducive to fire use, and some type of mechanical treatment may be necessary to facilitate fire use in the long term. There are also areas where fire use may not be desirable because of the proximity to homes or other structures or the impact of smoke.



There are cases in Idaho where communities abut Idaho Roadless Areas. An example is the community of Yellowpine, which lies adjacent to the Secesh Roadless Area. The Boise and Payette National Forests have been conducting a variety of mechanical and prescribed fire treatments in the vicinity of Yellowpine over the past several years to mitigate hazardous fuels conditions. These examples, however, are at the site-specific level and required a NEPA document and public disclosure before implementing. The decision regarding whether to use prescribed fire or mechanical treatment would be made at the local level because of the many different variables each site presents.

### 17.5 Human-caused Fire Starts

**The Forest Service should analyze the consequences of increased human-caused fires based on increased roads proposed by the Idaho Roadless Rule.**

*Response:* The Fuel Management and Fire Suppression Specialist Report for the EIS (USDA Forest Service 2008f) compares the number of fire starts, prior to 2000, and fire size by cause in “roaded” (outside inventoried roadless areas) and “unroaded” (inside inventoried roadless areas) areas, nationally and in Idaho (see the record). This analysis showed that the number of starts and total acres burned per year were greater in roaded than in unroaded areas, primarily because of a greater number of and larger size of human-caused fires. This information was used to define the indicator for Fire Prevention as described in the final EIS, section 3.3, Fuel Management.

The Backcountry theme in the Modified Idaho Roadless Rule limits road construction to only temporary roads. These roads are required to be decommissioned, which would deter access. The Modified Rule would permit permanent roads in the

GFRG theme based on applicable forest plan components. The final EIS compares the projected miles of temporary and permanent road construction/reconstruction among the alternatives. Based on these projections, the 2001 Roadless Rule and the Proposed and Modified Rules would have no measurable increase in human-caused fire starts. The Existing Plans could have an increase in human-caused starts, which would have consequences on the fire management program as discussed in the final EIS, section 3.3, Fuels Management.

### 17.6 Fire Escapes From Roadless Areas Can Prove Costly

**The Forest Service needs to discuss the possibility of wildfires escaping from the new management themes into existing forest plan management areas and the potential loss of commodity values such as timber outside roadless areas. The Forest Service should not expend money on management themes with zero monetary return.**

*Response:* The final EIS, section 3.3, Fuel Management, includes a discussion about appropriate management response relative to the 2001 Roadless Rule and the Proposed and Modified Idaho Roadless Rules. As stated, none of these Rules would have a direct effect on wildland fire suppression or wildland fire use. However, there may be an indirect relationship between the ability to address hazards in priority areas and the success of wildland fire suppression. Most wildland fires (about 96 percent) are suppressed during initial attack. Fires that escape initial attack and become large occur for a variety of reasons not directly attributable to whether they are start in or out of roadless areas (USDA Forest Service 2008f). This relationship was not analyzed further because wildfires that escape initial attack and become large occur because of

numerous factors that cannot be addressed at the scale of this analysis.

### 17.7 Air Quality

Having 9.3 million acres in Idaho under the wildland use fire category, where letting the fire burn is the management prescription, drives air pollution above the EPA allowable levels in several categories. The fact that the pollutants come from fires does not make them any healthier for the people who live in the affected areas. Mercury, PM 2.5's, CO<sub>2</sub>, CO, ozone NOX, etc. are not monitored because those compounds are coming from fires. If you are going to continue to allow wildland use fires, you must increase monitoring in the communities inside and adjacent to these areas to determine the health impact on the people in these areas.

*Response:* The purpose and need of this project is to provide State-specific direction for conservation and management of roadless areas within the State of Idaho as it relates to (1) timber cutting, sale, or removal; (2) road construction and reconstruction; and (3) mineral activities.

The EIS discusses the use of prescribed fire and mechanical tools to address hazardous fuels in the WUI and community public water systems. Other types of direction including management of wildland fires and wildland fire use are addressed at the forest plan level and not through the Idaho Roadless Rule. Where forest plans permit wildland fire use, this tool may also be used. Public concern and effects of smoke emissions are analyzed at a finer scale at the project and forest plan levels.

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## 18. Wildland-Urban Interface

### General Comments

#### 18.1 WUIs and Adjacent Areas Need Roads for Permanent Protection

The Forest Service should consider that in order to protect WUIs and areas adjacent to WUIs for now and into the future, a permanent road system may need to be in place.

*Response:* As noted in the EIS, road construction/reconstruction is one of the primary activities that alters roadless character. The 2001 Roadless Rule prohibits road construction/reconstruction to reduce hazardous fuels. The Proposed and Modified Idaho Roadless Rules would permit road construction/reconstruction to reduce the significant risk of wildland fire or other catastrophic event. The Proposed Rule would permit permanent road construction if the responsible official determined that a forest road would not substantially alter roadless characteristics in the Backcountry theme and it meets one of the exceptions. Permanent roads could be constructed in the Proposed and Modified Rules in the GFRG theme; however based on the recent past and reasonably foreseeable budget scenarios permanent road construction is unlikely to occur.

### WUI Definitions, Criteria, and Mapping

#### 18.2 WUI and Habitation

Areas should also be rechecked to make sure people are really living there. If not, the maps need to be corrected. For example, the Selkirk and Kootenai Peak Roadless Areas have high-elevation areas mapped as WUI; and Big Canyon, Klopton Creek, Secesh, and Bear Creek Roadless Areas have limited or no habitation yet have areas mapped as WUI.

*Response:* Based on public comment, the ID team reviewed the information used to define and delineate WUI. WUI was used as

a proxy to determine where timber cutting to facilitate hazardous fuel treatments would most likely to occur. The draft EIS used information from the State of Idaho for the depiction of WUI. However, the WUI map provided by the State appears to overestimate the amount of WUI in Idaho, because it identifies lands that are not near communities as WUI (such as in the Selkirk Mountains of north Idaho).

In response to these comments, the ID team searched available information to find the best definition and delineation of WUI. The definition of WUI is provided for in the HFRA. HFRA defines WUI as those area depicted in community wildfire protection plans (CWPPs) (HFRA §101(16)(A)); if a CWPP does not exist, then HFRA provides a default definition (HFRA §101(16)(B)). The ID team considered using WUI as defined in CWPP; however, this information was not available in composite form for all of Idaho, and each county defined WUI based on its own parameters.

During the development of the Modified Idaho Roadless Rule, the RACNAC suggested using the default definition of WUI from HFRA. They also recommended calling this area the “community protection zone,” because it is a subset of WUI under HFRA. The HFRA definition requires buffering an area around an at-risk community; therefore, the next task was to identify at-risk communities.

In reviewing criteria for identifying communities provided by The Wilderness Society in its publication, Targeting the Community Fire Planning Zone (Wilmer and Aplet 2005), the ID team found that information provided in National Forests on the Edge (Stein et al. 2007) used similar criteria and could be used as a proxy for communities. National Forests on the Edge used housing density information to project current and future housing density. The ID team used the data provided by National

Forests on the Edge to map communities in Idaho in the year 2000 and the year 2030, based on projections of housing growth. The year 2030 data were used as the base in the final EIS for identifying communities (final EIS, fig. 3-4), so that growth could be incorporated into the analysis. Communities were defined as areas in Rural II (more than 16 and less than 65 housing units per square mile) and Exurban-Urban (more than 65 housing units per square mile). These communities were then buffered by 1½ miles, which is the outer boundary of the default definition of HFRA. Lands within the 1½ mile buffer are a proxy for CPZs.

### 18.3 Other WUI Criteria

**The Forest Service should consider using other science and criteria for WUI needs, such as protection of structures in 200 feet or smaller radius, not 1 mile WUI as in the Idaho Rule.**

*Response:* For hazardous fuels management to create the desired effect on fire behavior, management strategies would need to address the local and landscape scales. The local scale addresses effects of fire within a forest stand, treatment unit, or adjacent to or including the area around a house or structure (Finney and Cohen 2003). Many studies have shown that conditions can be created at this scale that produce fire behavior that poses less risk to homes and public safety (Agee and Skinner 2005, Finney 2005, Martinson et al. 2003) and that allows firefighters to work safely (Scott 2003).

The other important scale is the landscape scale, which is a collection of local features. While most fires that are successfully suppressed during initial attack occur at the local scale, those that escape initial attack and become large are generally landscape phenomena.

Understanding hazardous fuels management relative to the spatial arrangement of stands and homes is important in changing the effects of wildland fire. Finney and Cohen (2003) challenge the idea that only local-scale treatments including fuel breaks can be, by themselves, effective in protecting communities and the public. They state that fuels management would address the landscape in addition to the local scale. On page 363 of their paper, they summarize this approach as it applies to community protection, stating that the broad objective of “community protection” must be partitioned to reflect the specific types of fire behavior changes that are relevant to the values concerned. They emphasize that treatments for the urban portions of communities must be considered separately from the wildlands because the same effects or scales of consideration do not apply to both.

The HFRA states that it is important that the Agency be able to conduct hazardous-fuel-reduction projects on NFS lands with the aim at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildland fire. Direction from HFRA was applied to the Proposed Rule; and more specifically applied to the Modified Rule. HFRA provides a definition of where fuel treatments should be allowed (WUI) and conditions to consider in reducing risk to communities and municipal water supply systems. The default definition of WUI was used to establish a geographic zone for fuel treatments in the Backcountry themes. In the Modified Rule this zone is called the CPZ. The conditions for significant risk to municipal water supplies were used to establish criteria for fuel reduction projects to reduce the significant risk of wildland fire effects.

#### **18.4 Specific Adjustments and Requests When Finalizing WUI Criteria and Mapping Requirements**

**The Forest Service should depict actual acres within WUI at high risk and moderate-high risk to determine the necessity of building new roads into roadless areas. The analysis should supply rationale for how building roads for fire suppression would help fire fighters control wildfires.**

*Response:* About 731,000 acres (8 percent) of Idaho Roadless Areas are in the WUI. In general, wildfire is unwanted in WUI; hazardous fuels treatments to reduce the risk are generally those that provide for conditions where firefighters can safely suppress fire or where the risk of stand-replacing wildland fire is reduced. About 57 percent (418,900 acres) of the WUI are in high-priority areas (fire regimes I, II, and III, and condition classes 2 and 3) (final EIS, section 3.3, Fuels Management).

The purpose of road construction would be to facilitate timber harvest in order to reduce hazardous fuels, not for direct fire suppression. In some locations, roads may be needed to provide access for timber harvest depending on site-specific conditions. The Proposed Rule permits road construction to reduce the significant risk of adverse effects of wildland fires. In the Modified Rule, temporary roads could be constructed in the CPZ only if the community protection objectives cannot be reasonably accomplished without a temporary road. Outside the CPZ, temporary roads could be constructed only if the activity cannot be reasonably accomplished without a temporary road and the project maintains or improves one or more of the roadless area characteristics over the long-term. The Modified Rule provides guidance that roads would be constructed only where needed to facilitate hazardous fuel reduction projects.

### 18.5 WUI and Themes

**Explain the connection between the mapping of WUI and the management direction of the management themes. Realistic management directives for the themes need to be assigned to realistic needs for treatments. The draft EIS states on page 111 that prescribed fire would be the likely tool outside of WUI. Consequently, other tools for fuels management outside of WUI should not be permissible.**

*Response:* The placement of lands into a theme was based on permissions and prohibitions in existing and proposed forest plans and not WUI. However, some forest plans, such as existing plans for the Boise, Payette, and Sawtooth, and the proposed plan on the Idaho Panhandle, considered WUI in developing their management prescriptions.

### 18.6 WUI and Backcountry

**Explain why areas in Clearwater and Nez National Forest are designated as Backcountry when there is no WUI.**

*Response:* The placement of lands into a theme was based on permissions and prohibitions in proposed forest plans. These plans proposed permitting road construction in areas placed in the Backcountry theme (Clearwater Proposed Plan 070306; page 2-83).

### 18.7 WUI Acreage

**Once significant risk and WUI are defined, the Forest Service should show the public exactly how many acres and where the acres are.**

*Response:* The final EIS includes additional information regarding WUI, specifically with regard to the new alternative, the Modified Rule, which would permit temporary road construction within the CPZ in the Backcountry theme. Information about how many acres are within the CPZ

in the Backcountry theme in each roadless area was added to appendix E. In addition, the maps of the modified alternative display CPZ across all themes. However, it should be noted that these are approximations and are not set boundaries. Each project or activity would be required to determine whether or not it fits within the definitions of CPZ. In addition, because of the complexities of attempting to identify and map specific components of CPZ, the ID team used the 1½ mile area as an outer boundary, which represents the greatest extent of area that could be treated. Actual treatment areas would most often be less than this based on the other specific conditions of a CPZ.

Displaying areas or acreage of significant risk is more difficult because this determination is based on site-specific conditions. These conditions include but are not limited to fire occurrence, fire hazard and risk, and values at risk. Fire occurrence is the probability of ignition on a landscape. Fire hazard and risk generally consider factors such as fuel availability, vegetative conditions, topography, and fire protection capability. Values at risk may include communities and municipal water supply systems.

The ID team considered defining an area—the significant risk zone—but found that the data to support such a zone were lacking at this broad scale; instead, based on recommendations from RACNAC (RACNAC 2008e) the Modified Rule identifies the factors noted above as part of the process for determining significant risk (final EIS, section 2.3, Consideration of Comments). In the Modified Rule, the regional forester would approve this determination.

## 18.8 Explain Specific WUI Areas

**The Forest Service should explain how WUI areas were determined, as described in appendix C.**

*Response:* The information regarding WUI was removed from appendix C because it came from a variety of sources including appendix C of existing plans, as well as the map of WUI developed by the State of Idaho. Instead, appendix C of this EIS now displays the acreage in each roadless area in a CPZ in the Backcountry theme for the Modified Rule. This information is useful for showing the number of acres in the Backcountry theme where temporary roads could be constructed.

The CPZ acres displayed in the EIS and in appendix C show the total acres within 1½ miles of a community based on population projections in 2030 (see final EIS, section 3.1). However, it should be noted that these are approximations and are not set boundaries. Each project or activity would be required to determine whether or not it fits within the definition of CPZ and whether or not further action is warranted.

## 19. Timber-cutting Projections

### 19.1 Planning for Bighorn Weitas

**The Forest Service should disclose if it plans to log Bighorn Weitas.**

*Response:* Appendix C, final EIS, in the Clearwater National Forest section, shows the designated themes for Bighorn Weitas Roadless Area. There is also a table in the Bighorn-Weitas section that clearly lays out potential timber cutting in each of the alternatives. The placement of lands into a theme was based on permissions and prohibitions in proposed forest plans. Under the Proposed and Modified Rules, around 246,400 acres would fall under the Backcountry theme and 8,000 under the SAHTS theme. In the Modified Rule there is

no overlap with the Backcountry theme and CPZ or municipal water supply systems.

For the acres under the Backcountry theme, timber cutting to maintain or improve TES habitat, for ecosystem restoration or to reduce uncharacteristic wildland fire effects could occur. Under the Modified Rule no roads would be constructed to facilitate timber cutting because there is no overlap with CPZ or municipal water supply systems.

Some timber harvest could occur adjacent to existing roads or using aerial systems; other tools, such as prescribed burning would most likely occur in most of Bighorn-Weitas.

For the acres under the SAHTS theme, no road construction would be expected because it would be prohibited except in cases of reserved and outstanding rights. Timber cutting for ecosystem restoration and/or reduction of wildfire risk to communities would be permitted, but little to no timber cutting would be anticipated for the 8,000 acres under the SAHTS theme because roads could not be constructed.

### 19.2 Idaho Panhandle Logging Increases

**Logging projections do not include increased logging projections on the Idaho Panhandle National Forests.**

*Response:* Harvest projections were obtained from each national forest in Idaho, including the Idaho Panhandle National Forests. The projections were based on past activities and future planned activities. These projections are included in the final EIS, section 3.1, Introduction. Methods of determining projections for the range of alternatives included: amount harvested under the 2001 Roadless Rule; amount of harvest planned under existing forest plans; and the proportion of area within the GFRG theme in the Proposed Rule and Modified

Idaho Roadless Rule as compared to existing forest plans.

### 19.3 Past Projects Enabled

**Logging projections do not include specific projects proposed in the past that failed under 2001 Roadless Rule, but would now be able to proceed under the Idaho rule.**

*Response:* Public comment provided a list of timber sales that had been either previously planned for entry, or potentially new sales, that may occur in roadless areas for the Caribou-Targhee, Clearwater and Nez Perce National Forests.

For the Caribou-Targhee National Forest, 13 sales were listed. Based on currently available information, 5 of these sales may be proposed over the next 15 years in roadless areas. They include Bailey Creek (Soda Point Roadless Area), Crow Creek (Meade Point Roadless Area), Box Canyon (Bear Creek Roadless Area), Dry Ridge (Dry Ridge Roadless Area), and Brockman (Bear Creek Roadless Area) timber sales.

Additionally, a separate list was provided for the Clearwater and Nez Perce National Forests, consisting of 11 sales that were either potentially new sales or old sales that had previously been proposed in roadless areas. Of those 11 projects, the most likely proposals that may occur within the next 15 years include the North fork Breaklands (potentially entering portions of Siwash and Bighorn Weitas roadless), Saddle Camp (potentially within Weir Creek and possibly in the North Lochsa Face Roadless Area), W to W (potentially within Weir Creek and the Lochsa Face Roadless Area), and 12 Breaklands (potentially within North Lochsa Face, Weir Creek, Rackliff Gedney, and possibly Lochsa Face Roadless Areas). All these projects are currently in initial planning stages, and it is unknown at this time what tools would be proposed to meet management objectives. These projects

might decide to not use timber harvest at all, and are more likely to rely on prescribed burning to meet project objectives.

These projects fit within the 15-year projection levels for timber harvest and road construction/reconstruction, as described in the final EIS, section 3.1, Introduction. Each of these projects would also have to go through the appropriate level of NEPA and public involvement before implementation.

### 19.4 Underestimated Effects

**Accurate logging projections are needed for better effects analysis because underestimated projects would cause underestimated effects.**

**The assessment of impacts in the draft EIS cannot be taken seriously. It is untenable to say only 800 acres would be logged per year (draft EIS, p. 62) and 4 miles of roads built or reconstructed. These exceptions for forest health and fire risk lend themselves to far greater logging. The Forest Service would soon increase the logging in response to local pressures, and you would have 1,600 acres or 3,200 acres per year, and 8 or 16 miles of roads, or much more.**

*Response:* Projections are portrayed based on information obtained from each national forest. This includes past trends of harvests in roadless areas, which account for the variability of budgets. This process was described in the final EIS, section 3.1, Introduction.

Between the draft and final EIS, alternative methodologies were examined for the projections of timber harvest and road construction/reconstruction. These included looking at increased budget levels, and the possibility that forests would re-focus their timber sale programs to roadless areas. These alternative projection methods were not incorporated because (1) the projections used were based on projects

planned or implemented during periods of fluctuating budgets, and (2) increasing budgets substantially appears to be extremely speculative. After reviewing this information, the ID team concurred that the methodology used in the draft EIS for projections was reasonable, using the best information available at this time.

A factual error was discovered and corrected between the draft and final EIS. Projections for timber cutting were updated based on public comment. The ID team found a factual error in the projection for timber cutting for the 2001 Roadless Rule, which then influenced the projections for the alternatives. These changes are reflected below and appear in the final EIS.

<b>Projected timber cutting</b>	<b>2001 Roadless Rule</b>	<b>Existing Plans</b>	<b>Proposed Idaho Roadless Rule</b>	<b>Modified Idaho Roadless Rule</b>
Timber harvest yearly average (MMBF)	3.0	13.36	5.83	5.04
Timber harvest yearly average (acres)*	600	2,700	1,200	1,000

\* based on the assumption that an average of 5 MBF/acre would be harvested.



### 19.5 Harvest and Road Locations

The agency should conduct site-specific analysis of where logging and roads would be in the roadless areas based on the projections that approximately 6,000 acres would be harvested/ cut annually. The agency should identify what themes these acres would be in.

*Response:* The final EIS describes the relative frequency of vegetation treatments and roads constructed for vegetation treatments among the various themes (section 3.1, Introduction). Projected timber harvest and road construction activity is likely to occur most frequently in the GFRG theme, less in the Backcountry theme, and very infrequently in the Primitive theme (see the section 2.2 Proposed Action). In response to public comment, the Modified Rule was altered to concentrate treatments in the Backcountry and Primitive themes to within 1.5 miles from a CPZ or municipal water supplies. Outside the 1.5 miles, treatments would be infrequent. See final EIS, section 2.2, Modified Rule.

The EIS is a programmatic document that provides information based on the range of alternatives as they relate to roadless areas. Site-specific analysis is premature at this time; however, site-specific NEPA analysis would occur once a project proposal is developed, providing for additional public comment.

### 19.6 Planning Horizon for Projections

**The Forest Service planning horizon (project schedules) of 15 years is too short.**

*Response:* 15 years was considered adequate to evaluate programmatic effects. This time period was used to evaluate the amount of disturbance that could occur over a reasonable planning horizon. Actions beyond this time period are speculative because of the potential changes to vegetative conditions, markets, and other influences.

### 19.7 Projection of Frequency

The Forest Service should include a projection of frequency in the final EIS that includes an approximation of frequency or percentage of timber harvest projects that would occur among the various management themes of the Idaho Roadless Rule.

*Response:* Percentage of harvest by theme is not available at this time, since this would depend on future project proposals and their locations. The final EIS does address the relative frequency among the various themes. Projected timber harvest activity is likely to occur most frequently in the GFRG, less in the Backcountry, and very infrequently in the Primitive theme (final EIS, section 2.2 Proposed Action). See response above to *Harvest and road locations* (19.5).

### 19.8 Acres Projected for Treatment and Acres Within Themes

**The Forest Service should explain why, if only 12,000 or 16,000 acres are projected for next 15 years, a total of 7.5 million acres are included in Primitive, Backcountry, and GFRG. These projections should be mapped.**

*Response:* The projections for timber cutting, road construction/reconstruction, and discretionary mineral activities in the draft and final EISs were estimated to disclose the potential for effects on each resource that would be prohibited or permitted under each alternative over a 15-year time period, unless otherwise noted, over the entire Idaho Roadless Areas. The projections were not disclosed to direct maximum or minimum acres/miles of activity. The permissible activities may occur throughout all acres of the Idaho Roadless Areas, within the conditions described for each alternative (see section 2.2, Alternatives Considered in Detail, for a description of the conditions for permissible

activities.) Within the Idaho Roadless Areas, site-specific locations for a projected activity are not available in most cases, and only preliminary for a few projects (see comment and response 19.3 of this appendix); therefore, the exact locations of the projected acres cannot be mapped. Projections were not based on specific future proposed projects but rather on budget, past activities, and reasonably future projects. Site-specific analysis under the management direction and conditions of the selected alternative would best determine exact project locations within the Idaho Roadless Areas.

### 19.9 Project More Harvest

**The analysis should project more harvest to meet the need to reduce risk to forest health and ensure the capacity to treat and protect municipal watersheds. This rule should be based on conditions on the land and those conditions should dictate what and how much is treated per year.**

*Response:* Projections are portrayed based on information obtained for each national forest. This includes past trends of harvests in roadless areas, which account for variability of budgets. Projections also include information from each forest on future planned treatments for fire risk and forest health. After reviewing this information, the ID team concurred that this was the best information available. See response comment and response 19.4 of this appendix. The projections were not disclosed to direct maximum or minimum acres/miles of activity. The projections for timber cutting, road construction/reconstruction, and discretionary mineral activities in the draft and final EIS were estimated to disclose the potential for effects on each resource that would be prohibited or permitted under each alternative over a 15-year time period, unless otherwise noted, over the entire Idaho Roadless Areas.

Site-specific analysis would evaluate forest health risks, based on land management objectives and the existing forest conditions. The project-level analysis would determine what risks are addressed, the treatment locations, and management methods to reduce risk.

### 19.10 Avoid Per-year Projections

**The Forest Service should not include projections as per-year averages, because it might place a limit on levels of harvest activity.**

*Response:* Projections are intended to provide a comparison of the alternatives and their effects on various resources related to roadless areas. They are not intended to be limitations but represent the best information available at this time.

### 19.11 Source of Projection

**The Forest Service should provide a source for the statement that recent harvest in Idaho Roadless Areas has been greater than or equal to projections for the Idaho Rule.**

*Response:* The projections for timber harvest activity in some economic areas would increase as compared to the 2001 Rule; this occurs mostly in northern Idaho. In other economic areas of the State, projections are the same as the 2001 Rule. Overall, the Idaho Roadless Rule projects more timber harvest than the 2001 Rule. Additional analyses – which include general information on amount of acres per theme, potential road construction/reconstruction and timber cutting, and alternative comparisons, by roadless area on each national forest – are listed in appendix C of the final EIS.

### 19.12 Factual Clarification

**The Forest Service should correct whether it is 12,000 or 16,000 acres that are estimated for logging/timber harvest.**

*Response:* In response to public comment, the ID team reviewed the projections and found there was an error in the projections for the 2001 Roadless Rule; therefore, this table has been updated to reflect the correct information. Because the data from the 2001 Roadless Rule were used in the projections for the Proposed Rule, the Proposed Rule was also corrected (see final EIS, section 3.1 Introduction).

### 19.13 Suitable Timber Acres Described in Appendix C

**The Forest Service should explain the origin of suitable timber acres, described in appendix C.**

*Response:* Letter 1800 provided a specific request for information on the origins of suitable timber based acres described in appendix C of the draft EIS for each forest. The suitable timber base acres in the draft EIS were based on information for the existing plans. Between the draft and final EISs, the ID team and forest personnel verified suitable timber acres and made updates and/or corrections. Appendix C is updated in the final EIS to reflect additional analyses, which include general information on amount of acres per theme, potential road construction/reconstruction and timber cutting, and alternative comparisons, by roadless area on each national forest.

## 20. Roads – Construction/Reconstruction

### *Affected Environment*

#### 20.1 Methods of Analysis

**The draft EIS should include an explanation of the methodology used to determine the current status of roads in roadless areas. The explanation should include whether the data were verified and ground-truthed to determine if the roads are currently overgrown with vegetation and to determine the current**

**uses of the roads (trails, motorized or non-motorized use, etc.).**

*Response:* The roads GIS layer from each forest was overlaid with the Idaho Roadless Areas. Miles of existing road were calculated to identify the existing situation. This process is briefly described the final EIS, section 3.4, Road Construction/Reconstruction. Information regarding existing roads was updated between the draft and final EIS based on more current inventories from the forests. All existing roads on the coverage were counted, regardless of whether they were authorized or unauthorized roads. While the data used for establishing the baseline were obtained from each national forest, the data compiled for the Proposed and Modified Idaho Roadless Rule were analyzed at the programmatic level. This information does not include individual road status such as type and/or frequency of use, and existing condition; that information is compiled and maintained at the forest level. Before any proposed projects are initiated on a forest, the appropriate level of roads analysis, NEPA, and public involvement would be conducted. Each forest also maintains travel management plans and travel atlases, which include maps and designated uses.

#### 20.2 Classified and Unclassified Roads

**The analysis should display the miles of classified compared to unclassified roads based in the 2001 Roadless Rule definitions. In addition, unclassified roads that are currently legally used should be included in the analysis and in appendix C of the EIS.**

*Response:* The attribute data for the road system is not refined enough to split out the road types. Thus, the analysis was performed using all roads recorded on the coverages. This includes a combination of NFS roads, roads under the jurisdiction of

other public agencies, private roads, and unauthorized roads (unclassified). Temporary roads are not included in the travel atlas. Appendix C also provides brief general descriptions of the types of road and trail uses.

Unauthorized road condition and use data are normally collected and maintained at the forest level. Any gaps in this information would be identified and brought forward during the forest transportation planning process. Again, detailed travel management decisions such as which roads to keep and which to decommission are addressed through travel management planning, which is occurring on each of the Idaho national forests.

Travel management classification decisions are not affected by the Idaho Roadless Rule. Like the 2001 Rule, the Modified Rule only restricts actual construction or reconstruction activities, not travel management inventories or road classifications. Road classifications may be altered to reflect existing conditions or compatible uses, but may not authorize new road construction or reconstruction that is contrary to the management theme established for an area. Such changes are essentially a paperwork exercise, not an authorization to upgrade the size, capacity, or location of a road in a manner inconsistent with the rule. Motorized trails are separately regulated and are wholly unaffected by this rule.

### **20.3 Mapping of (All) roads**

**The analysis should include a map of all roads within Idaho Roadless Areas, including historical roads, row tracks that are used to reach irrigation facilities, mines, private land, and county asserted RS 2477 claims. These roads should be excluded from roadless area consideration.**

*Response:* The GIS roads coverage maps in the draft and final EISs show system and

non-system roads for all alternatives. The only roads not included are temporary roads. While it is true that some Idaho Roadless Areas do contain roads, impacts on roadless character can be mitigated by the decommissioning of existing roads. There are approximately 2,050 miles of road currently existing within the Idaho Roadless Areas. Roads that are currently operated under various authorizations would continue to be evaluated for their access value and their relative impact to the environment at the forest level, through the transportation planning process and appropriate level of NEPA.

Areas with the most existing roads were generally proposed for themes allowing more management flexibility. However, detailed data on rights-of-way and road uses were not collected because of the programmatic nature of this EIS. Examination of existing legal access rights is part of an on-going evaluation process and is considered when making decisions on which roads to keep and which roads to decommission at both the planning process and project level. Neither the Proposed nor Modified Idaho Roadless Rules provide direction for motorized access or other travel management. The Rules also do not change current access management as directed by existing forest plans.

### **20.4 Stewardship Roads Should Not Have an Exemption—You Can't Just Rename Them**

**The Forest Service should not allow stewardship roads in Roadless areas, regardless of theme. The Forest Service converted the stewardship road terminology to its temporary road definition.**

*Response:* The 2001 Roadless Rule does not permit road construction/reconstruction to facilitate timber cutting, sale, or removal;

therefore, this alternative responds to the request of “no stewardship roads.”

Lt. Governor Risch used the term “stewardship roads” in the Backcountry theme in his presentation of the Petition to the RACNAC in 2006. The intent was to permit road construction/reconstruction to facilitate timber cutting, sale, or removal where needed to protect communities or restore ecosystems. In general, Lt. Governor Risch thought these roads would be temporary in nature.

The Proposed Rule was based on the Agency’s understanding of the State of Idaho Petition. To the extent possible, the Forest Service attempted to describe the Proposed Rule in terms that are defined in Federal regulation or in the Forest Service directives system; therefore, the term stewardship roads was changed to “forest road” or “temporary road.”

Based on public comment, the Proposed Rule was changed in the Modified Rule to narrow the locations and conditions where roads could be constructed in the Backcountry theme. In addition, the Modified Rule would permit temporary roads only to facilitate timber cutting, sale, or removal, which is a change from the Proposed Rule.

### 20.5 Definition of Roads

**The EIS should define temporary roads using the following suggested language, “Where authorized, all road construction or reconstruction associated with mining activities allowed under this management theme must be conducted in a way that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbance, and complies with all applicable lease requirements, land and resource management plan direction, regulations, and laws. Roads constructed or reconstructed pursuant to this management theme must be**

**decommissioned when no longer needed or when the lease, contract, or permit expires, whichever is sooner.” The 2001 Rule and the Idaho draft EIS use similar but significantly different definitions of temporary roads. Definitions were not included in the Idaho Rule.**

The 2001 Roadless Rule states:

**“Temporary Road. A road authorized by contract, permit, lease, other written authorization, or emergency operation, not intended to be part of the forest transportation system and not necessary for long-term resource management.” The Idaho draft EIS states: “Temporary road or trail. A road or trail necessary for emergency operations or authorized by contract, permit, lease, other written authorization that is not a forest road or trail and that is not included in a transportation atlas.” The key provision dropped from the Idaho rule is “not necessary for long-term resource management.” With road construction permitted “to facilitate forest health activities,” these new roads may be used for long-term forest health management. In neither definition is there a requirement or even an expectation that temporary roads would be temporary, as defined by Random House as “1. lasting, existing, serving or effective for a time only; not permanent.”**

*Response:* Federal regulations 36 CFR 212, subpart A – Administration of the Forest Transportation System, establishes the basic requirements for managing the Forest Service road system. These Federal regulations modified the definition for “temporary roads” in 2005. The Forest Service is currently in the process of updating the directives system to be consistent with the Federal regulations, but this has not been completed.

The previous definition for temporary road includes a phrase “not necessary for long-term resource management.” The current

definition replaces this condition with: “is not a forest road or trail.” The current definition for “forest road or trail” includes a condition that “the Forest Service determines is necessary for the protection, administration, and utilization of the NFS and the use and development of its resources.” If a road is not a forest road, then the Forest Service does not feel it is “necessary” for Forest Service business.

The current definition for temporary road or trail also says “is not included in the forest transportation atlas.” The forest transportation atlas is the official system of roads, trails, and airfields. Temporary roads clearly are not part of the long-term official transportation system.

Although the current definition for temporary road or trail is constructed differently, it still retains the two conditions of: (1) “not necessary for long-term management” and (2) “not part of the official transportation system.” The definition used in the final EIS is consistent with the current definition in the Federal regulations.

In addition, the Proposed Rule has been changed in the Modified Rule to require decommissioning of temporary roads once the need for the road has been met or the contract has been completed. Road decommissioning is a term in a contract, and under the Modified Idaho Roadless Rule the contract provision may not be waived (see FEIS Appendix O – Temporary Roads and Decommissioning).

### **20.6 Roads and Trails May Have the Same Environmental Footprint**

**The Forest Service needs to treat trails and roads in a similar fashion. The environmental impacts from trails – whether from construction, maintenance, or use – are no different from inventoried roads. The surface and width of a trail varies from no visible path to narrow**

**single paths (primitive and way trails or unaltered historic trails [old Forest Service and or Indian trails]) to road widths suitable for timber harvest. Other times, you would find old logging roads are converted to motorized or 4-wheeler “trails.” They may be narrowed or narrowed in places; it depends or varies. Is it a trail or a road or both? The Forest Service needs to consider trails, as well as roads, when analyzing effects.**

*Response:* The analysis does not address the effects of trails in roadless areas, because the Proposed and Modified Idaho Roadless Rules do not provide management direction for travel management. While the Agency recognizes that trails and roads have environmental effects on the landscape, the Rules do not give guidance or authorize the use or management of trails. The effects analysis is in chapter 3 of the final EIS focuses on the effects of activities that are permitted or prohibited in the Proposed or Modified Rule. Specifically, analyses considered the impacts of projected road construction and reconstruction on resources. Trail construction is not projected as part of this Rule. Conversion of trails to roads, roads to trails, and types of uses on trails would be addressed in forest-level travel management planning efforts associated with the 2005 Travel Management Rule (USDA Forest Service 2005b [70 FR 68264]).

Concerns regarding road restrictions in roadless areas or designation of motorized trail routes that allow full-sized highway vehicles on existing roads and trails would be considered and evaluated with the appropriate level of NEPA and public involvement.

### **20.7 The Proposed Idaho Roadless Rule Allows Too Much Road Construction.**

**The Proposed Idaho Roadless Rule permits more road construction than**

permitted in the 2001 Roadless Rule. The Proposed Rule allows for road construction in the Backcountry and GFRG themes, which is not permissible in the 2001 Roadless Rule.

*Response:* The Proposed Rule would allow more new road construction than the 2001 Roadless Rule. Road construction (even temporary roads) can cause adverse impacts on the environment. Under the Modified Rule, decommissioning of temporary roads would be a mandatory contract requirement. In the past, contracting officers had the authority to waive the requirement to decommission a temporary road if they felt it was to the benefit of the Government. This discretion would no longer be available under the Modified Rule.

The recent performance of Idaho national forests shows far more accomplishment of road decommissioning than road construction (final EIS, section 3.4, Road Construction/Reconstruction). There would likely be no net increase and very possibly a net decrease in road miles in all alternatives except the Existing Plan alternative.

### **20.8 Roads Are Needed for Access to Property and for Fire Suppression During Fire Season**

**The Forest Service needs to make sure there is a network of non-system roads available to local property owners during fire season. The fire crews tend to tie up the existing roads in an area and can exclude the public for long stretches of time, whether or not the immediate area is being threatened by fire. Roads that have been used on past fire suppression efforts should be mapped and included in this discussion. This should include roads needed to fight fires as well as roads that would allow ingress and egress from an area that is burning. Over and over we were told in fire meetings that the lack of**

**roads was hampering their ability to fight the fires in our area.**

**The Forest Service should include in the analysis the negative impacts on wildlife and hunting from catastrophic fire due to the lack of roads to manage vegetation.**

*Response:* Federal regulation (36 CFR 212.5, subpart A) requires the Forest Service to identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of the NFS lands. In determining the minimum road system, the responsible official would incorporate a science-based roads analysis system at the appropriate scale and, to the degree practicable, involve a broad spectrum of interested and affected citizens, other State and Federal agencies, and tribal governments. This rulemaking process does not address these road-specific evaluations of roads analysis that are intended to inform decisions about which roads to add to the system, keep on the system, or prioritize for decommissioning. Managing the road system is an ongoing effort, and striving for the “minimum road system” would be a continuing effort.

Certainly, access for fire suppression and the need for emergency escape routes would be part of the evaluation and balanced against long-term road funding expectations. Roads that are not needed are generally identified as candidates for decommissioning, because it is usually too costly, in both impacts to the environment and in funding, to keep an unauthorized road system in addition to the NFS system. Fuel treatments for health and safety purposes are permitted along existing roads under all alternatives. This permission also applies to the Backcountry and GFRG themes of the Proposed and Modified Rules and to a lesser degree to the Primitive theme in the Modified Rule. Fuel treatments along emergency evacuation routes, as discussed in HFRA, are considered as

health and safety activities. Determination of appropriate use, access needs, effects of roads and trails, and frequency of use would be analyzed through the forest travel planning process, with the appropriate level of NEPA and public involvement.

## Road Projections

### 20.9 Road Projections Underestimated

**Road projections are underestimated. The analysis should explain how the projections were estimated. The estimates for road building may be skewed because the management theme allowances are not well-defined.**

*Response:* The road projections are based on the best available information. The development levels for the Existing Plans, alternative 2, were based on a data call to the Idaho national forests for the 2001 Roadless Rule; the data call requested actual timber harvest and road building accomplishments for the years of 1993 to 1999 and projected accomplishments for the years of 2000 to 2004. This 12-year period was used to develop average annual projections for the Existing Plans alternative.

The development levels for the 2001 Roadless Rule are based on a data call to the Idaho national forests made in April 2007. The data call requested actual timber harvest and road building accomplishments for the years of 2001 to 2006 and projected accomplishments for the years of 2007 to 2011. This 11-year period was used to develop average annual projections for the 2001 Roadless Rule alternative. For the 2001 Roadless Rule these the road construction projections provided information on the amount of non-timber-related road development associated with special uses, private land access, ANICLA access, hazardous waste clean up, and mining, including exploration and development.

The level of road construction for these activities was assumed to be common to all alternatives. This type of road access development is governed by a collection of existing laws and would not be affected by either the Proposed or Modified Idaho Roadless Rule.

The 2001 Roadless Rule assumed that only the common non-timber related roads would be developed. But both the Proposed Rule and the Modified Rule adjust the miles of projected timber-related road development from the existing forest plans, by the ratio of acres in the GFRG theme. These timber-related road miles were then added to the non-timber-related miles for an estimate of total road development.

The overall projected road development for the Idaho Roadless Areas is so small considering the 9.3 million acre affected area that it is difficult to perform refined effects analysis. There is no reasonably foreseeable condition that would project a dramatically greater road development.

### 20.10 Road Projections Underestimated—Budget Projections Uncertain

**Projections for road construction based on flattened or declining congressional budget allocations is tenuous. The EIS should consider that road budgets may increase or budget priorities would shift with new allowances for activities that were not previously permitted.**

*Response:* The road projections are based on the best available information. Recent road budget trends have shown a steady decline over the past decade. There is no reasonable expectation that the road budget would dramatically increase within the 15-year planning period.

In the event that the road budget did increase, national road management emphasis would most likely direct available



funds into reducing backlog of critical deferred maintenance needs. The highest priority would be to address public health and safety needs. The second priority would be to address critical resource needs. The third priority would be to meet mission critical needs. There is an abundance of priority work to be done in the developed portions of the NFS and work in roadless areas would only be undertaken collaboratively with communities to reduce the risk of unwanted wildland fire effects.

### **Environmental Consequences**

#### **20.11 Temporary Roads Remain on Landscape**

**Temporary roads, even after decommissioning, are not benign on the landscape and are potentially as ecologically harmful as permanent roads. Temporary roads often become permanent on the landscape because of lack of funding to obliterate the roads. Decommissioning of roads does not prevent unauthorized use or creation of user-created trails from the temporary roads.**

*Response:* Temporary roads that are not decommissioned can have adverse impacts on the environment. However under the Modified Rule decommissioning of temporary roads is a mandatory contract requirement for any project developing temporary roads. In the past, contracting officers had the authority to waive the requirement to decommission a temporary road if the agency determined it was to the benefit of the Government. This discretion would no longer be available for temporary roads under the Modified Rule. In addition, the Modified Rule clarifies that the road may be used only for the specified purpose.

The decision to construct temporary roads to provide access for a project would consider the total impacts and benefits of the proposed project. Temporary roads may

create long-term adverse impacts on the environment, if not decommissioned. The appropriate level of NEPA for site-specific projects would analyze, disclose, and consider whether the benefits of a proposed project would outweigh the impacts. Careful road decommissioning can mitigate many of the harmful impacts. Site-specific treatments developed for road decommissioning can meet several priority areas including access control. See appendix O in the final EIS for more detail on applying treatments to meet decommissioning priorities.

#### **20.12 The Roadless Rule Needs to Require a Roads Analysis Before Any Decommissioning**

**The Forest Service should include a provision in the Rule that requires a roads analysis (FS-643, Aug. 1999) on transportation facilities that are adjacent to or access areas under the Idaho Rule; the analysis should be required to be shared with the affected county commissioners. This could help assure that all needs or risks of the local populace are considered before transportation system decommissioning is undertaken by the Forest Service to meet national objectives.**

*Response:* Federal regulations (36 CFR 212) require the responsible official to perform a science-based roads analysis to determine a minimum road network. The roads analysis is intended to inform road-related decisions involving new road construction, reconstruction, and decommissioning. If the unit has performed a broad-scale roads analysis for the area, the responsible official can make a determination of whether a roads analysis at the project scale would be necessary to inform their decision. When a roads analysis is performed, the regulations require that “to the degree practicable, involve a broad spectrum of interested and affected citizens, other State and Federal agencies, and tribal governments.” This

should include communicating with the county commissioners. See FSM 7710 (Transportation Systems) for more information of the procedures for roads analysis.

### 20.13 Building Roads and Air Quality

**Analysis should include a discussion on the effects of road construction on air quality. Road construction produces particulate matter, soil, and organic compounds from gasoline engines and soot from diesel engines.**

*Response:* The average level of annual road development (new construction, reconstruction, and temporary road) varies from 1 mile per year to 12 miles per year in the different alternatives across 9.3 million acres. It is impossible to show a measurable difference in air quality at the Statewide scale with this level of road development. A detailed evaluation of the effects on air quality might be feasible or necessary for a project-level environmental analysis if the impacts are determined to be potentially impactful to either State or Federal air quality standards.

### 20.14 Re-opening of Temporary Roads

**Temporary roads cannot be considered temporary as they are often re-opened to maintain fuel treatments.**

*Response:* Forest managers sometimes construct a road (temporary or permanent) on the same alignment as an old temporary road. The decision to construct on the same alignment may be based on the economics of a construction compared to maintenance costs, or it may be based on changing management priorities.<sup>4</sup>

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<sup>4</sup> This should not be confused with the use of a road that has been closed (stored for future use) and is now needed again for road access. Each manager would make this decision after analyzing the environmental effects of using an

If it is more economical to construct on the same alignment every 20 years than to maintain a permanent road, it may be a reasonable decision. Changes in management priorities that require going back to the same alignment because of unforeseen circumstances are usually discouraged and avoided when ever possible. In addition, the cumulative effects of temporary road construction, including any foreseeable re-use, would be evaluated at the appropriate level of NEPA at the project-level.

### 20.15 Enforcement of Road Closures

**The Forest Service should take into account, in the effects analysis, the lack of budget to patrol and control unauthorized use of temporary roads, because these roads are inadequately decommissioned to prevent use.**

*Response:* The lack of budget to patrol all unauthorized motorized use is common to all alternatives. The effects of unauthorized use of temporary roads would be analyzed with the appropriate level of NEPA at the project-level. One of the basic assumptions of travel management on NFS lands is that the public understands the need for travel restrictions and will voluntarily comply. Managers are also coordinating with Forest Service law enforcement to develop strategies to inform the public of travel restrictions and focus enforcement on problem areas. The Forest Service has also applied and received grants from the State Trails Program to assist in paying for travel management enforcement. There are also non-governmental organizations that provide trail ethics training and perform a self-policing function. Working with the public to develop an understanding of open

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existing road alignment compared to construction on a new alignment.

routes is one of the major objectives of the travel management planning process.

### 20.16 Permanent Roads

**Rationale that permanent roads have “additional protections” over temporary roads is not convincing. If all roads, temporary or permanent, are designed and constructed using the same standards, using best management practices (BMPs), then none of these roads would need “additional protections.”**

*Response:* Temporary roads are constructed for a single purpose for a short-time frame. Because of the focused purpose, forest managers generally have detailed knowledge of the traffic type, amount, and duration. There is also more knowledge of the season of use. Temporary roads are considered a direct project cost and are constructed to the absolute minimum standard for the intended use. A minimum standard generally results in almost vertical cut slopes, minimal surfacing, a minimum road width, minimal drainage structures, and often steeper gradients.

When temporary roads are constructed immediately prior to the project and decommissioned prior to storm events, then the exposure to adverse impacts can be limited. However, when storm events occur unexpectedly or if the temporary road is left in place for more than one season, then they can become high risk for erosion, mass wasting, cut-and-fill failures, or unwanted water concentrations.

By contrast, NFS roads are designed to meet longer term access needs. Design, operations, and maintenance criteria are developed for each road and affect the construction standards. The NFS road is designed and constructed to accommodate a wider range of vehicles over a wider range of weather conditions. NFS roads that are not designed for all-season use

frequently use seasonal traffic restrictions to protect the facility and the environment.

## 21. Phosphate

### *Affected Environment*

#### **21.1 A Separate Analysis Needs to Be Done on the Exemption Allowing Phosphate Mining in Roadless Areas**

**A separate analysis needs to be done on the exemption allowing phosphate mining in Roadless Areas. The Proposed Rule allows ongoing and expansion of leasing activities in both Idaho Roadless Areas and adjacent roadless areas. The Forest Service needs to do an independent analysis on this exemption to show direct, indirect, and cumulative effects.**

*Response:* The BLM has the exclusive authority to dispose of leasable mineral resources on NFS lands. However, BLM may not lease oil, gas, or geothermal resources on NFS lands over the objections of the Forest Service. In the case of phosphate, BLM must seek Forest Service recommendations for measures to protect surface resources, but may lease without Forest Service consent. A Federal lease conveys to the holder the right to explore and develop the leased commodity subject to lease terms, stipulations, and applicable regulations.

The Proposed Idaho Roadless Rule identifies roadless areas where road construction and reconstruction are permissible in connection with phosphate leasing. It does not specifically authorize any leasing, exploration, or mining of phosphate resources, and it does not seek to restrict any existing mineral authorizations in Idaho Roadless Areas. Accordingly, the final EIS appropriately analyzes from a broad perspective the reasonably foreseeable phosphate activity that would occur in roadless areas under each of the alternatives. Site-specific leasing,

exploration, and mining proposals would be analyzed in subsequent, independent environmental analyses cooperatively prepared by the Forest Service and the BLM.

### **21.2 Current Status of Selenium Contamination and Cleanup**

**The Affected Environment section should include the current state of selenium contamination in Idaho. Current regulations in place do not prevent environmental degradation. Phosphate expansion would lead to increased selenium contamination and new Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sites because of lack of effective regulations. Progress and success or lack of success of cleanup and restoration of phosphate sites should be included in the analysis.**

*Response:* A discussion of the current extent of selenium releases and state of associated cleanup actions on NFS lands is added to the Affected Environment section for Abandoned and Inactive Mines in the final EIS, section 3.5, Minerals and Energy. The Affected Environment section for Leasable Minerals in the final EIS also includes a discussion of best management practices (BMPs) that are being used at active phosphate mines to reduce the potential for selenium mobilization and migration from mine sites. Current regulations do provide a framework to prevent environmental degradation. The applicable regulations governing phosphate mining on NFS lands found at 43 CFR subparts 3591 to 3598 require operators to plan for and operate in a manner that avoids or minimizes impacts on the environment and to repair any such impacts that may result from their activity.

The 43 CFR subparts 3591 to 3598 also provide the BLM with the authority to

require reasonable mitigation and take necessary enforcement action to protect the environment. This existing regulatory authority combined with the application of BMPs and other site-specific mitigation to new mines as they are permitted would help prevent violations of Federal and State water quality standards. Leaseholders are required to post a bond as an assurance mining areas will be rehabilitated prior to the onset of mining.

### **21.3 Violation of Illegal Open Dumps**

**Phosphate mining has created “illegal open dumps” under the Resource Conservation and Recovery Act (RCRA). Discarded materials resulting from mining operations are considered solid waste under RCRA.**

*Response:* In 1985, the Environmental Protection Agency (EPA) determined that overburden from phosphate mining did not warrant being regulated as a Resource Conservation and Recovery Act (RCRA) hazardous waste. Thus, EPA’s regulation at 40 CFR 257.1©(2) exempts overburden resulting from mining operations intended for return to the mine site from being classified as a solid waste facility. Also, overburden or waste dumps associated with mining are not regulated under Idaho’s solid waste management rules. Accordingly, the overburden disposal areas associated with phosphate mining are not considered open dumps subject to regulation under RCRA by either EPA or the State. Although not regulated by these entities, overburden disposal areas for phosphate mines on NFS lands are regulated and permitted as a part of the BLM’s approval of the mine plan.

## **Environmental Consequences**

### **21.4 Effects of Selenium**

**The Forest Service needs to disclose the benefits of selenium and the mitigation**

measures already in place. Selenium is a free-radical eliminator and antioxidant and is helpful in the proper functioning of the thyroid glands. There is some evidence that selenium can prevent or help fight a number of diseases, including AIDs. There is also evidence that selenium may help fight heart disease and rheumatoid arthritis. Mitigation measures are being used by the phosphate industry to resolve issues of poisoning of deer populations from selenium. These mitigation measures would take time to resolve the issue.

*Response:* The Affected Environment for the Abandoned and Inactive Mines section in the final EIS, section 3.5, Minerals and Energy, makes a statement that selenium is an essential nutrient for human and animals and incorporates by reference a report that discusses both the nutritional and toxicity aspects of selenium. Please reference H.1.2.1 in appendix H of the Final 1998 Regional Investigation Report found at the Southeast Idaho Selenium Information System website at [http://giscenter-ims.isu.edu/SISP/Area\\_Wide\\_Reports.html](http://giscenter-ims.isu.edu/SISP/Area_Wide_Reports.html) In addition, the Affected Environment section for Leasable Minerals in the final EIS includes a discussion of BMPs that are being used at active phosphate mines to reduce the potential for selenium mobilization and migration from mine sites.

### 21.5 BMP Adequacy

**The Forest Service should recognize that BMPs are not adequate to protect water [in phosphate mining].**

*Response:* As discussed in the final EIS for the proposed Smoky Canyon Mine expansion, BMPs have been used at phosphate mines in southeastern Idaho within the past 5 years and have shown to be effective over this time frame.

The selenium BMPs for control of releases are: (1) not placing seleniferous overburden in direct contact with perennial or

ephemeral streams; (2) covering overburden with enough chert and soil to minimize uptake of selenium in reclamation vegetation and eliminate contact of the overburden with surface runoff; (3) eliminating known selenium accumulator plants from reclamation seed mixes; (4) grading and covering overburden to reduce infiltration of snowmelt and precipitation to reduce potential for overburden seeps; and (5) controlling erosion and discharge of sediment from seleniferous overburden to surface streams. None of these BMPs are highly technical or experimental in nature and the potential effectiveness of following them, to reduce the reoccurrence of past selenium releases, has great potential. In addition, the Idaho Roadless Rule does not “authorize” phosphate mining. The rule permits road construction/ reconstruction to access unleased phosphate deposits. The decision to authorize surface use and occupancy is made by the BLM after considering site-specific environmental analysis.

### 21.6 Phosphate Projection

**The Forest Service should correct its assumption in the phosphate projections that Smoky Canyon is the only foreseeable action. Mining companies have expressed strong interest in developing other mines within roadless areas in the Caribou-Targhee National Forest.**

*Response:* It is true that mining companies have expressed interest in developing other mines within Idaho Roadless Areas on the Caribou-Targhee National Forest. However, an expressed interest does not necessarily mean there would be another mine operating in roadless areas on the forest within the foreseeable future (i.e., within the next 15 years). The assumption is based on input from the BLM, which took into account the amount and location of remaining reserves of the three active phosphate mines operating on, or near, the

national forest. Even though the Smoky Canyon Mine is the only mine identified as reasonably foreseeable, the analysis assumes that all phosphate deposits where access is provided would be developed sometime in the future. The analysis for all resources discloses the potential effects based on this future development.

Operations associated with the proposed Smoky Canyon Mine expansion are expected to span a 16-year period, and the other two mines are projected to be engaged in properties outside roadless areas well into the 15-year timeframe. It is expected that industry would conduct advance exploration activities and begin the permitting process for another mine in an Idaho Roadless Area, most likely Huckleberry Basin, within the foreseeable future; however, start-up of actual mining would occur after the 15-year foreseeable future timeline. For analysis purposes, the final EIS assumed that mining on all existing or potential phosphate leases in the Caribou-Targhee National Forest would occur sometime in the future; therefore, the EIS evaluated the consequences on all these acres. However, before any new mining could occur in roadless areas, a site-specific analysis of environmental consequences would first be completed.

### 21.7 Human Health and Safety

**The analysis should disclose the human health effects from selenium contamination of phosphate mining. In 2002, the Idaho Department Health and Welfare issued a fish consumption advisory for parents to limit the amount of fish they eat from Mill Creek, a stream contaminated with selenium in which fish had significantly elevated concentrations of selenium in their flesh, as with the Crow Creek drainage. In summer 2006, the Department also issued hunters a reminder “...to limit consumption of elk**

**liver of animals harvested near phosphate mines.”**

*Response:* The Affected Environment for the Abandoned and Inactive Mines section in the final EIS, section 3.5, Minerals and Energy includes a discussion of the human health effects of selenium contamination in the phosphate mining area of Southeast Idaho. It also incorporates by reference a February 24, 2006, public health assessment of selenium in the area conducted by the Bureau of Community and Environmental Health (BCEH), Division of Health, Idaho Department of Health and Welfare. In their February 2006 report, BCEH revisited the conclusions and recommendations made in past health consultations for groundwater, beef, elk, sheep, and fish. BCEH concluded the Southeast Idaho Phosphate Mining Resource Area constituted “no apparent public health hazard,” but to be cautious issued recommendations on: (1) the amount of Yellowstone Cutthroat and Brook trout children under the age of seven should eat from East Mill Creek because of selenium contamination; and (2) the amount of elk liver people can safely eat per month.

### 21.8 Phosphate Final EIS Tiering

**The Forest Service should not tier to an incomplete final EIS analysis. The Caribou National Forest’s [phosphate mining FEIS] leasing analysis is not complete yet.**

*Response:* The draft and final EIS’s for the Idaho Roadless Rule (section 3.5 Minerals and Energy) referenced the draft or final EIS for the proposed expansion of the Smoky Canyon Mine, F and G Panels. The reference merely incorporates basic information regarding the proponent’s proposed mining activity proposed and does not tier to any analysis or decisions for the Smoky Canyon project. Information from this document was used to help inform the analysis.

## 22. Minerals / Oil and Gas

### General Comments

#### 22.1 Limitation Inappropriate

**The limitation on common variety minerals and discretionary mineral leasing are inappropriate as long as they are influenced by a law written in 1872.**

*Response:* The Mining Law of 1872 is the statutory authority that governs locatable minerals. The basic statutory authorities for leasable minerals are the Mineral Leasing Act of 1920 and the Mineral Leasing Act for Acquired Lands of 1947. The statutory authority for common variety minerals is the Surface Resources Act of 1955. These laws have been amended many times by Congress since they were first passed to reflect changing circumstances and likely would continue to be amended in the future. There are more recently enacted mineral laws, such as the 2005 Energy Policy Act, that supplement older legislation with more contemporary requirements. Activities authorized under “older” laws would continue to satisfy requirements of “newer” laws, such as the NEPA (1969), the Clean Air Act (1970), the Clean Water Act (1972), the ESA (1973), and others. In addition, the Forest Service and the BLM administer mineral activities under regulations that implement these laws. These regulations have also been revised over time to stay current.

#### 22.2 Mine Cleanup

**The Forest Service should require companies operating in national forests to clean up mined areas. They should not be granted further access until environmental protection and cleanup are complete.**

*Response:* The Affected Environment section for Abandoned and Inactive Mines in the final EIS, section 3.5, Minerals and Energy, discusses how the Forest Service

uses the authority under the CERCLA of 1980 (P.L. 96-510, Stat. 2767; 42 U.S.C. 9601, 9603, 9607, 9620) (CERCLA), more commonly known as the Superfund law to clean up mined areas. CERCLA allows the Forest Service to direct responsible parties to incur the costs to develop and implement plans to clean up mines that release or threaten release of hazardous substances, pollutants, or contaminants. CERCLA may also be used to direct owners/operators of active mines to take action to remedy releases or threatened releases of hazardous substances. Cleanup of active mines can also be accomplished through the operating regulations of the BLM, which administers phosphate mining activity for Federal leases on NFS lands. Although the Forest Service and/or BLM have the authority to compel responsible parties to remedy environmental problems created by their mining activity, neither Agency has regulations that would allow it to deny further access to an operator until a cleanup is complete. At this time, there are no regulations that require full reclamation of all disturbed phosphate leases before other leases are developed.

#### 22.3 Bio-mimicry

**The Forest Service should not allow extractive uses because roadless areas provide scientific values and potential for bio-mimicry solutions.**

*Response:* The Forest Service recognizes the value of Idaho Roadless Areas when carrying out its obligations under applicable laws, regulations, policies, and plans. Certain extractive uses within roadless areas – such as phosphate mining on existing leases in the Caribou National Forest – are mandated by the Agency’s statutory authority to manage national forests on multiple-use, sustained-yield principles; such uses are permissible under existing regulations governing roadless

areas and consistent with the Caribou's revised forest plan.

When allowing permittees access to extractive activities, each action is analyzed for direct, indirect, and cumulative effects on other valuable resources. If there are impacts from the proposed activity that affect these resources, mitigation measures are put in place to ensure minimal loss to these other values.

In the Modified Rule less than 6,000 acres of the 9.3 million acres of roadless in Idaho are projected to be mined. There is abundant opportunity for bio-mimicry solutions to be discovered.

#### 22.4 Gospel Hump Claims

**The Forest Service should explain acres of patented mining claims in the Gospel Hump area. For the Cove Roadless Area (erroneously termed Gospel Hump in the draft EIS) on the Nez Perce National Forest, the draft EIS states 266 acres of patented mining claims exist in the area. This is questionable when no map has been provided, and from the small-scale map that is available it appears that the patented claims are outside the unit's boundary?**

*Response:* Roadless area boundaries were determined from a map rather than an actual survey. Accordingly, features (such as patented land) that are close to the boundaries may be difficult to discern whether they are within or outside of a particular roadless area. Regardless, private inholdings—such as patented mining claims or homesteads—could be granted roaded access under the road construction or reconstruction exception for outstanding rights.

Further review indicates that 227 acres associated with the Comstock Mine mineral patents are within the Gospel Hump Roadless Area. Other mineral patents

associated with the North Star Mine, the Dillinger Mine, and the Black Diamond Mine are close to the boundary and may overlap with the roadless area. Accordingly, the accuracy of the acreage figure quoted in the draft EIS could not be verified.

Gospel Hump is referred to as Gospel Hump Roadless Area in the existing forest plan, not Cove Roadless Area; therefore the name will remain as Gospel Hump Roadless Area in this EIS.

### Environmental Consequences

#### 22.5 Oil and Gas Interest

**The analysis should disclose that industry is interested in oil and gas exploration, and should include assessment of future development resulting from rule implementation.**

*Response:* The final EIS, section 3.5, Minerals and Energy, discloses information on industry interest in leasing on the Caribou-Targhee National Forest as well as a reasonably foreseeable projection of oil and gas activity that would occur on the Caribou portion of the forest if lands were offered for lease. The Leasable Minerals Affected Environment section in the final EIS includes information to reflect the issuance of one oil and gas lease on the Caribou-Targhee in December 2007.

The final EIS, section 3.5, Minerals and Energy, discusses the anticipated level of oil and gas activity under each of the alternatives. In this same section, an analysis of environmental consequences of this level of activity was addressed in the respective sections on surface resources.

In 2000, the Targhee National Forest completed its analysis of lands available for oil and gas leasing. Fundamental to that analysis was a reasonable, foreseeable development scenario prepared by the BLM. That scenario projected that 10



exploratory wells would be drilled on the forest over a 15-year period. One oil and gas lease was issued in the Targhee in December 2007. So far no wells have been drilled on the forest since the leasing decision in 2000. In 2005, a company nominated more than 200,000 acres of the Caribou portion of the Caribou-Targhee National Forest for oil and gas leasing. Upon initiating a leasing analysis for the forest, an reasonable, foreseeable development scenario was completed and projected 4 exploratory wells over a 15-year period. These low projections reflect the overall low potential for oil and gas on the Forest.

The Proposed Rule was changed for the Modified Rule to prohibit road construction/ reconstruction to access oil and gas leasing in all themes, including GFRG. This is primarily because of the low potential for oil and gas in Idaho Roadless Areas. Surface use and occupancy is permissible, unless it is expressly prohibited in the land management plan. This would allow decisions such as those associated with the Targhee Forest Plan to remain in effect.

## 22.6 Encouraging Exploration

**The Idaho Roadless EIS rule would encourage additional exploration. This is a foreseeable action.**

*Response:* Section 3.5, Minerals and Energy, of the final EIS contains a discussion of the reasonably foreseeable activities predicted for each of the three categories of minerals (locatable, leasable, and salable). With respect to locatable minerals and geothermal, so little is known about the nature and extent of the involved commodities, that an estimate of future activities is not possible. However, the final EIS relied on a survey of each Idaho forest, which projected less than 1 mile per year average of new road building for all non-

timber activities in the foreseeable future. In the case of locatable minerals, none of the alternatives discussed in the final EIS would affect potential activities on mining claims in Idaho Roadless Areas because the right to reasonable access is provided for by statute under the 1872 Mining Law. Therefore, none of the alternatives, including the Proposed Rule, would have any influence on the level of foreseeable exploration activity on mining claims in Idaho Roadless Areas.

It should be noted that exploration activities would be conducted in accordance with applicable regulations of the Forest Service and/or the BLM which serve to avoid or minimize adverse impacts on surface resources.

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## 23. Alternative Energy

### *Affected Environment*

#### 23.1 Geothermal Potential Estimates

**The Forest Service should clarify how the draft EIS estimated geothermal potential. The draft EIS over-estimated the potential for this development.**

*Response:* The draft EIS attempted to distinguish between the potential for geothermal occurrence and the potential for geothermal development. Section 3.5, Minerals and Energy, in the draft EIS acknowledges that the reference used (Southern Methodist University Geothermal Heat Laboratory) is likely an optimistic projection of the geothermal occurrence potential in Idaho Roadless Areas. The draft EIS offered web links to other maps showing a less extensive occurrence potential for the State's geothermal resource such as the Idaho Department of Water resources website at [www.idahogeothermal.org](http://www.idahogeothermal.org) and maps at [www.eere.energy.gov/geothermal/geomap.html](http://www.eere.energy.gov/geothermal/geomap.html) and

[www.smu.edu/geothermal/2004NAMap/2004NAMap.htm](http://www.smu.edu/geothermal/2004NAMap/2004NAMap.htm).

Although optimistic, the reference used to identify geothermal potential is not unreasonable. With regard to predicting the geothermal development potential, the draft EIS states (p. 128) that the lack of specific resource information or a history of activity on NFS lands precludes making an accurate prediction of future geothermal activity within Idaho Roadless Areas. Although not a specific prediction of activity, the EIS acknowledges that some level of geothermal activity is likely to occur in areas where road construction or reconstruction is permissible.

Although information on where geothermal might actually be developed is minimal at this time, analysis on the effects of each alternative recognizes that all proposals for geothermal exploration or development are subject to applicable leasing and operating regulations and the appropriate level of environmental analysis.

However, based on the concern that there was not enough information on the potential for future geothermal development, in the final EIS the Proposed Rule was changed in the Modified Rule to prohibit road construction/reconstruction in all the themes to access new mineral leases associated with geothermal development. Existing information indicates there are many areas of high geothermal potential outside roadless areas. Any new information that may arise, making it desirable to develop geothermal resources in Idaho Roadless Areas, would be subject to direction found in the change clause in the Proposed Rule, ensuring appropriate levels public involvement.

### **23.2 Geothermal Potential in Weir/Post Office Roadless Area**

**The Forest Service should explain how the geothermal potential acreage could be**

**more than the entire roadless area acreage, as described in appendix C.**

*Response:* The 22,100 acres of geothermal potential mentioned in the Resources section of the Weir/Post Office Roadless Area description in appendix C differs from the total acres shown under the title (22,000 acres) by 100 acres and is attributed to rounding. This has been corrected in the final EIS.

### **23.3 Geothermal Potential in Mallard-Larkin Roadless Area**

**The Forest Service should explain the evidence for high geothermal potential, as described in appendix C.**

*Response:* The reference in the draft EIS appendix C to 255,700 acres of high geothermal potential and 69,000 acres of moderate oil and gas potential within the Mallard-Larkin Roadless Area is incorrect. This has been corrected in the final EIS to show the Mallard-Larkin Roadless Area contains 255,700 acres of medium geothermal potential and that the entire roadless area is considered low potential for oil and gas.

## **Environmental Consequences**

### **23.4 Infrastructure Effects**

**The effects analysis should reflect the increasing emphasis geothermal and other on alternative power development (e.g. road reconstruction, spur roads, exploration). There is significant development opportunity in the GFRG theme. Energy infrastructures would affect visual, roadless, bird, and bat values.**

*Response:* A discussion of the kinds of facilities and surface impacts associated with geothermal exploration and development was contained in appendix I, General Geothermal Development Scenario, in the draft and final EIS. This general description was provided to guide the

analysis because, lacking either a published estimate of development potential or historical development on NFS lands in the State, a reliable projection of geothermal activity and associated infrastructure was not possible. Information was added to section 3.5, Minerals and Energy, to address alternate energy potential beyond geothermal within Idaho Roadless Areas as well as the potential for additional pipeline and electrical transmission corridors.

At the forest level, all proposals to develop alternate energy resources would be subject to applicable project-level regulations and the appropriate level of environmental analysis and public involvement.

### 23.5 Biomass

**The effects analysis should discuss how theme designations would affect access to biomass utilization and the impacts of biomass utilization on roadless areas.**

*Response:* A discussion on biomass utilization was added to the final EIS, section 3.5, Minerals and Energy. Utilization of biomass requires roaded access and is extremely sensitive to transportation costs to get the product to where it would ultimately be used. The final EIS projects that wood biomass activities in roadless areas would not be conducted independently, but in conjunction with timber harvest or fuels treatment projects. The joint projects would only be those that use or build roads and are located within an economically feasible distance of a point where the biomass would be used. These projects would be subject to the applicable level of NEPA to meet site specificity requirements.

### 23.6 Geothermal on Slopes

**The Forest Service should correct its assumption that geothermal development would not occur on slopes greater than 40 percent.**

*Response:* It is correct that the Proposed Rule does not restrict occupancy based on slope. However, forest-level leasing analyses would not be precluded from adding more stringent protective measures to issued leases as long as they are not inconsistent with the Rule.

The assumption that the Forest Service would not allow surface occupancy on slopes greater than 40 percent is valid. This is supported by oil and gas leasing decisions on other forests in the Intermountain Region that required just such a stipulation for any oil and gas leases issued, because of the difficulty in reclaiming the 3 to 5 acres of cleared area necessary to host a large drilling rig. Since exploration equipment for geothermal and oil and gas are similar, it is reasonable to assume that leases issued for geothermal would contain similar protective measures.

### 23.7 Geothermal Cumulative Effect Areas

**The Forest Service should include in the cumulative effects analysis that opening areas to geothermal leasing would likely open the same areas for other forms of development.**

*Response:* Although it is certainly possible that multiple development activities may share use of a road constructed for one activity, it would be more of an exception rather than a “likely” occurrence. It would be speculative to assume that the timing and location of roads, particularly temporary roads associated with geothermal exploration, would be conducive to use by multiple forms of development.

It should be noted that all permitted activities would be conducted in accordance with applicable regulations of the Forest Service and/or the BLM and the appropriate level of environmental analysis. Approval and administration of activities at the project-level would serve to avoid or

minimize adverse impacts to surface resources. The Modified Rule restricts the use of temporary roads to their specified purposes.

### **23.8 Geothermal Energy Development May Be Possible, but It Might Not Be Feasible to Deliver the Energy.**

**Idaho has high potential for geothermal development, in terms of potential sites for facilities. Conversely, the capacity of Idaho’s electrical infrastructure to deliver power from the facility is low. This fact supports the probability that more transmission line rights of way and easements through the roadless areas would be necessary to allow for this type of energy development.**

*Response:* Geothermal powerplants require a transmission line to deliver generated electricity to consumers. This was reflected in the general geothermal development scenario contained in appendix I of the draft and final EISs. The costs of constructing new transmission lines would weigh heavily against constructing a geothermal powerplant far from existing infrastructure. The remoteness of most roadless areas would likely temper interest in developing geothermal projects because of their distance to infrastructure.

While Idaho Roadless Areas have a high potential for geothermal occurrence, their potential for actual development is not known at this time. The final EIS acknowledges this uncertainty and focuses on analyzing the impacts of a general geothermal development scenario to those roadless areas where development is likely to occur. Idaho Roadless Areas with prohibitions on road construction or reconstruction are predicted to receive little interest from industry to develop any geothermal potential.

Based on the concern that there was not enough information on potential for future

geothermal development, the Proposed Rule was changed for the Modified Rule to prohibit road construction/reconstruction in all the themes to access new mineral leases associated with geothermal development. Existing information indicates there are many areas of high geothermal potential outside of roadless areas. Any new information that may arise making it desirable to develop geothermal resources in Idaho Roadless Areas would be subject to direction found in the change clause in the Proposed or Modified Rule, ensuring appropriate levels public involvement.

Also, any geothermal activity proposed in roadless areas would be subject to the leasing and operating regulations of the BLM at 43 CFR 3200. In addition, the Forest Service and BLM would jointly conduct the appropriate level of environmental analysis for site-specific impacts.

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## **24. Climate Change**

### **24.1 Make Climate Change a Priority; Idaho Roadless Rule Is on the Wrong Path**

**The Proposed Idaho Roadless Rule would be completely the wrong path to follow in the presence of a rapidly growing population and climate change. America’s national forests are governed and managed by Federal laws and it is important that NFS lands be managed with the bigger picture. The Idaho forests’ overriding management plans now need to include climate change as a major priority.**

*Response:* Strategies to address global climate change are occurring at broader scales than the management of national forests in the State of Idaho. It is not the purpose of the Idaho Roadless Rule to develop a climate change strategy. However, the final EIS contains additional analysis of environmental effects as they relate to carbon emissions by alternatives,

and how differing philosophies of management (conservation compared to active/adaptive management) may influence resiliency of Idaho forests in the face of climate change. Effects of specialized management activities, such as the authorization of oil and gas development, might trigger the need to analyze the effects on climate change or global warming at the project level. Also, if a resource is considered threatened or affected by the results of climate change or global warming, which too would be considered in the appropriate NEPA analysis and public involvement.

#### 24.2 Quantifiable Effects

**The analysis should include relative effects of the alternatives to climate change. Such impacts are quantifiable, contrary to the draft EIS (p. 63).**

*Response:* Additional analysis was included in the final EIS in section 3.2, Vegetation and Forest Health. The analysis indicates that permissive activities, including certain vegetation management and potential mineral development, would release carbon dioxide emissions that would contribute to atmospheric green house gases. This analysis displays relative amounts among alternatives. Cumulative impacts of activities are small because of the limited nature, type, and duration of activities envisioned; therefore, no measurable adverse effects are recorded.

#### 24.3 Consistency with Projections

**The analysis of effects on climate change is not consistent with projections for reducing significant fire risk or restoring ecosystems based on budgets being inadequate to have a significant program.**

*Response:* Potential activities, including fuel-reduction activities, were based on past and foreseeable budgets and work envisioned in Idaho Roadless Areas.

Projections for timber harvest and road building that may include fuel-reduction projects, by alternative, were included in the final EIS, section 3.1, Introduction. Factual corrections were made to these projections; however, the relationship for the activity levels did not change among alternatives. Timber cutting and prescribed burning projects were not included in the projections but were considered limited because without access, the costs are too high. Furthermore, the climate change analysis indicates that while greenhouse gases are produced by certain activities, the amount of gases produced, when compared to the total greenhouse gas pool in the atmosphere, is too small to consider adversely affected.

#### 24.4 Scientific Controls

**Given global warming, it is unwise to develop roadless areas because they serve as valuable scientific controls for measuring effects of global warming.**

*Response:* The purpose of the Idaho Roadless Rule is not to address a climate change strategy. Development of all roadless acres in Idaho is not expected for any of the alternatives; however, varying levels of development are permissible among alternatives and among management themes in the Proposed and Modified Rules. The draft and final EISs include projections for the permissible activities (timber harvest, road construction, and mineral leasing). Based on the permissions and projections, most (at least 95 percent) of the lands in Idaho Roadless Areas would remain undeveloped. Although the locations where development occurs may not be able to serve as future reference or control sites for climatic change trends, other undeveloped areas would be available. The draft and final EISs contain information on both conservation and active/adaptive management strategies, and how they may compare to climate

change effects (section 3.2, Vegetation and Forest Health).

### 24.5 Old Growth and Carbon—Climate Change

The analysis should consider impacts of logging old-growth and other trees relative to their role in carbon sequestration and climate influence.

*Response:* The analysis of potential climate change effects included both conservation and active management approaches. Compared in relative terms, the 2001 Roadless Rule promotes a conservation approach, while the other alternatives combine conservation and active management approaches to varying degrees.

Although active management would add carbon dioxide to the atmosphere through the release of greenhouse gases, there is a trade-off in storing carbon in the residual stand that may provide longer-term carbon storage benefits. As the analysis in both the draft and final EISs indicates (section 3.2, Vegetation and Forest Health), wildfires are expected to continue in roadless areas. Wildfires also release carbon in the atmosphere. Fuel-reduction activities in certain portions of roadless areas may reduce fire behavior effects, potentially reducing releases to the atmosphere. The final EIS—section 3.2, Vegetation and Forest Health, and section 3.3 Fuel Management—discusses the fire behavior changes that result from fuels treatments. Also, wood products are produced from fuel-reduction projects, so carbon would be sequestered off-site in various wood products.

Old-growth forests typically are a net carbon dioxide producer and would be managed based on the direction of individual forest plans, and by provisions contained in HFRA of 2003.

### 24.6 Changes to Fire Regimes

The analysis should disclose the effects of the fires of 2007 on fire regimes and condition classes, and should include the projected effects of climate change on them. Climate, not fuels loading, is the main driver for lethal fires. Given global warming and other human or natural changes, it may not be possible (or desirable) to try and replicate some forest conditions of the mid 1800s. Indeed, the current classifications of forest types may drastically change because of global warming.

*Response:* The final EIS provides additional information based upon the 2007 fires on condition classes (see section 3.3, Fuel Management).

Analyzing the effects of climate change on fire regimes is beyond the purpose of the Idaho Roadless Rule. It is an appropriate subject for Forest Service research scientists (research stations) to explore, with the objective of providing direction for the Forest Service as a whole, along with adjacent land owners and other Federal partners such as the BLM and the Park Service. Eventually this broad-scale direction would be available to forests to use in their forest planning. Presently, the state of scientific knowledge does not represent a consensus that the near-term climatic conditions in Idaho would become warmer and drier, or warmer and wetter, or some other trend. Therefore, there is not yet an adequate basis for modifying the fire regimes for Idaho vegetation, or adjusting the fire regime condition class model. The Forest Service is addressing relationships between climate change and national forest programs in its long-term climate change response strategy initiated by the Chief in a February 15, 2008 (1300) memo. Three priority actions in this response are to: (1) create science syntheses and assessments of climate change to support forest plan

revisions and projects, (2) provide guidance for field units on how to treat climate change in project planning and NEPA documents, and (3) provide guidance for field units on how to treat climate change in forest plan revision.

## 25. Roadless Characteristics

### General comments

#### 25.1 Appendix C Descriptions

**The Forest Service should clarify descriptions in appendix C to reflect concerns from letter 1800 and other public comments.**

*Response:* Appendix C of the draft EIS was compiled using the information from existing forest plan's appendix C or similar appendices. Comments concerning specific appendix C clarifications or corrections were reviewed with the ID team and forest personnel to verify and make updates to appendix C in the final EIS. Public comments were used to update the final EIS appendix C, where applicable.

#### 25.2 Roadless Designations

**Do not remove any roadless areas from roadless designation as stipulated in the Idaho Roadless Rule. Do not reduce protection of roadless areas by changing their management designation to allow any type of degradation. For example, with directional drilling techniques, areas grandfathered in under the 2001 Rule could have extraction of some resources while maintaining roadless conditions on the surface area. There is no reason to remove these areas from Roadless designation.**

*Response:* The Idaho Rule designates a system of lands called Idaho Roadless Areas. These lands are based on the most current inventory and slightly differ from the lands identified in the 2001 Roadless

Rule<sup>5</sup> (see final EIS, appendix A). In addition the Idaho Roadless rule would establish a variety of different management themes that could affect the roadless condition of some areas. The Proposed Idaho Roadless Rule would prohibit most activities in the Wild Land Recreation, Primitive, and SAHTS themes and would permit activities in the GFRG theme; it would also permit a limited number of activities in the Backcountry theme. Based on public comment, the Proposed Rule was changed for the Modified Rule to make the prohibitions in the Primitive and SAHTS theme the same as, or more restrictive than the 2001 Rule. Fewer acres were placed in the GFRG theme, and the permissions for road construction/reconstruction to access new mineral lease areas was removed, except to provide access to geothermal development. In addition, surface use and occupancy would be permitted in the GFRG theme, unless prohibited by the land management plan. This is more restrictive than the 2001 Rule. Changes were also made to the Backcountry theme. In essence, temporary road construction and timber cutting to reduce hazardous fuels could occur on about 442,000 acres in the Backcountry theme under the Modified Rule. The remaining area would be managed similar to the 2001 Rule; unless site-specific situations indicate there could be a significant risk from wildland fire to an at-risk community or municipal water supply system.

The permissions and prohibitions take into account each roadless area's unique situation and individual characteristics. The potential effects of altering roadless characteristics are analyzed in the final EIS, chapter 3. Idaho Roadless Areas would not

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<sup>5</sup> There are about 40,000 acres more lands identified in the inventory for Idaho Roadless Areas than in the 2001 Roadless Rule.

be changed due to activities taken pursuant to the Idaho Roadless Rule.

### 25.3 Was NEPA Done for Roadless Designations?

**The Forest Service should designate these roadless areas as wilderness areas. The criteria for designating such are too restrictive and need review. Roadless area designation should comply with NEPA during the development process.**

*Response:* Only Congress can designate wilderness areas. The Forest Service is responsible under the NFMA to periodically evaluate undeveloped areas potential for wilderness designation through the forest planning process. Wilderness evaluation procedures are described in FSH 1909.12, chapter 70. This includes establishing the extent of roadless lands, and evaluating these areas for their wilderness suitability based on criteria including capability, availability, manageability, and need, including the contribution they would provide to the NWPS. Recommendations for wilderness designation are part of the NEPA process of forest planning.

### 25.4 Errata

**The Errata should include an explanation of the basis for changed numbers.**

*Response:* Table 2.5, Comparison of Alternatives, was corrected after the release of the draft EIS. Numbers were changed in the Jobs and Labor income columns either because there was a typo (1 rather than 13) or rounding errors. The last item in the comparison table indicated that only 4.3 million acres of Idaho Roadless Areas would retain natural processes and roadless characteristics. This was based on a “worst case” scenario that all acres that permit some activity would be modified. In reality this is not true; therefore, the table was changed to reflect the percentage of Idaho

Roadless Areas that would likely maintain natural processes and roadless characteristics over then next 15 years.

It should be noted that this section of the summary was removed in the final EIS because of the confusion it caused.

## Environmental Consequences

### 25.5 Effects Comparison for Roadless Values

**The analysis should include a table comparing roadless values among alternatives. The analysis should consider that only the Wild Land Recreation theme provides true roadless area conservation while all other alternatives would have less protection than the 2001 Roadless Rule because of the permissible activities in the Idaho Proposed Idaho Roadless Rule.**

**The draft EIS infers repeatedly that only 609,500 acres would receive less protection under the Proposed Idaho Roadless Rule than under the 2001 Roadless Rule. In fact, far more acreage would have less protection because of loopholes in management classifications. Of the total roadless area available (9.3 million acres), only 14.8 percent is allocated to a true roadless area conservation and preservation theme (Wild Land Recreation). That means 7,780,500 acres would have less protection than under the Idaho Rule proposal than they would under the 2001 Roadless Rule. The Forest Service needs to do a complete analysis showing the impacts on wildlife and other environmental effects by losing so many roadless characteristics.**

*Response:* The effects analysis compares the differences of impacts to roadless values among the alternatives in the final EIS, chapter 3. Because actual activities are not known at this time, comparison of projected road construction/reconstruction mileages, timber cutting, and discretionary mineral



leasing acreages by alternative are used to describe the differences among alternatives.

In response to public comments, the Modified Idaho Roadless Rule increases the Wild Land Recreation acreage from 1,378,000 acres in the Proposed Rule to 1,479,700 acres and decreases the more permissive GFRG from 609,600 acres to 405,900 acres. See response to comment 7.7 of this appendix for a summary that compares permissive and prohibitive activities with the 2001 Roadless Rule. Additional changes were made to the Primitive/SAHTS themes so that the Modified Rule is now the same or more protective for timber cutting than the 2001 Rule because these themes prohibit road construction.

In addition, the Backcountry theme was changed to focus where road construction/reconstruction could occur. On about 442,000 acres, management direction would be more permissive than the 2001 Roadless Rule. On the remaining 4.9 million acres, the permissions would be similar to the 2001 Roadless Rule. Temporary roads could be constructed to reduce significant risk of wildland fire effects, but only if the activity cannot be reasonably accomplished without a temporary road and the project maintains or improves one or more of the roadless area characteristics over the long-term. The regional forester must approve the use of this exception. It is anticipated this exception would be used infrequently; therefore, in most cases, temporary roads would not be constructed outside the CPZ.

In the GFRG theme, the permissions for road construction/reconstruction to access new mineral leases for oil and gas and geothermal development were removed. Surface use and occupancy would be permitted, unless prohibited in the land management plan. This is more protective than the 2001 Rule, because it does not include the land management plan

prohibitions. A more comprehensive description of the themes and comparisons is discussed chapter 2 in the final EIS.

## 25.6 National Perspective

**The analysis should include a national perspective of roadless areas in Idaho, considering the significance of the large expanse of Idaho Roadless Areas compared to the national land base. As the Forest Service has already determined in the 2001 Roadless Rule final EIS, the local relative abundance of Idaho Roadless Areas in places like Idaho does not justify developing them. At the national level, Idaho Roadless Areas are scarce, representing the scattered remnants of our forest heritage. Particularly rare are places with a relative abundance of intact ecosystems. While local decision making about their fate may be intuitively appealing in some situations, it is precisely this process that leads to their overall loss and the loss of all of the public values that make them important, both to local residents and the public at large.**

*Response:* Section 3.1 Introduction in the draft and final EIS provides a national perspective on roadless areas in Idaho. The NFS comprises 192 million acres, which is 8.5 percent of the total land base of the United States. Within the NFS, there are currently 34.7 million acres of wilderness, 58.5 million acres of inventoried roadless area, and 4.2 million acres of areas in congressional designations other than wilderness that are not included in the inventoried roadless areas, such as wild and scenic rivers or national recreation areas. The remaining 94.9 million acres (approximately 50 percent of NFS) includes roaded and other non-inventoried unroaded areas.

20.5 million acres of NFS lands are within Idaho, of which 9.3 million acres (45 percent) are in roadless areas. An additional 24 percent are in national designations such

as, Wilderness, national recreation areas). The remaining 31 percent are roaded or are outside national designations or roadless areas. Idaho Roadless Areas make up a little less than 5 percent of total NFS lands in the United States and less than 0.5 percent of the total land base in the United States. Nevertheless, Idaho Roadless Areas represent the largest expanse of roadless areas in the continental United States. The 2001 Roadless Rule final EIS (appendix A, p. A-3) displays the contribution of Idaho's roadless lands compared to other States.

The Agency recognizes the conservation value of the roadless areas in context of the rarity of roadless areas across the Nation. The 2001 Roadless Rule states "...expanding urban areas and increased fragmentation of private lands make it likely that the largest and most extensive tracts of undeveloped land will be those in public ownership." However, this urban expansion creates risk to adjacent roadless areas as well as to the communities themselves. The Idaho Roadless Rule provides management direction for the conservation of the Idaho Roadless Areas while also providing opportunity to actively manage roadless areas for forest health and wildland fire risk to communities.

The Proposed and Modified Rules would allow cutting, sale, or removal of timber in certain limited situations including maintaining roadless area characteristics; reducing wildland fire risk; for administrative or personal use; where incidental to other activities; or in areas altered by prior timber harvest (see final EIS, section 2.2, Alternatives Considered in Detail).

In the Modified Rule, road construction and reconstruction are prohibited on approximately 3.25 million acres (Wild Land Recreation, Primitive, and SAHTS themes) and permitted on 405,900 acres (GFRG theme). In the GFRG theme, timber

cutting and road construction are permitted when it is consistent with forest plan components. In the Backcountry theme (approximately 5.3 million acres), temporary road construction is permitted primarily within the CPZ (about 442,000 acres), and to a very limited degree outside the CPZ. Outside CPZ of the Backcountry theme, several conditions must be met, including a determination there is a significant risk to an at-risk community; a determination that a temporary road is the only reasonable alternative to reduce the hazardous fuels; the project maintains or improves one or more of the roadless area characteristics over the long-term; and the regional forester approves proposed projects. Although there are approximately 4.9 million acres in the Backcountry theme outside the CPZ, for the most part temporary roads would not be constructed outside the CPZ because the limited circumstances would lead to infrequent road use. See comment and response 5.20 in this appendix and section 2.2 in the final EIS for the limitations on activity in the Backcountry theme.

It is predicted that most activity permitted under the Modified Rule would primarily occur within the GFRG and Backcountry CPZs. There are 405,900 acres in the GFRG theme and 442,000 acres of Backcountry CPZ in the Modified Rule. These combined 847,900 acres (GFRG and Backcountry CPZ) are less than 1 percent of the NFS land base where commodity extraction is either prohibited or limited, and less than 1 percent of the land base of roaded and other non-inventoried unroaded areas. Although timber cutting may be permitted on these 847,900 acres, the Agency estimates that over the next 15 years this activity would actually occur on only approximately 15,000 acres. Projects implemented under the Idaho Roadless Rule would affect roadless characteristics in the short term; however,

over the long term, all projects would continue to maintain roadless character. Effects on roadless characteristics are disclosed in the final EIS.

See comments and responses 3.14 and 4.9 in this appendix for a discussion on the scope and local compared to national perspectives.

### 25.7 Fragmentation

**The analysis should include a discussion of the effects of fragmentation of roadless areas into themes on the long-term loss or roadless values. The draft EIS neglects to evaluate the effects of this fragmentation on the potential for working toward a regional- and continental-scale roadless system, based on ecological criteria. For example, categorize the Breadwinner, Grand Mountain, Steel Mountain, Lost Man Creek, Sheep Creek, Smoky Mountains, and Blue Bunch Roadless Areas all with the same category of fully protected roadless; this would, in effect, contiguously connect all of the above to the Sawtooth Wilderness and the Frank Church Wilderness. The EIS should consider the effects of fragmenting Idaho Roadless Areas on the management of adjacent roadless areas in bordering States.**

*Response:* The designation of Idaho Roadless Rule themes would not affect continuity of roadless areas characteristics. Based on projections of activities for both the Proposed and Modified Rules, most Idaho Roadless Areas would be unaffected by activities permissible under this Rule. For the Modified Rule, 15,000 acres of timber cutting and 50 miles of road construction and reconstruction are projected across the 9.3 million acres of Idaho Roadless Areas. Most projects are anticipated to occur within the GFRG theme and the CPZ of within the Backcountry theme. There are 405,900 acres in the GFRG and 442,000 in the Backcountry CPZ. These

theme designations combined represent 9 percent of Idaho Roadless Areas.

The GFRG and Backcountry CPZ areas are generally located on the outer edges of Idaho Roadless Areas, leaving the core area intact. The Wild Land Recreation and Primitive themes, and areas outside the CPZ of the Backcountry theme, would contribute to providing for continuity of roadless area characteristics. For the most part, roadless areas connecting the Sawtooth and Frank Church Wilderness are assigned to the Primitive and Backcountry themes.

All Idaho Roadless Areas would continue to be managed as roadless areas with purposes of conservation and management. Roadless areas adjacent to or straddling State boundaries would continue to be managed as roadless areas. Management direction for Idaho Roadless Areas may have more or less permissible and prohibitive direction for timber cutting, road construction/ reconstruction, and mineral leasing than the bordering roadless areas. However, each Idaho Roadless Area that borders another State was evaluated to ensure compatibility. In addition, the State of Montana provided comment, and the themes in Garfield Mountain were modified (changed from GFRG to Backcountry) based on their comments. The State of Montana also wanted lands in Agency Creek and West Big Hole to remain in the Backcountry theme; in that case the lands adjacent to the State boundary remained in Backcountry and the areas already roaded and away from the State boundary were changed to GFRG.

In addition, site-specific effects on roadless area characteristics and consequent impacts on adjacent roadless areas would be analyzed with the appropriate level of NEPA at the project-level.

### 25.8 Helicopters in Roadless

**The analysis should include the effects on roadless character from potential helicopter landings in roadless areas and recommended wilderness areas.**

*Response:* Neither the Proposed or Modified Rules include permissions or prohibitions associated with aircraft management. Management direction related to aircraft management are found in existing planning and regulatory processes such as Agency policies, Forest Service servicewide directives, and land management plans, which provide management direction on where, when, and how helicopters are operated on NFS lands. Aircraft landings in roadless areas or recommended wilderness would be analyzed at the site-specific level.

### 25.9 Scenic Values in Roadless

**Scenic values of Idaho roadless forests would be threatened in 5.9 million acres of roadless forest under the Proposed Rule. Roads, vegetation treatments, and infrastructure from minerals and energy development affect scenic quality. Roadless areas in the Idaho Panhandle National Forests provide unique scenic values that help provide a sense of remoteness and solitude encompassing the only vistas across Canada, Idaho, and Washington.**

*Response:* The scenic integrity of landscapes in Idaho Roadless Areas is generally high, indicating a low level of landscape modification. The existing vistas in remote areas where the Wild Land Recreation theme has been designated would continue to have high scenic integrity. All alternatives project maintenance of a high level of scenic integrity with the exception of the seven roadless areas with existing phosphate leases, where it is foreseeable that at least 7,200 acres may be mined over the next 100

years. For unleased areas, the Existing Plans would allow access to 14,460 acres and the 2001 Roadless Rule would not permit access to these same acres. The Proposed Rule permits access to 13,190 acres. In response to public comment over this concern, the Modified Rule reduces the acres accessible for phosphate to 5,770 acres.

There are also some areas that have had some extensive activity — such as grazing, OHV use, and timber sales — that have modified the scenic integrity. Appendix C in both the draft and final EISs summarizes the existing characteristics for all Idaho Roadless Areas including scenic integrity. The level of project development anticipated in the planning period would not have a measurable effect on scenic quality except in localized areas. There is not likely to be a material effect on scenic vistas from the Idaho Roadless Rule. Project-specific activities would still need to be reviewed and analyzed, with scenic quality effects mitigated depending on project locations and specific scenic quality issues (section 3.10, Scenic Quality).

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## 26. Recommended Wilderness

### 26.1 Management Theme Impacts on Recommended Wilderness

**The analysis should include a discussion comparing Wild Land Recreation theme and NFMA recommended wilderness status to assess whether the theme and status are equitable and if the current NFMA guidance for recommended wilderness is applicable.**

**The analysis should also recognize that recommended wilderness not retaining NFMA recommended wilderness status may have less consideration for future wilderness designation. The analysis should include a discussion on the degree to which areas designated as Wild Land Recreation and Primitive themes would affect future congressional wilderness**

### designation and forest planning management area designation.

**The Northern Regional Office and the Intermountain Regional Office maintain policies, rules, and guidance with respect to the management of recommended wilderness areas. The analysis should include a discussion of whether these policies, rules, and guidance would still pertain to areas prescribed for Wild Land Recreation in the Idaho Roadless Rule.**

*Response:* The Idaho Roadless Rule would provide management direction that takes precedence over forest plan direction or other Agency policies for management of recommended wilderness areas for road construction/reconstruction, timber cutting, and mineral leasing management activities. For all other management activities, the Idaho Roadless Rule does not change or modify other forest plan direction, Agency policy, or guidance for recommended wilderness. For example, travel management direction for vehicle classes in recommended wilderness would continue to be managed based on forest plans and other policy and regulatory direction. Recommended wilderness would continue to be managed so as to not affect characteristics for future wilderness designation.

Most roadless areas recommended for wilderness in forest plans were assigned the Wild Land Recreation theme, where timber cutting and road construction/reconstruction are prohibited. This is consistent with protecting the wilderness attributes of the area for future wilderness consideration. In the Proposed Idaho Roadless Rule, three recommended wilderness areas (Mallard-Larkins, Winegar Hole, and Boulder-White Cloud) were partially assigned to Backcountry and/or Primitive themes. In the Proposed Rule, the Backcountry theme permits road

construction to reduce the significant risk of wildland fire effects.

In the Modified Idaho Roadless Rule, these lands would all be in the Primitive theme, where road construction is prohibited. Timber cutting could occur with aerial systems or from existing roads. The interior of the roadless areas would retain their inherent character; however, along the edges timber cutting could affect the naturalness of the area and the undeveloped character. Timber cutting would be designed to maintain or improve the roadless area characteristics over the long term. The short-term effect would not affect future wilderness designation potential. Future evaluation of wilderness potential of remaining undeveloped lands would occur in future forest planning irrespective of the theme assigned by the Idaho Rule, because wilderness evaluation is an analysis of current condition, capability, availability, and need, and is not tied to current management direction. If additional areas are recommended as wilderness in the future, then the themes could be adjusted through the use of the change clause.

### 26.2 Recommended Wilderness Boundary Changes

**The forest Service should not reduce or revise the size of recommended wilderness (such as Mallard-Larkins) because wilderness recommendations can occur only during forest plan revision.**

*Response:* The assignment of roadless areas to the Wild Land Recreation theme in the Idaho Roadless Rule does not change the recommended wilderness status as designated in existing forest plans. The Wild Land Recreation theme provides a scheme of protection that does not include future road construction or timber cutting. The Wild Land Recreation theme does not give management direction that advocates

or opposes potential wilderness designation. The majority of Mallard-Larkin Roadless Area is included in the Wild Land Recreation theme, with the remainder in the Backcountry and Primitive themes. However, the recommended wilderness designation status in the forest plan remains for the entire roadless area as a whole. The NFMA and its regulations would require the Forest Service to periodically evaluate the roadless condition of undeveloped lands for their potential as wilderness in future forest planning efforts. The Idaho Roadless Rule does not affect this requirement.

### 26.3 Fragmented Recommended Wilderness Boundaries

**The analysis should consider the degree to which fragmentation of the recommended wilderness parcels may affect wilderness characteristic and ecological significance that would be factored into future wilderness consideration. Specifically, the analysis should consider the effects on the Rackliff-Gedney Roadless Area, which borders the Selway-Bitterroot Wilderness Area and the Salmo-Priest, Selkirk, Scotchman Peaks, and Mallard-Larkin Roadless Areas.**

*Response* Analyses of specific roadless areas are found in the final EIS, appendix C, including the effects on the Rackliff-Gedney and Mallard-Larkin Roadless Areas. Future evaluation of wilderness potential for all roadless areas would occur in future forest planning irrespective of the theme assigned by the Idaho Roadless Rule. Wilderness evaluation is an analysis of not only the current condition and use, but also the capability, availability, and need; it is specifically not tied to current management direction. Effects on roadless characteristics are disclosed in the final EIS, chapter 3, and effects on specific roadless areas are included in appendix C. Although these and other roadless areas may be assigned

multiple themes, management for roadless areas in the Wild Land Recreation, Backcountry, SAHTS, and Primitive themes of the Modified Rule would maintain or improve one or more roadless characteristics even if timber cutting and road construction/reconstruction may affect roadless character in the short term.

Including an analysis of site-specific areas such as Mallard-Larkin and Rackliff-Gedney would be considered either a forest- or project-level analysis. The EIS for the Proposed Rule is programmatic. The Idaho Rule does not propose any activities that might fragment roadless area potential for wilderness designation. Potential fragmentation issues would be addressed with site-specific project proposals.

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## 27. Congressionally Designated Areas—Wilderness

### 27.1 De Facto Wilderness

**The analysis should include a discussion on the degree to which the Wild Land Recreation and Primitive themes would be managed as de facto wilderness designation.**

*Response:* It is not the intent of the Idaho Roadless Rule to establish de facto wilderness designations. The U.S. Congress has the sole authority to add areas to the wilderness. While the Wild Land Recreation and Primitive themes create management direction that limits the potential for road construction/reconstruction and timber cutting, these themes do not create wilderness management direction. Wilderness management direction is much more constraining on the types of activities that can occur within designated areas, including prohibitions on motorized equipment and mechanical transport, commercial activities, structures, improvements, and types of primitive recreation activities. The Idaho Roadless Rule and the management direction for the

themes do not provide direction for these other activities, which would continue to be managed under forest plan components and other policies and regulations.

## 27.2 Future Designation

**The EIS should include a discussion on the potential for the Wild Land Recreation to become wilderness within the next 10 years. There is an implied assumption. Clarify the Forest Service's position.**

*Response:* The NWPS is managed to preserve the primeval and undeveloped character of an area and to maintain a condition affected primarily by the forces of nature. The U.S. Congress has the sole authority to add areas to the NWPS. The NFMA planning process (36 CFR 219) is the appropriate process for the Forest Service to formulate wilderness recommendations. The Wild Land Recreation theme of the Idaho Rule would protect the wilderness attributes of these areas until such time as Congress acts to designate new wilderness. The majority of the roadless areas recommended for wilderness in forest plans were assigned the Wild Land Recreation theme, where timber cutting and road construction/reconstruction are prohibited. This is consistent with protecting the wilderness attributes of the area for future wilderness consideration. Future evaluation of wilderness potential would occur in future forest planning irrespective of the theme assigned by the Idaho Rule, because wilderness evaluation is an analysis of current condition, capability, availability and need not tied to current management direction. The NFMA and its regulations require the Forest Service to periodically evaluate the roadless condition of undeveloped lands for their potential as wilderness in future forest planning efforts. The Idaho Roadless Rule does not affect this requirement.

## 28. Congressionally Designated Areas—Wild and Scenic Rivers

### 28.1 Roadless Areas Drain Into the Wild and Scenic Rivers

**The Forest Service should protect roadless areas that drain into wild and scenic rivers or wilderness areas (such as the Rackliff-Gedney or West Meadow Creek Roadless areas).**

*Response:* Forest plan special areas (final EIS, appendix Q, table Q-1) include management direction associated with research natural areas; wild and scenic rivers (designated, eligible, and suitable); special interest areas; and other unique areas. The Proposed and Modified Idaho Roadless Rules would not apply to the 334,500 acres of forest plan special areas embedded in Idaho Roadless Areas. Wild and scenic river designation carries a requirement to protect or enhance the free-flow and outstandingly remarkable values of the river from projects both within its corridor or those likely to adversely affect it from adjacent areas. Analyses of specific roadless areas are found in the final EIS, appendix C, including the effects on the Rackliff-Gedney and West Meadow Creek Roadless Areas.

Future projects proposed within roadless areas that drain into wild and scenic rivers or wilderness areas would be evaluated to be consistent with wild and scenic river and wilderness values for which they were designated. In general, the 2001 Roadless Rule and the Proposed and Modified Roadless Rules would provide substantial protection to roadless areas adjacent to wilderness and wild and scenic rivers based on the limited permissions for activities that may potentially impact roadless values. See final EIS, section 2.2, Alternatives Considered in Detail, for information on the limited permitted activities.

## 29. Recreation

### General Comments

#### 29.1 References to Recreational Activities

The references to recreation throughout the draft EIS are confusing and inconsistent among themes. For example the draft EIS mentions recreation in the Backcountry and GFRG themes but does not refer to it in the Wild Land Recreation, and Primitive themes. The draft EIS should be neutral regarding recreational use in the absence of access management analysis. The analysis should either not refer to motorized recreation in the EIS or clarify motorized recreation access among the themes.

*Response:* The Idaho Roadless Rule does not provide management direction for travel management. Management direction activities related to travel management (such as motorized or non-motorized recreation) would be developed by other existing planning and regulatory processes such as forest-level travel management planning. Recreation was not included in management direction for Idaho Roadless Areas because recreation activities are not considered to substantially modify roadless area values. The final EIS and rule have been modified to be neutral with regard to recreation.

References to recreation within the EIS are provided for descriptive purposes only. All themes of the Idaho Roadless Rule would provide a variety of recreation opportunities; however, the Rule does not provide management direction for those opportunities. Rather, the EIS describes effects on recreation in section 3.11. Recreational opportunities may be affected by the varying permissible and prohibitive road construction/reconstruction management direction among the themes.

For example, recreation is referred to in both the Backcountry and GFRG themes because new road construction/reconstruction is permissible within these themes (temporary only in Backcountry), and recreational opportunities may be affected while activities occur. Descriptions and management direction provided for themes would not alter existing recreation opportunities found in forest plans; such opportunities would continue to be managed through forest plan direction or other management plan (such as travel planning).

Recreational activities that do not involve roads, such as snowmobiling, mountain biking, and OHV use, have not been analyzed in detail in either the draft EIS or final EIS. These activities would be analyzed for effects and appropriate use, either during the forest plan revision process or through the transportation plan process on each forest.

#### 29.2 Snowmobile Uses

**Appendix C lacks information regarding snowmobiling in roadless areas, which is very popular activity in most of Idaho's roadless areas. Information regarding the grooming of snowmobile recreational uses of roadless areas should be included in the Idaho Roadless Rule. Motorized and snowmobile use is a legal and valid use in roadless areas.**

*Response:* Appendix C of the draft EIS was compiled using the information from existing forest plans' appendix C. Comments concerning specific appendix C clarifications or corrections were reviewed with the ID team and forest personnel to verify and make updates to appendix C in the final EIS. Public comments were used to update the final EIS appendix C, where applicable. The Idaho Roadless Rule does not address permissible or prohibitive



activities of travel management, which includes motorized or snowmobile use. Management direction related to those activities would be developed by other existing planning and regulatory processes such as Forest-level travel management planning.

### 29.3 Restrict Mechanized and Motorized Vehicles

The Forest service should restrict bicycles and other vehicles to pavement, where they belong and where they can't do much harm to wildlife. Bikes create V-shaped ruts in trails, throw dirt to the outside on turns, crush small plants and animals on and under the trail, facilitate increased levels of human access into wildlife habitat, and drive other trail users (many of whom are seeking the tranquility and primitiveness of natural surroundings) out of the parks. Because land managers were starting to ban bikes from trails, the mountain bikers decided to try to shift the battlefield to science, and try to convince people that mountain biking is no more harmful than hiking. But there are two problems with this approach: (1) it's not true, and (2) it's irrelevant. Ban mountain biking from roadless areas.

*Response:* The Idaho Roadless Rule does not provide management direction for travel management. Management direction activities related to travel management (such as mechanized or motorized recreation) would be developed by other existing planning and regulatory processes such as forest-level travel management planning. Recreation was not included in management direction for Idaho Roadless Areas because recreation activities are not considered to substantially modify roadless area values.

## Analysis

### 29.4 Geothermal Energy Development Impacts on Recreational Opportunities

**Development of geothermal power would require a building; for security reasons it would require fencing and 24-hour surveillance, which is harmful to wildlife access, migration, and movement; would reduce the general public's access to trails; and would reduce scenic quality in the Idaho Roadless Areas.**

*Response:* A discussion of the kinds of facilities and surface impacts associated with geothermal exploration and development are contained in appendix I, General Geothermal Development Scenario, in both the draft and final EISs. This general description was provided to guide the analysis because, lacking either a published estimate of development potential or historical development on NFS lands in the State, a reliable projection of geothermal activity and associated infrastructure was not possible.

Actual impacts of geothermal development would depend on the specific project proposals. In general, recreation use would be reduced or eliminated in the immediate vicinity of geothermal development. There is also a potential for a reduction in scenic quality in the immediate vicinity of geothermal facilities. In addition, wildlife could experience short-term displacement effects from initial development of geothermal sites and potential long-term effects from altering habitat characteristics of the geothermal site. These potential effects on recreation and wildlife depend on the type of development and the unique characteristics of each particular geothermal site. Typically, the scale of geothermal development projects is fairly small and localized. Roads, buildings, pipelines, and steam venting are associated with geothermal facilities.

The Proposed Rule permits road construction/reconstruction to access new geothermal exploration and development. The Modified Idaho Roadless Rule prohibits road construction/reconstruction for this use. Surface use and occupancy is permitted, unless prohibited by the land management plan. It is unlikely any development would occur because of the lack of access; therefore there would be no effect under the Modified Rule on recreational opportunities.

In addition, proposals to develop alternate energy resources would be subject to applicable project-level regulations and the appropriate level of environmental analysis and public involvement. This would include any effects analysis for wildlife, recreation, or scenic values.

### **29.5 Hunting—Consumption Warnings From Selenium Levels**

**The analysis should disclose the human health effects from selenium contamination of phosphate mining. In 2002, the Idaho Department Health and Welfare issued a fish consumption advisory for parents to limit the amount of fish they eat from Mill Creek, a selenium-contaminated stream in which fish have significantly elevated concentrations of selenium in their flesh. In the summer of 2006, the Department also issued hunters a reminder "...to limit consumption of elk liver of animals harvested near phosphate mines."**

*Response:* In southeast Idaho, CERCLA authority is being used by Federal and State regulatory agencies to require involved mining companies to address the release of selenium to the environment at current and historical phosphate mines. Selenium, present in elevated levels in the geologic formation that hosts the phosphate ore, is an essential nutrient for humans and animals but is toxic in high amounts.

Selenium releases from these mines have had negative impacts on fish, wildlife, and domestic livestock in the vicinity of the mines. Beginning in 1997, a number of regional, area-wide, and site-specific investigations have been completed to provide a broad understanding of the sources, release mechanisms, transportation pathways, potential receptors, and known and potential environmental effects of selenium and other constituents of concern in the phosphate production area of Southeastern Idaho. The reports on these investigations are available on the Southeast Idaho Selenium Information System website at [http://giscenter-ims.isu.edu/SISP/Area\\_Wide\\_Reports.html](http://giscenter-ims.isu.edu/SISP/Area_Wide_Reports.html)

Since 1999, a number of assessments of selenium's impacts on public health have been completed. The BCEH, Division of Health, Idaho Department of Health and Welfare, in a cooperative agreement with the ATSDR, conducted public health assessments and consultations for the phosphate area in southeast Idaho. As part of this cooperative agreement, BCEH released two health consultations in 1999 to evaluate selenium contamination in the groundwater and selenium contamination in beef, elk, sheep, and fish in the resource area. In 2003, BCEH released another health consultation to evaluate selenium contamination in fish in streams of the upper Blackfoot River watershed. In a February 2006 report, BCEH revisited the conclusions and recommendations made in past health consultations for groundwater, beef, elk, sheep, and fish. BCEH concluded the Southeast Idaho Phosphate Mining Resource Area constituted "no apparent public health hazard," but to be cautious issued recommendations on: (1) the amount of Yellowstone Cutthroat and Brook trout children under the age of seven should eat from East Mill Creek because of selenium

contamination; and (2) the amount of elk liver people can safely eat per month.

Because of the learning that has been achieved from the vast body of completed and ongoing studies on the selenium issue in southeast Idaho, combined with the application of BMPs as new phosphate mines are permitted, phosphate mining that occurs under any of the alternatives is not anticipated to result in the release of hazardous substances as mines are reclaimed.

Abandoned and inactive mine sites that represent a public safety hazard but not an environmental hazard are not covered by CERCLA or Clean Water Act authorities. Some of the 315 sites in roadless areas may fit this criterion. If so, prohibitions on road construction or reconstruction may prohibit the Forest Service from taking corrective action at a specific site to reduce a threat to public safety.

### **29.6 Roadless Areas Are Good for Big Game Hunting and Backcountry Experience**

**Permissible road building in the Backcountry theme would result in shorter hunting seasons, fewer trophy animal opportunities, fewer rut season permits, and more conflicts between user groups. Vast roadless areas remain the last, best places a foot hunter can be isolated from road-bound hunters! Bowhunters depend on undisturbed big game for success. Big game also depends on cover supplied by trees. More timber harvest and the associated road building dramatically decrease the likelihood of a bow-hunting success.**

**The loss of the escape and security cover of the black timber and the curse of roads would either result in the shooting down of our big game because of easy access or, if Fish and Game intercedes first, the elimination of general hunts. Hunting**

**access for tens of thousands of Idahoans would be lost and the ripple effect of dislocation could affect all hunting in the State. These lost land conditions would be in effect for 50 years. We are still waiting for the return of general elk hunts to the Targhee after the strip mining of the trees on the Island Park caldera in the 1980s.**

**Backcountry recreationists, seeking the unique experiences that roadless areas provide, are the predominant users of Idaho's roadless areas. Roadless values such as solitude, scenery, wildlife, clean water, intact forests, and the simple fact that there are no roads enrich our experiences of remote, untamed backcountry America. By opening more acres to road building, or enabling an administrative pathway for more acreage to be opened in the future, the Proposed Rule irreversibly undermines the core quality that makes these places acutely valuable to the human-powered outdoor community in the first place.**

**The statement that there is no difference in recreation experience among alternatives is not true. Recreation values would be affected by the draft Idaho Roadless Rule. Roadless Areas provide recreation value of national and international renown. The beauty and wildness of these lands lure hikers, campers, backpackers, river runners, mountain bikers, and climbers by the thousands. These lands are a Western mecca for hunters and fishers who find in roadless areas the majority of the highest quality mule deer, elk, bear, bighorn sheep, and mountain goat hunting units as well as the headwaters for many of the State's blue-ribbon trout streams. Roadless Areas afford some of the longest big game hunting seasons in the State at a time when increasing limitations are the norm, and the astonishing diversity and abundance of wildlife species in roadless areas are a gold mine for nature viewers and wildlife photographers. This**

**translates into long-term economic benefits for communities serving the needs of recreationists enjoying these areas, benefits that grow as population increases and pristine roadless areas become more sought after for both recreation and solitude.**

*Response:* Based on public comment, and recommendations from the RACNAC, language for the Backcountry theme was changed for the Modified Rule to clarify where roads could be constructed to facilitate fuel-reduction activities and forest health. The Proposed Rule appeared to permit road construction in all of the Backcountry theme, or on 5.2 million acres. In the Modified Rule, temporary roads could be constructed in the Backcountry theme within the CPZ (about 442,000 acres), only if the community protection objectives cannot be reasonably accomplished without a temporary road. In addition, temporary roads could be constructed outside the CPZ if needed to reduce the significant risk of wildland fire to at-risk communities or municipal water supply systems. Temporary roads may only be constructed outside the CPZ if the activity cannot be reasonably accomplished without a temporary road and the project maintains or improves one or more of the roadless area characteristics over the long-term. The regional forester must approve the use of this exception, which would be done on a case-by-case basis and would be used infrequently. The Modified Rule would require all temporary roads to be used only for their specified use and to be decommissioned when the activity is done.

These changes limit the extent of where and under what conditions temporary roads may be constructed. In addition, the Proposed Rule was changed for the Modified Rule to clarify that land management components that provide additional project level direction, such as

big game habitat considerations, would still apply.

Also based on public comment, about 257,700 acres of big game habitat that were in the GFRG theme were changed to Backcountry to provide additional protections to big game. These changes along with the changes described above should ensure big game hunting is provided now and into the future in Idaho Roadless Areas under the Modified Rule.

In the Wild Land Recreation, Primitive, and SAHTS themes under the Modified Rule, road construction/reconstruction is prohibited, except when associated with reserved or outstanding rights or as provided for by statute or treaty. (This is more protective than the 2001 Roadless Rule with respect to road construction.) There are 3,251,900 acres out of 9.3 million Idaho Roadless Areas acres included in these themes.

In the GFRG theme, road construction and reconstruction is permitted. The Modified Rule contains an additional condition that this activity would need to be consistent with applicable land management plan components. There are 405,900 GFRG acres assigned to this theme.

Projections of road construction and timber cutting are compared among alternatives in the final EIS, section 3.1, Introduction. Based on these projections, for all alternatives (except for Existing Plans), no appreciable change is expected in big game hunting opportunities or backcountry recreation experience because the extent of activity would be fairly localized, generally adjacent to areas of development, and distributed across Idaho at low levels. Future activities in the next 15 years would likely only affect less than 1 percent of all roadless lands. Many of these activities would be beneficial to vegetation and local

communities, consequently enhancing the pristine recreational experience.

However, in response to public concern about quality of life and roadless values, the Modified Rule in the final EIS increases Wild Land Recreation, Primitive, and Backcountry theme acreages, thereby decreasing the GFRG by almost 203,700 acres (see final EIS, section 2.5, Comparison of Alternatives).

### **29.7 Decreased Access for Hunting, Fishing, and Handicapped**

**Closed roads would decrease access for hunting, fishing, and the handicapped.**

*Response:* The Idaho Roadless Rule does not provide management direction for travel management. Recreation was not included in management direction for Idaho Roadless Areas because recreation activities are not considered to substantially modify roadless area values.

Because the Proposed Rule would not change existing motorized access to the national forests and grasslands, disabled individuals would continue to gain access to inventoried roadless areas in the same ways they do now. The Idaho Roadless Rule does not provide management direction to close or decommission existing roads. Management direction related to recreation access would be developed by other existing planning and regulatory processes such as forest-level travel management planning. These other planning efforts would provide management direction and analyze the effects to access for hunting and fishing and access persons with disabilities, pursuant to the Americans for Disabilities Act (1990).

### **29.8 Phosphate Effects**

**The analysis should include an analysis of effects from phosphate mining on recreation that extends out to 50 years.**

*Response:* The potential effects on each resource were evaluated based on information regarding foreseeable actions (timber cutting, road construction/reconstruction, and discretionary mineral activities) that would be prohibited or permitted under each alternative over a 15-year time period, unless otherwise noted. For phosphate mining, projections were estimated over a 50-year or more time period. The analysis assumes that all unleased phosphate deposits that could be accessed by roads would be developed. These 50-year or more estimates for phosphate were used in analysis for all resources in chapter 3 of the final EIS.

Once phosphate mining is completed and rehabilitated on a site, additional time would continue to heal mining scars and restore ecosystem characteristics to the mined areas. This can be seen in the results of mining activity from the late 1800s that has been left to naturalize without the benefit of active restoration on the landscape today.

### **29.9 National Use**

**The analysis should include a discussion that recreation use in Idaho Roadless Areas is world renowned for its backcountry experience; not just the residents of Idaho recreate in Idaho Roadless Areas.**

*Response:* Visitor use monitoring show that Idaho backcountry users come from all over the Nation and the world. The final EIS, section 3.11, Recreation, briefly describes types of uses to Idaho's roadless areas.

### **29.10 Travel Management Planning**

**The analysis should consider how theme designation would affect future travel management planning. The themes should consider how prohibitions and**

**permissions of each theme would affect dispersed recreation opportunities.**

*Response:* The Idaho Roadless Rule does not address travel management. Management direction related to those activities would be developed by other existing planning and regulatory processes such as forest-level travel management planning. Recreation was not included in management direction for Idaho Roadless Areas because recreation activities are not considered to substantially modify roadless area values.

Future travel management planning would need to be consistent with forest plan components, such as open road density standards or other specific management area direction. Although the Idaho Rule does not specifically provide travel management direction, it does provide direction to permit and prohibit road construction and reconstruction in some themes of the roadless areas. The Rule does not provide direction for road closures or decommissioning. Because the Rule would take precedence over forest plans, and future travel management planning would need to be consistent with forest plan direction, the Idaho Roadless Rule may affect future travel planning with respect to new road construction, which would be limited in the Wild Land Recreation, Primitive, and SAHTS themes and future travel planning would need to be consistent with this direction as the rule takes precedence.

The effects on dispersed recreation opportunities may be found in the final EIS, section 3.11, Recreation.

### **29.11 Off-road Use**

**The draft EIS states that motorized use by off-road vehicles is not an issue that needs to be addressed because it does not affect roadless areas. The analysis should include the effects of off-road vehicles,**

**such as motorbike, snowmobiles, and all-terrain vehicles because appendix C implies that this use type has denigrated roadless areas.**

*Response:* The Idaho Roadless Rule does not address travel management. Management direction related to those activities would be developed by other existing planning and regulatory processes such as forest-level travel management planning. Recreation was not included in management direction for Idaho Roadless Areas because recreation activities are not considered to substantially modify roadless area values.

### **29.12 Roadless Near Cities**

**The analysis should include a discussion on the benefits or having roadless areas near Idaho cities and population centers. Roadless areas are easier to access than wilderness.**

*Response:* The final EIS, section 3.17, Social and Economics, provides a discussion on the amenities and environmental functions roadless areas could contribute to population centers. Public lands and opportunities for adventure and solitude associated with the Idaho Roadless Areas fall within the class of public lands that directly affect settlement patterns. Other evidence supports the relationship between high population growth and areas with high recreation use. High-quality natural environment, scenic beauty, and recreation opportunities influence population growth and shaping local economies.

### **29.13 Increased Recreation With Roads**

**Roads would promote increased human-related activities that would result in environmental degradation such as increased erosion and siltation and the disturbance of solitude-requiring wildlife. Roads also increase occurrences of wildlife poaching, invasive weed species, littering**

**and vandals, noise pollution, air pollution, and human-caused/artificial sources of wildfire ignition.**

*Response:* Chapter 3 of the final EIS analyzes the effects of the permitted road construction and reconstruction to various resources listed above. Erosion and siltation are discussed in section 3.6 (Physical Resources), wildlife effects in section 3.9 (Terrestrial Animal Habitat and Species), invasive weeds in section 3.2 (Vegetation and Forest Health), air quality in section 3.6 (Physical Resources), and human-caused fire starts in section 3.3 (Fuel Management).

Social concerns of littering, vandalism, and noise pollution may also result from new road construction. Managers are coordinating with Forest Service law enforcement to develop strategies to inform the public of travel restrictions and focus enforcement on problem areas. The Forest Service has also applied for and received grants from the State Trails Program to assist in paying for travel management enforcement. There are also non-governmental organizations that provide trail ethics training and perform a self-policing function. These efforts would assist in reducing incidents of littering, vandalism, and noise pollution. In addition, these concerns would also be evaluated at the project-level with the appropriate level of NEPA.

## **30. Soils**

### **30.1 Methodology**

**The Forest Service should describe its method of soils analysis, including the scale of analysis and its shortcomings and limitations.**

*Response:* This is a statewide programmatic analysis of Idaho Roadless Areas within NFS administered lands that identifies risk factors at the broad scale to highlight differences among the

alternatives. Relative sensitivity to erosion was mapped. Data used to analyze sensitive soils were derived from the final EIS for the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and the Inland West Watershed Analysis (<http://www.icbemp.gov/>). The ICBEMP used soil data with varying intensity levels of inventory. Watersheds between 10,000 and 40,000 acres in size were assigned a level of low, moderate, or high soil sensitivity based on the percentage of sensitive soils within the watershed. The map is at too large a scale for site-specific use but was constructed to be used qualitatively to compare alternatives. Acres that have high sensitivity soils are displayed by alternative and theme in the Idaho Roadless final EIS, section 3.6, Physical Resources.

The Statewide analysis of sensitive soils serves as one indicator of relative risk. The acres across management themes were qualitatively compared among alternatives to ascertain relative risks. There are limitations to this broad-scale approach for project-level analysis, however, and a finer-scale approach would be analyzed at the site-specific project-level.

### **30.2 Phosphates**

**The draft EIS summary of comparison of effects among alternatives shows that effects on soils are similar for all alternatives. In fact, the 2001 Rule restricts phosphate to existing leases only, so effects are not similar. The analysis should include effects on soil from phosphate mining and associated road construction.**

*Response:* The areas available for phosphate mining and associated road building for unleased known phosphate areas (KPLA) do vary among the alternatives. See section 3.5, Minerals and Energy, for a comparison of locality and acres available for phosphate. All alternatives permit surface occupancy and

road construction and reconstruction to access existing leases (7,230 acres).

With regard to unleased phosphate deposits, the 2001 Roadless Rule permits surface occupancy; however, road construction is not permissible to access the KPLA, and therefore would likely have the fewest acres of phosphate mining activity. Existing Plans permit road construction/reconstruction to access approximately 13,620 acres of unleased deposits. The Proposed Idaho Roadless Rule permits access to 13,190 acres of KPLA (plus an additional 15 percent accounting for buffer around KPLAs). Road construction would be prohibited on 1,280 acres in the Primitive theme.

Under the Modified Idaho Roadless Rule, road construction/reconstruction could occur to access to 5,770 acres (plus an estimated 15 percent) of unleased deposits. Road construction/reconstruction would be prohibited to access about 8,690 acres of unleased deposits. The degree of soil disturbance would be proportional to the permissible accessible areas mined (as summarized above) and other site-specific conditions such topography, proximity to water, rainfall intensity, elevation, aspect, and geology. Long-term effects depend on how well actions were planned (including determination of appropriate mitigation and rehabilitation measures), designed, and implemented.

Selenium has been identified as a contaminant associated with phosphate mining. Selenium can bio-accumulate and can be toxic to both terrestrial and aquatic plants and animals. The risks of selenium contamination for each potential KPLA would be identified and addressed in project-level analysis through the appropriate level of NEPA and public involvement.

### 30.3 Soil Sensitivity

**The draft EIS analysis includes the restrictions of road construction/reconstruction on soil sensitivity in the analysis; however, the Idaho Roadless Rule does not state that soil sensitivity restrictions are a condition for permissible activities.**

*Response:* The draft EIS states “Generally, road construction can increase the risk and extent of erosion and landslide risk on these landtypes. Often, road reconstruction can reduce the risk by fixing existing erosion and landslide sources” (p. 150 draft EIS). A comparison of road construction projections among alternatives is included in the final EIS, section 3.6, Physical Resources.

Because of public concern regarding the use of site-specific project design standards and guidelines to analyze potential effects disclosed in the EIS, language was incorporated in the Modified Rule to emphasize that all road construction and reconstruction implemented under the Modified Rule are required to comply with forest plan components. Northern Region (R1) and Intermountain Region (R4) forests have incorporated the R1/R4 Soil and Water Conservation Practices Handbook (FSH 2509.22) into their forest plans. The handbook gives guidance for FSM direction (FSM 2550) that provides direction to design projects to minimize adverse impacts. Where State BMPs are more stringent than the regional handbook, the State BMPs would take precedence.

### 30.4 Soils Erosion

The analysis should estimate expected soil erosion from development of forest roads.

*Response:* Erosion is estimated through relative comparisons among alternatives from the projection of activities with potential to disturb or displace soil. The final EIS states, “Road construction, reconstruction, and timber cutting can affect



soil productivity by compacting soils, increasing erosion, displacing soils, depleting nutrients, increasing overland flow in areas of high amounts of precipitation and soil disturbance, and reducing soil strength. Road density (the number of miles of road per square mile of area) was used as a surrogate for the potential risk of road related erosion. It is assumed that the higher the road density the higher the relative risks of road related soil erosion and sedimentation." Projections of road construction and reconstruction are included in the final EIS, section 3.1, Introduction. In summary, the 2001 Roadless Rule projects the least amount of road construction/reconstruction, followed by the Modified Rule, then the Proposed Rule, then Existing Plans. Before a proposed project is implemented, site-specific evaluation and analysis of the direct, indirect, and cumulative effects analysis at the project level would be done through the appropriate level of NEPA.

### 30.5 Non-Point Sources

**The Forest Service should provide an estimate of amount and impact of non-point sources pollutants.**

*Response:* Nonpoint source pollution cannot be estimated at the scale of this programmatic EIS. Non-point source pollution would be estimated and mitigated (see response to comments above for mitigation requirements) at the site-specific level during project planning and implementation. Of the risk factors identified in the final EIS, section 3.6, Physical Resources, the acreage of sensitive soils and the mileage of road would be the most directly related to non-point source risk. More miles of road and acres of sensitive soils would indicate greater relative risk of non-point contamination. Projections for road construction and estimates of sensitive soils are disclosed in the final EIS, section 3.6, Physical Resources.

The State of Idaho has identified waterbodies, within watersheds, with non-point source contamination concerns. These waterbodies are listed on the State 303(d) list of impaired waters; 303(d)-listed waterbodies were used as one of the risk factors to compare relative impacts on water quality among alternatives. Site-specific issues would be addressed through the State total maximum daily load process and the project-level analysis.

### 30.6 Reforestation

**The analysis should consider beneficial and/or negative effects on soil from replanting after logging treatments.**

*Response:* The Idaho Roadless Rule does not permit or prohibit reforestation activities. Reforestation, along with other post-logging treatments associated with timber cutting activities, could be conducted in Idaho Roadless Areas, provided the post activity is consistent with the the Idaho Roadless Rule. The acreage of reforestation projects is not projected in this analysis because the decisions to implement these activities occur at site-specific levels based on the ability of a site to naturally regenerate. Effects on soils from reforestation are not estimated at the programmatic level of the EIS, because effects may vary from site to site, depending on site-specific conditions, such as soils and topography. Reforestation is conducted to encourage forest regeneration, which in the long term would be beneficial to soil productivity and reduce erosion. Negative effects are generally associated with vegetation treatments prior to planting. Generally, within Idaho, planting is conducted manually without the use of mechanized equipment. These effects are better analyzed at the project level, where site-specific conditions would be evaluated.

## 31. Water

### **Affected Environment**

#### **31.1 2006–2007 Fires**

**The analysis needs to include the effects from 2006 and 2007 fires on existing watershed conditions.**

*Response:* Since 2001 about 3.1 million acres have burned in Idaho Roadless Areas. Effects on watersheds from wildfires vary from site to site and among fires. The 2006 and 2007 fires would have added to the total acreage of sensitive soils. Generally these fires affected watershed conditions by interception and evapotranspiration (uptake of water from soil through vegetation and into the air), soil water infiltration and water storage, snow accumulation and melt patterns, stream flow regime (discharge and peak flows), base flows, soil erosion and sedimentation, and chemical constituents of stream flow (DeBano et al. 1998). Forest fires would continue to be an important factor with both beneficial and adverse effects. Benefits include diverse forest stands with differing age classes and species composition. Over time, fire-induced wood debris or material deposited by debris torrents may result in increased aquatic habitat diversity. Negative factors include increased risk of flooding and reduction in water quality, short-term reduction fish populations, and at some locations reduction in overall site productivity. These negative factors generally last less than 15 years on severely burned sites (DeBano et al. 1998). Some drier or steep high-elevation sites may take longer (a century or more) to return to pre-fire conditions.

On larger fires post-fire impacts are assessed and minimized through Burned Area Emergency Response, Rehabilitation, and Restoration (BAER) projects. Straw mulching is a tool used to limit post-fire surface erosion. Roads are commonly

treated through the BAER program to reduce the risk of adverse impacts of post fire flooding and debris torrents.

Treatments may include increasing the size of drainage structures, building overflow spillway structures, increasing the number of cross drains, construction of trash racks, or culvert removal.

#### **31.2 303d Streams**

**The Forest Service should disclose in the baseline information the 303(d) streams with known selenium contamination.**

*Response:* One stream in the Sage Creek Roadless Area has been listed as a 303(d) stream because of selenium. The EIS acknowledges that selenium has been identified as a contaminant associated with phosphate mining; 303(d) streams listed for selenium are found on the State DEQ Web site ([http://www.deq.state.id.us/water/data\\_reports/surface\\_water/monitoring/2008.cfm](http://www.deq.state.id.us/water/data_reports/surface_water/monitoring/2008.cfm)), Draft 2008 Integrated Report: Section 5 Impaired Waters (IDEQ 2008). Selenium may bio-accumulate and may be toxic to both terrestrial and aquatic plants and animals. Specific 303(d) streams with selenium contaminants would be identified and addressed at site-specific analysis level.

### **Environmental Consequences**

#### **31.3 General Effects on Watershed Health**

**The analysis should include more analysis of effects of roads on water quality. The Idaho Roadless Rule would exacerbate the adverse impacts on surface water, groundwater, and other wetlands and aquatic resources caused by the current road system on NFS lands. Road construction/reconstruction, timber harvest, and wildfire fuels management reduce watershed health and water quantity through flow modification and alteration of existing hydrology, and the**

**addition of nutrients, sediment, pathogens, and invasive species. Further, there is documented correlation between roadless areas and high integrity watersheds. Please reference the Interior Columbia River Basin Ecosystem Management Project to incorporate their findings on the effects of roads on sensitive watersheds.**

**There are many lower wetland areas, such as lakes, creeks, and waterways in Idaho Roadless Areas. There is no reason to be conducting timber harvest in these areas. It would be advisable to regard hydrologic or soil erosion impacts. These areas are also not suitable for roads. It is necessary to protect these areas for fisheries and biologic research.**

*Response:* The effects of roads on water quality are included in the final EIS, section 3.6, Physical Resources. The EIS focuses on key risk factors, including: (1) risk to watersheds that have higher potential for soil loss and sedimentation; (2) risks to source areas for surface and groundwater supplying community public water systems; (3) risks to water quality of 303(d)-listed waters; (4) risks to class 1 air quality areas; and (5) risks from existing and proposed miles of road. The report uses these key risk indicators of overall health of the soil, water, and air resources for the management themes considered.

Miles of existing roads among all alternatives are constant. All alternatives permit some level of roads construction; however, the projections of road construction and reconstruction based on the exceptions differ among alternatives. In summary, the 2001 Roadless Rule projects the least amount of road construction/reconstruction, followed by the Modified Rule, then the Proposed Rule, then Existing Plans. The Proposed and Modified Rules project 61 and 50 miles,

respectively, of additional road construction or reconstruction.

Of the risk factors listed above, few showed large differences among the alternatives for water quality risk, with 2001 Roadless Rule having the lowest risk to water quality, followed by the Modified Rule. It is unlikely that changes in water quality, timing, or yield would be measured at the watershed scale most often associated with project analysis (10,000 to 40,000 acres). None of the changes are expected to be measurable at the river basin or statewide scale for the risk factors used in this analysis. However, the differences may be important at site-specific locations and be measurable at smaller watershed scales. Site-specific effects of possible future road building or ancillary effects such as mining operations, geothermal development, or off-road vehicle use initiated after new road construction may be locally important but is not assessed at the site-specific level within this programmatic EIS. The potential effects are likely highest for areas opened to phosphate mining, where ground disturbance and risk of selenium contamination would be the greatest. Site-specific analysis would be evaluated at the project-level through the appropriate level of NEPA, which would include consistency with the Clean Water Act and other regulations and policies.

#### **31.4 Effects on Water Quality on Lochsa River**

**The Forest Service should consider the effects of the Proposed Idaho Roadless Rule on the water quality of the Lochsa River because headwaters of this river are in roadless areas.**

*Response:* The Rackliff-Gedney Roadless Area is generally the lands between the Lochsa and Selway Rivers from their confluence eastward to the Selway-Bitterroot Wilderness boundary. The

ridgetop that separates the drainages is also the boundary between the Nez Perce and Clearwater National Forests.

The area's northern boundary is the Lochsa River, and the southern boundary is located ¼-mile above the Selway River. This river corridor, established under the National Wild and Scenic Rivers Act, contains the Selway River Road, several parcels of private property, Forest Service facilities, and numerous recreational developments. Although both the Lochsa and Selway are classified rivers, only the Lochsa corridor is included in the roadless area because there is very little development there.

Of the 90,000 acres found in the Rackliff-Gedney Roadless Area, 84,400 have been designated Backcountry, none of which are in the CPZ in the Modified Rule.

Approximately 5,700 acres are in forest plan special areas. Ordinarily fuels reduction, both timber cutting and prescribed fire, would be permissible but no roads could be constructed because there are no communities or municipal water supply systems nearby. This should minimize potential impacts to water quality.

No new leasable mineral activity is expected under the Backcountry theme since road construction is not permitted to access new mineral leases. Additional information on this roadless area can be found in the final EIS, appendix C, in the Clearwater National Forest section.

### 31.5 Non-point Pollution

**The analysis should include more analysis of effects of non-point pollution on watershed health (from tars, phosphoric acid, and salts resulting from the construction and driving of vehicles on roads).**

*Response:* Roads, timber cutting, mining, energy development, and other land-disturbing activities may indirectly affect

water quality by baring soil surfaces to erosion or increasing the release of certain nutrients from the decomposition of timber cutting byproducts (leaves, branches, and other organic matter). Nutrients such as nitrogen, phosphorous, potassium, and calcium may increase in stream water following timber management activities (Hornbeck and Leak 1992). Elevated nutrient levels in stream flow usually return to normal in 1 to 4 years (Chamberlin et al. 1991). Heavy industrial traffic can wear away surface gravel and pulverize into sand, silt, and clay-sized particles. These smaller particles are more easily washed into stream channels or may add to atmospheric dust.

The risk is higher with greater miles of road construction and reconstruction. The risks of inadvertent contamination to water bodies from petrol-chemicals would increase as use increases. Dust abatement using dust palatives, such as water or magnesium chloride, would more likely occur on high-traffic permanent roads, such as those used for phosphate mining or timber hauling. No permanent roads associated with timber cutting are projected for the 2001 Roadless Rule and both the Proposed and Modified Rules. However, 0.8 miles of permanent road construction for other purposes – such as phosphate mining, special uses, or access to private lands – are projected all alternatives (except Existing Plans). Road reconstruction may also use dust abatement practices that could contribute to non-point pollution. The 2001 Rule projects no reconstruction; Existing Plans project 5 miles per year; the Proposed Rule, 1.5 miles per year; and the Modified Rule, 1.1 miles per year. Projections of road construction are included in the final EIS, section 3.1, Introduction. Industrial operations would be required to have spill prevention and mitigation plans approved prior to project-level implementation.

Any impact on watershed health such as non-point pollutants would be analyzed and mitigated at the site-specific project level for direct, indirect, and cumulative effects prior to any activity being implemented on the ground.

### 31.6 Road Failures

**Include in the analysis the risk of temporary road failure. Even after restoration activities, the roads would still disrupt flows, increase landslide risk, and adversely watersheds.**

*Response:* Road decommissioning and/or long-term storage is done with the intent of leaving the road site in a stable, non-eroding condition. Although there is some risk of road prism failure following decommissioning, the frequency of failure decreases with implementation of road decommissioning. Therefore, such failures are rare.

Short-term increases in erosion and stream turbidity due to exposed soils during decommissioning activities such as pulling side cast material from fill slopes or removing culverts is likely. However, actions such as prohibiting working during wet periods, diverting flow, building straw bale check dams, mulching with straw, and constructing water bars generally reduce risks of erosion and encourage rapid vegetation growth. These actions are commonly used to meet State and Federal BMP provisions. A Memorandum of Understanding between the Idaho Department of Water Quality, Idaho Department of Lands, and the Forest Service (Regions 1 and 4) is in place to comply with forest practices BMPs.

Before any project is initiated on the ground, site-specific analysis would be performed and disclosed through the NEPA process. Short-term adverse effects would be identified and mitigated before any proposal was implemented.

### 31.7 Storms on Roads

**The analysis should include results of storm events and the potential for flooding occurring in watersheds with extensive logging roads such as occurred in 1995 and 1996.**

*Response:* A study examining episodic storms in northern Idaho on low-volume roads stated that Forest Service roads were a major contributor to sediment but were less so than natural landslides that occurred in the 1995 and 1996 flood events (McClelland et al. 1999). According to this study, the total result of landslides appears to be within the transport capacity of the aquatic system.

Plants roots provide reduced risk from landslides because roots assist in binding soils. Also, live trees and roots uptake and absorb water, which reduces the risk of flooding. Areas recently harvested may have higher risk of landslides and flooding due to the removal of live vegetation and decaying roots. Following harvest of coniferous forest and associated road building, root strength may decrease in the short term (4–15 years) then increase again with growth of new vegetation. Flooding events can also increase channel structure complexity and over time can improve aquatic habitat.

Many legacy roads built in the 1950s to 1970s did not use design or construction methods commonly used today. As a result, unstable areas and wetlands were not routinely avoided and culverts were not designed either to handle appropriate flood flows or pass aquatic species. Consequently, forest roads are considered by many to be the single worst factor affecting watersheds. When natural events such as wildfire or floods occur in areas with legacy roads, the likelihood of catastrophic failures, already high, greatly increases (Parrett 2004). These areas would have increased risk to water quality. Today's design and construction

practices reduce but do not eliminate road associated risks.

This programmatic EIS cannot address site-specific road location issues. However, projects would need to identify and address specific resource concerns in site-specific analysis during project planning processes.

### 31.8 Selenium Effects

**The Forest Service should analyze effects of selenium on water quality, groundwater, drinking water, and source water.**

*Response:* Water quality is the chemical and biological characteristics of the water. Selenium contamination with phosphate mining has become an issue in recent years (VanKirk and Hill, 2006).

Contamination into water sources would decrease water quality by affecting changes the chemical and biological characteristics of the water. Chemically, selenium affects water quality if it exceeds drinking water standards for selenium (which is set at 0.05 ppm) (EPA 2008).

Ecological effects from selenium are primarily caused by selenium in the food chain, rather than selenium dissolved in the water column (Southeast Idaho Selenium Information System, 2003). Biologically, selenium may affect the food web of water dependent resources, such as fish and other fauna. Selenium enters the food chain through bioconcentration by phytoplankton, which are consumed by crustaceans and bivalves, and then consumed by fish and water fowl. Water quality standards related to selenium are currently under development by the EPA using selenium concentrations in fish tissue as one of the criterion. The toxicity of selenium depends on whether it is in the biologically active oxidized form, which occurs in alkaline soils. These conditions can cause plant uptake of the metal to be

increased. It is known that selenium accumulates in living tissues.

Specific selenium BMPs have been developed for the Smoky Canyon Mine on the Caribou portion of the Caribou-Targhee National Forest (USDI, Bureau of Land Management and USDA Forest Service 2007). The level of effectiveness of the measures adopted has been questioned (Greater Yellowstone Coalition, 2008). This programmatic EIS in no way reduces the responsibility of the Forest Service to the NFMA, NEPA, Clean Water Act and other acts, executive orders, and policies. As needed, adjustments to practices would be addressed during the ongoing Forest Service administration of phosphate mining (USDI Bureau of Land Management 2008a and USDA Forest Service 2008r [Smoky Canyon Mine Panel F&G Record or Decisions]).

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## 32. Fisheries and Aquatic Species

### General Comments

#### 32.1 Anadromous Fish Recovery Hampered By Idaho Roadless Rule

**The Proposed Idaho Roadless Rule falls short of enhancing the ability of anadromous fish to expand into historical watersheds because of increased soil disturbing activities permitted in the GFRG and Backcountry management themes. The further deterioration of critical habitat along watercourses resulting from the implementation of the Proposed Rule would only serve to frustrate recovery efforts and negate the immense amount of money the Tribes have put into this effort.**

*Response:* There is a potential to adversely affect individual fish species because of timber cutting, sale, and removal; road construction and reconstruction; and mineral activities permitted in Idaho Roadless Areas under the GFRG and

Backcountry themes. Adverse effects could occur because of short-term habitat modifications or increased chance of mortality from these activities.

There would be less potential for adverse effects to individual listed species under the Modified Rule than the Proposed Rule because of the additional limitations on road construction to facilitate hazardous fuel reduction projects and the prohibition for road construction to access new mineral leases.<sup>6</sup> Areas classified as Wild Land Recreation, Primitive, SAHTS, and the Backcountry theme outside CPZ should beneficially affect listed species.

At the project level, all activities would be subject to existing INFISH, PACFISH, and/or SWIEG Aquatic Conservation Strategy aquatic requirements found in the forest plans that are designed to avoid or minimize adverse effects on TES fish and their habitats. In addition, project-level NEPA would be required for timber cutting, sale, and removal; road construction/reconstruction; and mineral activities in Idaho Roadless Areas. Project-level analysis would consider the cumulative effects on ongoing recovery activities and other actions within the appropriate project analysis area.

### **32.2 Critical Habitat for Steelhead in Roadless Areas**

**A roadless area that contains critically important habitat for wild steelhead is the Fish Creek drainage (including Hungry Creek) in the North Lochsa Slope Roadless Area. The area is relatively undeveloped and in [a] relatively pristine condition, and has been described by many of the Tribe's fishery biologists as the best wild steelhead habitat in the State. Opening**

<sup>6</sup> Although the Modified Rule still permits road construction to access some unleased phosphate deposits, none of these overlap threatened and endangered fish species habitat.

**this area to development would significantly affect the recovery of the Clearwater River ESA-listed steelhead.**

*Response:* In response to public comment, a large portion of the North Lochsa Slope Roadless Area was changed from the Backcountry theme to the Primitive theme (additional 55,200 acres) in the Modified Idaho Roadless Rule because of the remoteness of area and its high roadless characteristics. Some 15,100 acres of this roadless area are remaining in the Backcountry theme and 14,300 acres are in the SAHTS theme. See appendix P for theme change considerations and reasons for changes. The Primitive and SAHTS themes prohibit road construction/reconstruction and timber cutting, except under very limited situations. Discretionary mineral activities are prohibited under these themes. These themes should provide for good conditions for aquatic species and their habitats because of the prohibitions in these themes (final EIS, section 3.8, Aquatic Species).

The Backcountry theme permits temporary road construction and reconstruction in a CPZ or outside the zone to project communities or municipal water supply areas. None of the Backcountry lands in the North Lochsa Slope Roadless Area are near communities or municipal water supply systems; therefore, roads would not be constructed in this area.

Timber cutting can be conducted to improve TES species habitats or to maintain or restore the characteristics of ecosystem composition and structure. Roads would not be constructed or reconstructed for these purposes, but existing roads could be used. Road construction/reconstruction for new mineral leases would not be authorized including phosphates. Surface occupancy would be permitted if allowed in the land management plan. The Backcountry theme outside CPZ is very similar to the 2001

Roadless Rule guidance, and therefore has a very low probability of leading to any future activities that would result in adverse effects on Snake River Basin steelhead.

Chapter 3, section 3.8 Aquatic Species, includes a discussion and comparison of effects among all four alternatives of the final EIS. The final EIS biological assessment includes a detailed discussion of Snake River Basin steelhead and the Modified Rule alternative.

### 32.3 Yellowstone Cutthroat Trout

**Roadless areas with Yellowstone cutthroat should have high priority to remain roadless.**

*Response:* In response to public comment, some roadless areas with known Yellowstone cutthroat occurrences were changed from the GFRG to other themes having greater protections in the Modified Rule. Of the total 4,089,800 acres within the predicted range of Yellowstone cutthroat in the Proposed Rule, 221,400 (5.4 percent) acres are within the GFRG theme. In the Modified Rule, about 88,900 acres (2.2 percent) are in the Backcountry theme (appendix L, table L-9).

Several of the roadless areas that overlap the range of Yellowstone cutthroat trout have a moderate amount of acreage in the GFRG and Backcountry themes under the Modified Rule. The GFRG theme allows road construction and reconstruction activities as well as timber harvest and discretionary minerals activities that could result in adverse effects on Yellowstone cutthroat trout and their habitat. The Backcountry theme is less permissive than the GFRG theme, some temporary road construction could occur with Backcountry CPZ, and very little outside CPZ. About 53,400 acres (1.3 percent of the range) overlap Backcountry CPZ. Adverse effects to individual Yellowstone cutthroat trout

and their habitat could occur from activities under this theme; however the effects are unlikely to affect overall populations because they would be dispersed across the roadless areas. There are potential risks to Yellowstone cutthroat trout due to selenium caused by phosphate mining; however mitigation would be required to ensure the activity does not trend the species toward federal listing. The Deer Creek watershed, in the Sage Creek Roadless Area is an important Yellowstone cutthroat trout fishery. This area was changed to Backcountry in the Modified Rule; therefore road construction/reconstruction to access deposits in this area would be prohibited. At the project level, the appropriate level of NEPA would evaluate impacts of future proposed activities and would be consistent with forest plan components (such as INFISH, PACFISH, and/or SWIEG ACS requirements) that are designed to avoid or minimize adverse effects to fish and their habitats.

### Affected Environment

#### 32.4 Habitat in Roadless

**The Forest Service should include map of spawning and rearing habitat overlain with roadless areas in the EIS, specifically for Bonneville and Yellowstone cutthroat.**

*Response:* Additional species distribution and habitat requirements information was added to the final EIS, section 3.8, Aquatic Species, for the Bonneville and Yellowstone cutthroat (and other regional forester sensitive aquatic species. Spawning and rearing information was not available for these species but the range of the species was considered in the analysis.

There are 269,400 acres (23 percent of range) of the Bonneville cutthroat range located within Idaho Roadless Areas; 929,500 acres (23 percent of range) of the Yellowstone cutthroat trout overlap Idaho Roadless



Areas. There are 279,400 stronghold acres for Yellowstone cutthroat trout within Idaho Roadless Areas. The overlap of the species was considered in relation to the Modified Rule themes. About 10 percent of the GFRG theme in the Modified Rule overlaps Yellowstone cutthroat trout strongholds found in Idaho Roadless Areas versus 24 percent in the Proposed Rule and Existing Plans.

Timber cutting, road construction/reconstruction, and mineral activities permitted under limited permissions in the Modified Rule have the potential to adversely affect Bonneville cutthroat trout and Yellowstone cutthroat trout. Adverse effects could occur because of short-term habitat modifications or increased chance for mortality from these activities. However, at the project level, the appropriate level of NEPA would evaluate impacts of future proposed activities and would be consistent with forest plan components (such as INFISH, PACFISH, and/or SWIEG requirements) that are designed to avoid or minimize adverse effects to fish and their habitats.

## **Environmental Consequences**

### **32.5 Habitat Differences**

**The analysis should reflect the difference in quality of aquatic habitat between roadless and non-roadless areas including headwater stream reaches, where spawning and rearing most often occur, as described in the Interior Columbia River Basin EIS.**

*Response:* The Interior Columbia Basin Ecosystem Management Project: Science Assessment (Lee et al. 1997) was included as an information source for the effects analysis in the final EIS, section 3.8, Aquatic Species. Analysis done for the Interior Columbia Basin Ecosystem Management Project indicates that strong fish

populations are often associated with low road density. The Sierra Nevada Ecosystem Project documented a negative correlation between the abundance of roads in a watershed and the integrity of native stream biota (Moyle and Randall 1996).

Waters in inventoried roadless areas have been shown to function as biological strongholds and refuges for many fish species. Smaller streams, such as many of those found in inventoried roadless areas, provide important habitat for resident and migratory aquatic species and also influence the quality of habitat in larger, downstream reaches. Subwatersheds that support strong populations of native salmonids are likely to represent a fortuitous balance of habitat quality, climate, geologic constraint, and geographic location, which effectively minimizes cumulative threats to the species.

Strong fish populations that include the most productive, abundant, and diverse populations are likely to be most resilient to environmental disturbance and most likely to survive and recover from catastrophic disturbance. Idaho's Roadless Areas provide for aquatic species strongholds and opportunities to better understand aquatic and riparian ecosystems that have experienced minimal disturbance. Strong populations of native fish are critical for short-term persistence and long-term recovery.

The final EIS, section 3.8, Aquatic Species, provides a comparison among the alternatives on the effects on aquatic habitat, based on the projected level of activities permitted or prohibited for each of the alternatives.

### **32.6 Pacific Coast Fisheries**

**The Forest Service should analyze cumulative effects of the Idaho Roadless Rule on fish in Pacific coast fisheries, specifically including pollution effects to the Snake River basin.**

*Response:* There are four anadromous fish species in Idaho: Snake River sockeye salmon (endangered), Snake River fall-run Chinook (threatened), Snake River spring/summer Chinook (threatened) and Snake River Basin steelhead (threatened). The final EIS, section 3.8, Aquatic Species, provides an analysis comparing the potential effects on aquatic habitat for these anadromous species among the four alternatives. The final EIS biological assessment provides a detailed analysis of these four species, their habitat needs, and the Modified Rule alternative. Also, a comparison of effects on water quality is provided in the final EIS, section 3.6, Physical Resources.

Currently, inventoried roadless areas in Idaho provide some of the best habitat and strongest populations of these fish. The complexity of the anadromous fish life cycle exposes them to many factors influencing their abundance. They begin life in the gravel of fresh water streams up to 900 miles inland and 6,500 feet above sea level. They travel downstream to the ocean, undergoing extraordinary metabolic changes on the way to adapt to salt water. After spending one to several years traveling hundreds of miles in the Pacific Ocean, they return to the place of their birth with striking fidelity. Once abundant and widespread, Snake River salmon and steelhead of natural origin are now reduced to a small fraction of their former numbers and have lost major portions of their former habitat.

Human activities on Federal and non-Federal lands—including hydropower, hatcheries, harvest, and land management such as road building, grazing, and recreation—have altered anadromous fish environments, leading to widespread declines (USDA and USDI 2000, USDA and USDI 2000a). Inventoried roadless areas are key to recovery of salmon and steelhead

stocks in decline, providing habitat to protect species until longer term solutions can be developed for migration, passage, hatchery, and harvest problems associated with the decline of anadromous fish (USDA Forest Service 2001). Maintaining current populations and future recovery of anadromous species in Idaho would depend on reducing mortality from a variety of factors.

The National Oceanic and Atmospheric Administration (NOAA) Fisheries (formerly the National Marine Fisheries Service), in partnership with Idaho's Office of Species Conservation, is beginning to draft Idaho's portion of the Snake River Salmon and Steelhead Recovery Plan. This plan would include consideration of factors such as pollution in the watersheds supporting these fish. The Snake River Salmon and Steelhead Recovery Plan is scheduled to be completed in 2008.

### 32.7 Road Failures

**Include in the analysis the risk of temporary road failure. Even after restoration activities, the roads would still disrupt flows, increase landslide risk, and adversely affect fish.**

*Response:* An analysis of the risk of road failure is most appropriately applied at the project level where specific road conditions would be evaluated. The Idaho Roadless Rule is programmatic and because of its broad scope and general nature (no site-specific activities) the roads analysis includes an evaluation of the general effects of roads in relation to aquatic resources (USDA Forest Service 2008e).

All road construction and reconstruction for timber cutting would minimize surface disturbance, be decommissioned after intended use, and be used only for specified purposes. Road decommissioning and/or long-term storage is conducted with the intent of leaving the road site in a stable,

non-eroding condition. Although there is some risk of road prism failure following decommissioning, the frequency of failure decreases with implementation of road decommissioning. Therefore, such failures are rare. (See comment and response to 31.6).

At the project level, the appropriate level of NEPA would evaluate impacts of future proposed activities and would be consistent with forest plan components (such as INFISH, PACFISH, and/or SWIEG requirements) that are designed to avoid or minimize adverse effects to fish and their habitats.

### **32.8 Effects of Selenium on Yellowstone Cutthroat**

**The Forest Service should disclose effects on Yellowstone cutthroat from selenium and to the species' risk of extirpation, especially in the Blackfoot and Salt River drainages.**

*Response:* The final EIS, section 3.8, Aquatic Species and Aquatic and Terrestrial Species Specialist Report for the final EIS (USDA Forest Service 2008e) provides an analysis comparing the effects of selenium on aquatic species among the four alternatives. The analysis acknowledges that the concern about aquatic resources in Idaho relates to selenium contamination resulting from phosphate mining. Selenium contamination has occurred world-wide in association with common and economically important activities such as fossil fuel processing, mining, and irrigation, resulting in dozens of cases in which fish and wildlife populations have been affected. The southeast Idaho phosphate mining region, which includes the Caribou National Forest, is one of the most extensive and productive phosphate fields in the world (Jasinski et al. 2004). The bioaccumulative nature of selenium in aquatic systems is well-documented (Presser et al. 1994, Dobbs et

al. 1996, Maier et al. 1998, Garcia-Hernandez et al. 2000, Hamilton 2002). Documented individual-level effects of selenium in fish include decreased egg incubation period, hatch rate, pre-swim-up fry survival, post-swim-up fry survival, juvenile winter survival, juvenile growth, adult survival, and adult growth (Van Kirk and Hill 2006). Modeling results from Van Kirk and Hill (2006) concluded that decreased juvenile survival in cutthroat trout due to selenium toxicity could result in decreased population size.

It is likely that phosphate mining in or near any drainage would result in adverse effects on fish and other aquatic species. There are no known methods for removing selenium out of water once it has been polluted. Capping of phosphate waste rock has not been proven to keep selenium out of surface water and the aquatic food chain. The risks of phosphate mining to the sustainability of native fish are a factor in the continued existence of these species in southeast Idaho.

Since 1999, a number of assessments of selenium's impacts on public health have been completed. The BCEH, Division of Health, Idaho Department of Health and Welfare, in a cooperative agreement with the ATSDR, conducted public health assessments and consultations for the phosphate area in Southeast Idaho. As part of this cooperative agreement, BCEH released two health consultations in 1999 to evaluate selenium contamination in the groundwater and selenium contamination in beef, elk, sheep, and fish in the Resource Area. In 2003, BCEH released another health consultation to evaluate selenium contamination in fish in streams of the upper Blackfoot River watershed. In a February 2006 report, BCEH revisited the conclusions and recommendations made in past health consultations for groundwater, beef, elk, sheep, and fish. BCEH concluded

the Southeast Idaho Phosphate Mining Resource Area constituted “no apparent public health hazard,” but to be cautious, issued recommendations on: (1) the amount of Yellowstone Cutthroat and Brook trout children under the age of seven should eat from East Mill Creek due to selenium contamination; and (2) the amount of elk liver people can safely eat per month.<sup>7</sup>

### 32.9 Effects on Fish Hatcheries

**The Forest Service should consider the effects on fish resources and hatcheries in the South Fork Salmon River.**

*Response:* The effects to aquatic species are included in the final EIS, section 3.8, Aquatic Species. The South Fork Salmon River provides habitat for several native fish species. This watershed overlaps with the Caton Lake, Cottontail Point/Pilot Peak, Needles, and Secesh Roadless Areas. These roadless areas are assigned to Wild Land Recreation, Primitive, and Backcountry themes. Within this river drainage, there are 24,600 acres within the CPZ of Backcountry theme (Modified Rule) that would permit limited activities. Also, there are 9,600 acres in the GFRG theme within these roadless areas of the South Fork Salmon River that would permit additional activities. The appropriate level of NEPA would evaluate impacts of future proposed activities and would be consistent with forest plan components (such as INFISH, PACFISH, and/or SWIEG requirements) that are designed to avoid or minimize adverse effects to fish and their habitats.

<sup>7</sup> Bureau of Community and Environmental Health Division of Health, Idaho Department of Health and Welfare, Southeast Idaho Phosphate Mining Resource Area Bannock, Bear lake, Bingham, and Caribou Counties, Idaho EPA Facility ID: IDN001002245, February 24, 2006.

### 32.10 Effects on Avian and Water-Dependent Species

**The Forest Service should disclose selenium effects on avian, salamander, and other water-dependent species.**

*Response:* The Area Wide Human Health and Ecological Risk Assessment Southeast Idaho Phosphate Mining Resource Area (Idaho DEQ 2002) presents an extensive literature review on the toxicology of selenium. This assessment reports that there is no information identified on the adverse effects of selenium on invertebrates and little information on the effects on amphibians and reptiles. One report documented cranial and vertebral deformities and lower survival for frogs. The assessment also reports that for avian species, selenium exposure in the diet or drinking water is associated with reproductive abnormalities, congenital malformations, selective bioaccumulation, and growth retardation. Selenium has been observed to cause reduced hatching of eggs, decreased egg weight, decreased egg production, anemia, and embryo deformation, including deformed eyes, beaks, wings, and feet.

## 33. Avian species

### 33.1 Sage Grouse

**The Forest Service should include in the analysis the effects on sage grouse and upland birds in the Caribou-Targhee National Forest. A discussion of habitat types and distribution of sage grouse within and outside the roadless areas should be included.**

*Response:* Greater sage grouse generally occur in sagebrush grasslands habitat. A discussion of the effects on greater sage grouse is included in the final EIS, section 3.9, Terrestrial Animal Habitat and Species.

There are 21,424,200 acres of predicted distribution in Idaho of which 1,294,800

acres (6 percent) are within the Idaho Roadless Areas. See the record for predicted distribution map. The 6 percent within Idaho Roadless Areas likely overlaps with phosphate development. On the Targhee portion of the Caribou-Targhee National Forest there is one known inactive lek (breeding area) and on the Caribou portion of the Caribou-Targhee National Forest there is one lek of unknown status (appendix M, table M-7). Both these leks are within the Backcountry theme.

Generally, sage grouse are affected by habitat loss, reduction in habitat quality, and fragmentation due to roads and invasion of cheatgrass. The highest potential where there may be an impact on habitat is in Dry Ridge, Sage Creek, and Stump Creek Roadless Areas, where there may be activities associated with phosphate leases in southeast Idaho. Timber cutting might be more limited. This species is also sensitive to human disturbance particularly during lekking. Even light traffic (1–12 vehicles per day) on roads associated with natural gas development appeared to alter nesting behavior (nest initiation rates and movement from leks) of female sage grouse. For all alternatives (except for the 2001 Roadless Rule), the analysis estimates that roads, timber cutting, and discretionary mining could pose a moderate risk to sage grouse.

### 33.2 Flammulated Owl

**The Forest Service should include analysis effects on flammulated owl and effects on its prey base from pesticides.**

*Response:* Flammulated owls generally occur in open ponderosa pine or mixed conifer forests with cavities for nesting intermixed with grassy openings and dense thickets. A discussion of the effects on flammulated owls is included in the final EIS, section 3.9, Terrestrial Animal Habitat and Species. There are 18 occurrences

known to the Idaho Roadless Areas, on 10 National Forests. There are 9,136,900 acres of predicted distribution in Idaho, of which 2,395,200 acres (26 percent) are within the Idaho Roadless Areas. See the record for predicted distribution map. Generally, flammulated owls are affected by habitat loss, reduction in habitat quality (including changes to prey base), and fragmentation due to timber cutting, and removal of snags due to firewood collecting (cavity nester). For all alternatives (except the 2001 Roadless Rule), the analysis estimates that roads, timber cutting, and discretionary mining could pose a moderate risk to flammulated owls. Cavity nesters, such as the flammulated owl, have a moderate to high risk because of the potential for timber cutting that may remove or degrade important habitat components.

The Idaho Roadless Rule does not provide management direction for the use of pesticides, because these activities are not considered to have the most impacts on roadless character (see comments and responses 3.14 -3.21 of this appendix). Management direction for pesticide use is found with forest plans, other management plans, or other policies and regulations. At the forest level, all pesticide use would be subject to applicable project-level regulations and the appropriate level of environmental analysis and public involvement. This would include any effects analysis from pesticides on wildlife species.

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## 34. Other Terrestrial Species

### *Affected Environment*

#### 34.1 Past Fires and Their Effects on Wildlife

**The Forest Service should include the 2006 and 2007 wildfires in the baseline existing conditions. This additional baseline**

**information should be considered in the affects analysis to wildlife.**

*Response:* The final EIS, section 3.3, Fuels Management, includes updated information and a description of acres burned in Idaho Roadless Areas from 2000 through 2007, to address vegetative changes not reflected by the LANDFIRE data that were used in the draft EIS. Fire regimes within forested ecosystems in Idaho have been altered significantly from historical times. Following Euro-American settlement, there has been an increase in the number and extent of lethal, stand-replacing fires, and a decrease in non-lethal and mixed-severity fires in both forested and rangeland ecosystems across the State. Also, the use of roads has contributed to increased human access, which can contribute to great human ignitions of wildfire, potentially resulting in both habitat loss and reduction in habitat quality. In general, the character, distribution, and extent of habitats in Idaho Roadless Areas are affected by the size of an area; the kinds, intensity, and timing of management-induced and natural disturbances that have occurred; and the landscape context within which they are found.

Effects from 2006 and 2007 wildland fires within Idaho Roadless Areas are not specifically addressed in the effects analysis for terrestrial wildlife. Rather, the analysis of effects among alternatives used potential habitat to assess the relative risk of management activities permitted or prohibited by the Idaho Roadless Rule (road construction/reconstruction, timber cutting, and discretionary mining). These estimates are based on an analysis presented in appendix M, which consisted of the applying several analytical filters to each species and their habitats. See the Specialist Report for Biological Evaluation and Assessment for Aquatic and Terrestrial Habitats and Species for the final EIS in the

record for a more detailed description of the analysis method (USDA Forest Service 2008e).

Through the appropriate level of NEPA, site-specific analysis at the project level would evaluate local wildland fire effects that potentially would have changed vegetation and habitat conditions for wildlife species.

### 34.2 Data Sources

**The Forest Service should consider other data sources for wildlife occurrences. The occurrence data are underestimated, particularly for areas of the Caribou-Targhee National Forest. The Forest Service should also include a discussion of the uncertainty of occurrence data due to the lack of surveys within roadless areas. The BA/BE Report (pages 48–49) and the draft EIS (page 3-201) claim that grizzly bears are known to occur in only four roadless areas on the Idaho Panhandle National Forests. The draft EIS also concludes that mountain caribou are known to occur in only one roadless area and that gray wolves occur only in a total of six roadless areas Statewide. Given the fact that this information is known to drastically underestimate occurrence of these species, it is unclear why it was included in the draft EIS and BA/BE Report. The BA/BE Report references one of many available datasets that delineate known wildlife occurrences. By highlighting a single dataset, which vastly underestimates known occurrences, the draft EIS and BA/BE Report present misleading and inaccurate information to the public in violation of NEPA disclosure requirements.**

*Response:* In general, two primary types of data for terrestrial wildlife species were used for the effects analysis in the Specialist Report for Biological Evaluation and Assessment for Aquatic and Terrestrial Habitats and Species for the final EIS

(USDA Forest Service 2008e): predicted distribution and occurrences. Predicted distributions of species throughout Idaho and within Idaho Roadless Areas are based on the Wildlife Habitat Relationships Models (WHR), A Gap Analysis of Idaho: Final Report Idaho Cooperative Fish and Wildlife Research Unit, Moscow, ID (Scott et al. 2002, as referenced in IDFG 2005). These data provide a ‘course filter’ approach to evaluating likely distributions of species based on ecological conditions and habitat associations within known species’ ranges in Idaho. Consequently, the predicted distribution is pertinent to statewide and regional scale assessments of natural resources but is not intended for site-specific analyses (gapmap.nbii metadata).

The specialist report acknowledges that species occurrence information may be lacking because wildlife survey work may not be complete in Idaho Roadless Areas (USDA Forest Service 2008e). Predicted distributions are used to assist in the effects analysis to augment incomplete occurrence data.

Occurrences represent point data provided by the Idaho Conservation Data Center (ICDC), Idaho Department of Fish and Game (2005). These data vary in terms of their origin and how they were collected. Further, individual points may represent more than one occurrence of a particular species. Consequently, they provide a good indication of where a species occurs or has occurred in the past, but may not tell us necessarily where the species does not occur. In combination, the predicted distribution and occurrence data provide a measure of the likelihood that particular species would be found in Idaho Roadless Areas. For species listed under the ESA, more detailed, site-specific information on species presence, distribution, and habitat associations were included in the final EIS,

section 3.9 Terrestrial Animal Habitat and Species and appendix M, where it was available.

Occurrence data provide some indication of where species may occur, and necessarily where the species does not occur. These data in combination with the predicted distribution overestimate likely presence.

## **Environmental Consequences**

### **34.3 Geothermal Energy Development Impacts on Roadless Values Such as Wildlife Habitat and Migration**

**Development of geothermal power would require a building; for security reasons it would require fencing and 24-hour surveillance, which is harmful to wildlife access, migration, and movement; and would reduce the general public’s access to trails and reduce scenic quality in the Idaho Roadless Areas.**

*Response:* See comment and response to 29.4 above.

### **34.4 Effects on Threatened and Endangered species on the Caribou-Targhee**

**The Forest Service needs to include a site-specific analysis for threatened and endangered species for the Caribou-Targhee because so much of that forest is allocated under the GFRG theme.**

*Response:* In response to public comment, additional information was included in the final EIS, section 3.9 Terrestrial Animal Habitat and Species affects analysis. For species listed under the ESA, more detailed, site-specific information on species presence, distribution, and habitat associations were included, where such information was available. There are no known occurrences of aquatic threatened or endangered species on the Caribou-Targhee National Forest. The Canada lynx is the only terrestrial listed species occurring on

the Caribou-Targhee. Management and conservation of lynx on the Caribou-Targhee are directed by the Northern Rockies Lynx Amendment (USDA Forest Service 2007I), which limits impacts on lynx and their habitats and would govern any activities proposed in on NFS lands.

Also in response to public concern regarding the acres of GFRG in the Caribou-Targhee National Forest, the Proposed Rule was changed in the Modified Rule to assign some of the southwest Idaho Roadless Areas from GFRG to the Backcountry theme. For the Caribou-Targhee National Forest, the GFRG theme was reduced from 398,800 acres in the Proposed Rule to 205,700 acres in the Modified Rule, a reduction of 193,100 acres. See final EIS, appendix P, for theme suggestions and changes in the Modified Rule and appendix E for a summary of theme changes.

### 34.5 Viability

**Permissible development activities in the Proposed Rule would affect habitats for threatened, endangered, management indicator, and sensitive species and would further result in impacts on the maintenance of population viability.**

*Response:* Based on the effects analysis in the final EIS, it was determined that for regional forester sensitive terrestrial species, the Proposed and Modified Rules, would not directly authorize ground-disturbing activities. Projects conducted later in time may affect individuals, but they are not likely to cause the overall populations of sensitive species because of the dispersed nature of the activities across Idaho Roadless Areas over time and space. The Idaho Roadless Rule may beneficially affect Forest Service sensitive species and their habitat in areas with the Wild Land Recreation, Primitive, or SAHTS themes. For MIS species under the Idaho Roadless Rule, it was determined that there is “no adverse

effect to MIS on any of the National Forests within the analysis area.”

Idaho Roadless Areas in the Wild Land Recreation, Primitive, and SAHTS themes should be well-protected from ground-disturbing activities under the Proposed and Modified Rules because of the restricted permissions on activities related to road construction/reconstruction, timber cutting, and discretionary minerals. These three themes should provide for natural processes, habitat integrity, and species diversity. Areas proposed for the Backcountry theme have a higher risk of ground-disturbing activities (including road construction/reconstruction, timber cutting, and discretionary minerals activities) occurring, depending on future land uses and the risk of wildland fire. In the Modified Rule these effects would primarily occur on the 442,000 acres in the CPZ, not all of which overlap sensitive species habitat (appendix M, table M-15b. Most species have less than 2 percent of their predicted habitat that overlaps Backcountry CPZ. Areas proposed for the GFRG theme have the greatest potential for increased risk of adverse effects on terrestrial animal species and habitat, albeit most species have less than 3 percent of their predicted distributions that overlap with this theme.

### 34.6 Effects Underestimated

**The draft EIS effects analysis stated that the Idaho Roadless Rule would have beneficial effects on species habitat, population, and landscape diversity for the same reasons that the 2001 Roadless Rule was determined to benefit wildlife values. This statement is not validated by the analysis. Impacts on wildlife are underestimated because of the failure of the draft EIS to portray and analyze the impacts of the new permissible activities. Permissible activities of the Idaho Roadless Rule are not permitted in the 2001 Roadless Rule.**



*Response:* A comparison among the alternatives on the effects on wildlife is included in the final EIS, section 3.9, Terrestrial Animal Habitat and Species. In response to comments with concerns regarding the comparison of permissible and prohibitive activities among the alternatives, a Modified Rule was developed that refines the permissible and prohibitive activities to more align the 2001 Roadless Rule where it was appropriate. See the comment and response to 7.7 in this appendix, for a comparison of permissible/prohibitive activities.

### **34.7 Fragmentation and Wide-ranging Populations**

**The Forest Service should include in the cumulative effects analysis the impacts on migratory and wide-ranging wildlife populations from fragmentation of the roadless areas. The analysis should include how the alternatives would address large-scale habitat connectivity. Address specifically, the Clearwater area; Cove, Mallard, Gospel Hump Adjacent, West Fork Crooked River, and other roadless areas adjacent to Gospel Hump are contiguous to the River of No Return and Gospel Hump Wilderness Areas, which are crucial habitat and migration corridors.**

*Response:* A discussion of the effects of fragmentation due to roads and timber construction is included in the final EIS, section 3.9 Terrestrial Animal Species and Habitat, as well as in the Biological Assessment prepared for the final EIS. Generally, roads contribute to changes in habitat quality and availability by fragmenting habitats in previously intact landscapes. As road densities increase, edge habitats increase and interior patches decrease, reducing habitat available to species requiring interior habitats. As with roads, fragmentation from timber harvest can create travel barriers to some species,

which may make substantial amounts of suitable habitat inaccessible. These travel barriers can fragment and isolate populations into smaller subpopulations causing demography fluctuations, inbreeding, loss of genetic variability, and local population extinctions. Also, roads may contribute to increased vulnerability of subpopulations to catastrophic events and loss of genetic fitness, related to loss of habitat connectivity.

Site-specific ESA consultation and effects analysis would be conducted with the appropriate level of NEPA. Impacts on habitat connectivity would be evaluated at the site-specific level for projects within the Clearwater area and all other areas in Idaho Roadless Areas. However, some adverse effects, such as increased habitat fragmentation and loss of connectivity, cannot be effectively mitigated.

### **34.8 Mines as Golf Courses**

**The Forest Service should not permit golf course development as remediation of mining land, because wildlife need large undisturbed habitat parcels and golf courses cause fragmentation.**

*Response:* No proposals for developing golf courses are known at this time. Also, the Idaho Roadless Rule does not provide management direction for these types or other special use permits, because these activities are not considered to have the most impacts to roadless characteristics (see comments and responses for scope, sections 3.14 – 3.21 in this appendix). Management direction for special use permits is found within forest plans and other policies and regulations. The appropriate level of NEPA would be conducted for all proposed projects, including golf course development.

### 34.9 Mining Infrastructure Effects on Wildlife

**The effects analysis should reflect the increasing emphasis on alternative power development. Analysis should include the impacts of energy infrastructures development on birds and bats.**

*Response:* Information was added to the final EIS, section 3.5 Minerals and Energy Resources discussion to address alternate energy potential beyond geothermal within Idaho Roadless Areas as well as the potential for additional pipeline and electrical transmission corridors.

At the forest level, all proposals to develop alternate energy resources would be subject to applicable project-level regulations and the appropriate level of environmental analysis and public involvement. This would include any effects analysis for wildlife.

The Modified Rule would prohibit road construction/reconstruction to access any new mineral or energy development (other than access to specific unlesed phosphate deposits) in all themes. This is the same as the 2001 Roadless Rule. Surface use and occupancy would be permitted if allowed in the forest plan. Without road access it is unlikely any of the alternative energy sources would be developed; therefore, there would be no effect on birds and bats.

### 34.10 Roads Effects on Wildlife

**The Forest Service should include in the analysis the effects from new roads (permanent and temporary) and illegal OHV user-created routes resulting from implementation of alternative 3.**

*Response:* Analysis by theme for the effects on wildlife species from roads can be found in the final EIS, section 3.8, Terrestrial Animal Habitat and Species. Projections of road construction and reconstruction are included in the final EIS, section 3.1,

Introduction. Based on the projections for road construction and reconstruction over 15 years, the Existing Plans have the greatest potential for illegal OHV use, followed by the Proposed Rule, then the Modified Rule. The 2001 Roadless Rule offers the least potential for OHV illegal use. The more miles of roads constructed (permanent or temporary), the greater the potential of illegal use. However, the Proposed Rule was modified for the Modified Rule, which has the same exceptions as the 2001 Rule, except that the Modified Rule permits temporary roads to facilitate timber cutting only in two specific cases. The roads would be decommissioned after use and they may only be used for the specified purpose. The intent is to minimize illegal OHV use on these roads.

Appropriate levels of roads analysis, NEPA, and public involvement would be conducted, and site-specific effects from road building would be conducted for future project proposals.

Illegal OHV use from permanent and temporary road construction and is common to all alternatives. One of the basic assumptions of travel management on NFS lands is that the public would understand the need for travel restrictions and voluntarily comply. Managers are also coordinating with Forest Service law enforcement to develop strategies to inform the public of travel restrictions and focus enforcement on problem areas. The Forest Service has also applied for and received grants from the State Trails Program to assist in paying for travel management enforcement. There are also non-governmental organizations that provide trail ethics training and perform a self-policing function.

### 34.11 Snag Effects on Wildlife

**The Forest Service should include in the analysis a comparison of snag retention**

among the alternatives. The Forest Service should also include analysis of effects on snag-dependent birds such as goshawk.

*Response:* The Idaho Roadless Rule does not provide management direction for snag retention because this activity is not considered to have the most impacts on roadless character (see comments and responses in Scope section in this appendix). Management direction for snag retention is found with forest plans, other management plans, or other policies and regulations. Snag retention guidelines are part of many existing forest plans. The Idaho Roadless Rule has no direct or indirect effect on snag retention and would not show a difference in comparison across the alternatives. Depending on individual forest plan components for snag retention, analysis would be completed in site-specific NEPA for any projects proposed in Idaho Roadless Areas.

### 34.12 Impacts on Wolf Habitat

The Bighorn-Weitas Roadless Area has critical importance for the wolf recovery effort.

*Response:* Many of the Idaho Roadless Areas provide important wolf habitat. Gray wolves had been delisted, but were reinstated as a threatened species by court order in July 2008; therefore gray wolves have been considered in the Biological Assessment. Under the Proposed and Modified Rules the risk to gray wolves from permitted activities is considered low because the primary effect to gray wolves is from collisions with cars and increased encounters with people facilitated by roads. Since the roads under the Modified Rule may only be used for the specified purpose there should be no increase in use on these roads by the general public. Neither Rule affects the management of highways; therefore they do not increase the risk associated with them. Site-specific activities

on NFS lands would be evaluated with the appropriate level of NEPA analysis.

### 34.13 Wolf–Livestock Conflict

The Forest Service should include in the analysis the potential for conflict between wolves and livestock if core wolf areas are moved closer to rangelands as a result of decreases in roadless areas due to implementation of alternative 3.

*Response:* In response to public comments, the final EIS includes additional analysis for wolf packs. The Idaho Roadless Rule does not provide direction for grazing management. This rule does not affect the expansion or reduction of grazing allotments. The potential for wolves to expand territories closer to rangelands would be addressed at the site-specific level. For projects initiated under the Idaho Roadless Rule, the appropriate level of NEPA would evaluate the effects to wolf habitat and any potential wolf conflicts.

### 34.14 Reforestation and Post Logging Effects on Wildlife

The Forest Service should include in the analysis the effects on wildlife, including large game (especially elk), from reforestation activities and post-logging treatments following vegetation treatments.

*Response:* The Idaho Roadless Rule does not permit or prohibit reforestation activities. Reforestation along with other post-logging treatments associated with timber-cutting activities could be conducted in Idaho Roadless Areas, provided the post activity is consistent with the the Idaho Roadless Rule. The acres of reforestation projects are not projected in this analysis, because the decisions to implement these activities occur at site-specific levels based on the ability of a site to naturally regenerate. Effects on wildlife from reforestation are not estimated at the

programmatic level of the EIS, because effects may vary from site to site, depending on site-specific conditions. Reforestation is conducted to encourage forest regeneration, which in the long term may be beneficial to wildlife. Negative effects are generally associated with short-term displacement during the activity. Generally, within Idaho, planting is conducted manually without the use of mechanized equipment. These effects are better analyzed at the project level where site-specific conditions would be evaluated.

### **34.15 Effects of Timber Harvest on Elk Habitat**

**The Forest Service should consider the beneficial and negative effects of timber harvest to elk habitat.**

*Response:* In the final EIS, section 3.9 Terrestrial Animal Habitat and Species the effects analysis for elk was based on the management direction for permissible and prohibitive activities (road construction/reconstruction, timber cutting, and discretionary minerals) of the Idaho Roadless Rule. Based on this analysis, timber harvest activities and associated road construction/reconstruction would post a moderate risk to elk habitat (appendix M, table M-14). Timber harvest activities could have both beneficial and negative effects on elk habitat. Timber harvest activities that create, restore, and maintain a mixture of habitats and a variety of age classes are generally beneficial to most game species. Thus, timber harvest activities can be designed to meet specific game species habitat needs, and have positive impacts.

The negative effects on wildlife from activities associated with timber cutting (such as tree felling, yarding, landings, site preparation by burning or scarification, fuels reduction, brush removal and whip felling, and forest regeneration) are often

difficult to separate from the effects of roads and road construction. The road systems developed to cut/harvest timber are often a significant factor affecting terrestrial habitats, as discussed earlier. Further, the nature of effects resulting from timber cutting (that is, habitat loss, reduction in habitat quality, and fragmentation, and human disturbance) is similar to those created by roads, albeit different with respect to scale, configuration, and total area directly affected.

There are more than 39 million acres of predicted elk habitat in Idaho, of which only 8.8 million acres of predicted habitat overlap Idaho Roadless Areas. Less than 2 percent of the predicted habitat for elk overlaps the GFRG theme in the Proposed or Modified Rule, or the Backcountry CPZ in the Modified Rule; therefore even though some activities may have moderate risk to elk, the overall potential impact to elk is limited. There would be no measureable change to elk populations due to the permissions in the Idaho Roadless Rule.

### **34.16 Low-elevation Importance**

**The Forest Service needs to fully protect all the low-elevation country that is still roadless, for the old-growth patches that remain there. Cavity-nesting birds, mammals, and mustelids are dependent on these low-elevation habitats.**

*Response:* Roadless areas provide habitats for a variety of birds and animals. The Idaho Roadless Rule provides management direction for road construction/reconstruction, timber cutting, sale, or removal, and discretionary mineral activities; however the Rule does not provide for specific direction regarding the management of birds and mammals. Specific habitat requirements found in forest plans, such as the retention of old growth, or snag habitat would still be required under the Idaho Roadless Rule.

Future projects proposed under the Idaho Roadless Rule would have site-specific analysis with the appropriate level of NEPA, which would consider forest plan components to maintain and protect wildlife habitat.

A comparison of effects on TES species (including low elevation species) among the alternatives is included in the final EIS, section 3.9, Terrestrial Animal Habitat and Species.

### **34.17 Fire Suppression Effects on Wildlife**

**The Forest Service should disclose in the analysis the impacts on wildlife from future fire suppression activities that use new roads and fuel breaks in roadless areas. The analysis should consider potential effects from felling of wildlife habitat trees, especially snags; dumping of chemical retardants and fuel in streams and soil; soil disturbance and erosion from hand lines and dozer lines; sedimentation into streams; wildlife disturbance from motorized vehicles, helicopters, and chainsaws; homogenized fire effects from burnout operations; severe fire effects from backfire operations; scenic impacts from dozer lines and stumps; and alteration of natural fire processes from fire suppression.**

*Response:* The Idaho Roadless Rule does not address fire suppression management or wildland fire use. Fire suppression poses a disproportionately smaller risk of alteration of natural landscapes and roadless area values compared to road construction, timber harvesting, and discretionary mineral activities; therefore, fire suppression activities are not considered to be activities needing direction in the Idaho Roadless Rule. Fire suppression management is guided by forest land and resource management plans, appropriate management response, wildland fire situation analysis, and other

regulations and policies. The appropriate management response, which can range from aggressively suppressing a wildland fire to managing an incident as a wildland fire use event, is guided by the strategies and objectives outlined in the unit's land and resource management plan, which reflects land and resource values, management goals, and objectives. The Idaho Roadless Rule does not alter how a forest would determine the appropriate management response to a wildland fire, including wildland fire use. In addition, minimum impact suppression tactics are often applied suppression to resource concerns during fire.

Effects on wildlife from suppression activities are not included in this EIS analysis because these effects are considered during development of a wildland fire situation analysis for wildland fires that escape initial actions or are expected to exceed initial action. Also, consultation with the FWS is initiated for larger fires where potential impacts to threatened or endangered species are a concern.

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## **35. Botanical Resources**

### **35.1 Sensitive Plant Species**

**The Forest Service should include in the analysis the benefits to sensitive species occurring in the Primitive and SAHTS themes given the allowances for timber harvesting. It is incorrect when the draft EIS says there are no effects on wildlife for the Backcountry and Primitive themes because of the allowance for timber harvesting and road building. The Forest Service should compare the effects on sensitive species among the alternatives. If there are 289 sensitive species that occur in the Primitive and SAHTS themes that benefit from this theme, then there would be 377 sensitive species in the GFRG and Backcountry themes that would be**

**negatively affected from the activities permitted in the later themes.**

*Response:* The preamble to the Proposed Idaho Roadless Rule states that there are 289 occurrences of known sensitive plant populations within the Wild Land Recreation, Primitive, and SAHTS themes (out of a total of 666) (p. 1144). Because of the limited permissible activities within these themes, these occurrences would continue to be protected with little or no ground disturbance, similar to the level of protection afforded to these populations under the 2001 Roadless Rule and Existing Plans. The preamble also states in table 1 (p. 1147) that there would be limited potential risk of adverse effects in Backcountry theme and some potential risk in GFRG theme for these species. The potential effects on these plant populations are disclosed in the final EIS, section 3.7, Botanical Resources, including a comparison of the potential effects among the four alternatives. Because specific projects within the roadless areas are unknown at this time, the effects are discussed in terms of potential effects, relatively compared among alternatives, based on the level of permissible activity (road construction and reconstruction, habitat fragmentation, spread of noxious weeds, human access, vegetation impacts, and phosphate development; see section 3.7, Environmental Consequences for all Alternatives). The Existing Plans have the greatest level of projected activity (based on permissions and prohibitions) that may potentially affect plants, followed by the Proposed Rule, then the Modified Idaho Roadless Rule, and lastly, the 2001 Roadless Rule.

Any future potential effects would be evaluated with the appropriate level of NEPA for project-level analysis for projects proposed within roadless areas.

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## 36. Consultation

### 36.1 Formal Consultation

**The Forest Service should engage with the regulatory agencies in formal consultation on the Proposed Rule under the ESA.**

*Response:* The Forest Service initiated formal consultation with the regulatory agencies – the FWS and the NOAA – during the development of the final rule. The required consultations would be completed before the rule is adopted. Specific consultation history can be found in the Biological Assessment: Effects of the Idaho Roadless Rule on Federally-Listed Threatened, Endangered, Candidate, and Proposed Species for Terrestrial Wildlife, Aquatics, and Plants, pages 16–19.

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## 37. Scenic Quality

### 37.1 Effects of Roads and Development

**The analysis should better address the effects of roads and development activities on scenic quality and recreation. Roads, mud, loss of mountain tops, uninterrupted view scapes, slash left behind after treatments, mining scars, development infrastructure from energy development – all these degrade scenic quality.**

*Response:* The final EIS, section 3.10, Scenic Quality, describes the expected effects on scenic quality of the reasonable foreseeable activities allowed in roadless areas during the planning period. Less than 0.02 percent of Idaho’s roadless acres are expected to receive timber cutting or road construction activity during the first 15 years of the rule. Current BMPs and mitigation measures should minimize any adverse affects from these activities.

The scenic integrity of landscapes in Idaho Roadless Areas is generally high, indicating a low level of landscape modification. The existing vistas in remote areas, where the Wild Land Recreation theme has been

designated, would continue to have high scenic integrity. All alternatives project maintenance of a high level of scenic integrity, with the exception of the roadless areas with existing phosphate leases, where it is foreseeable that about 7,200 acres could be mined over the next 15 to 100 years. The alternatives vary on how much phosphate is likely to be developed in the future because of road construction/reconstruction prohibitions and permissions. Under the 2001 Roadless Rule, no additional unleased phosphate deposits would be developed. Under Existing Plans, about 13,620 acres would be available for development. Under the Proposed Idaho Roadless Rule, about 13,190 acres would be available for development. Under the Modified Idaho Roadless Rule, about 5,770 acres would be available for development. If these areas are developed in the future, then the scenic integrity would be modified to low.

There are also some areas that have had some extensive activity such as grazing, OHV use, and timber sales that have modified the scenic integrity. Appendix C in both the draft and final EISs summarizes the existing characteristics for all Idaho Roadless Areas including scenic integrity. The level of project development anticipated in the planning period would not have a significant effect on scenic quality except in localized areas. There is not likely to be a material effect on scenic vistas from the roadless rule. Project-specific activities would still need to be reviewed and analyzed, with scenic quality effects mitigated depending on project locations and specific scenic quality issues.

### 37.2 Visuals From Vehicles

**The Forest Service should be more specific on what type of recreation would be allowed in each theme. Limiting roads would diminish the ability of people who like to sight-see because of vehicle limits such as size, type, etc.**

*Response:* The Proposed and Modified Rules do not address travel management. Routes and areas for motorized travel are designated through the Travel Management Rule and subsequent travel planning activities. Visual quality and sight seeing are addressed at the project level where specialists have site-specific information to provide a meaningful analysis. See comment and response 3.18 for additional discussion.

### 37.3 Scenic Views Ruined By Roads—Impact on Private Property Owners

**The anticipated change in the Hellroaring area of the Selkirks would significantly alter the entire view from private property.**

*Response:* The Hellroaring Roadless Area has mostly been developed through a timber sale in the early 1990s. In both the Proposed and Modified Rules, the Hellroaring area of the Selkirks is in the GFRG theme, where both temporary and permanent roads are permissible. Any projects undertaken in this area, or other areas across Idaho Roadless Areas, would conform to forest plan components, including any components specific to scenery. All proposed actions would be analyzed through the appropriate level of NEPA and public involvement.

### 37.4 General Forest, Rangeland and Grassland Theme Effects on Views

**The Forest Service should consider the effects on viewsheds from the GFRG theme designation in the Kafka Face and Myrtle Creek drainages; and the Selkirk Crest areas visible from roads.**

*Response:* These areas form an important part of the scenic backdrop for Bonners Ferry and the Kootenai River Valley. Any projects undertaken in these areas would conform to scenery requirements found in the forest plans. These visible areas are designated as Partial Retention in the forest

plan because of their proximity to Bonners Ferry. The Partial Retention visual quality objective means the scenic beauty in these areas would be a strong consideration if any projects are proposed under this rule.

### 38. Noxious Weeds

#### 38.1 Effects of Roads on Noxious Weeds

The analysis needs to reflect the degree to which roads and motorized OHV use of roads may spread noxious weeds. There needs to be a cumulative effects analysis.

Noxious weeds need to be controlled. It is inappropriate to blame the spread of noxious weeds on motorized recreation. The noxious weed population in the Frank Church Wilderness grows 3-4,000 acres each year. No motorized recreation is allowed in this area. Fire and road obliterations provide many opportunities for the spread and establishment of noxious weeds. This is a statewide concern.

*Response:* The final EIS, section 3.2, Vegetation and Forest Health, lists the mechanisms that spread noxious weeds, including roads and off-road vehicles. Other mechanisms also exist, including wildlife, livestock grazing, and human overland travel. Because roads provide suitable habitat for many noxious weed species, and because motorized vehicles travel on roads, noxious weeds are often found in greatest concentrations in roaded environments. Therefore, the environmental consequences section used the projected road construction/ reconstruction miles as one measure to compare noxious weed infestation risk by alternatives. This included a cumulative effects analysis and the incremental contribution of roads to noxious weed infestations.

Noxious weeds are present in roadless areas, as the EIS discloses (section 3.2, Vegetation and Forest Health). Fewer

known acres of noxious weed infestations exist in roadless areas compared to the roaded environment. While the sampling design for noxious weeds does not permit estimates of the total population of weed infestations, it is thought that the difference between the amount that occurs in roadless compared to roaded environments is in part due to disturbances such as roads, motor vehicle travel, timber harvest sites, and other disturbance areas.

#### 38.2 Effects of Grazing

The analysis needs to include the effects of grazing on spread of noxious weeds.

*Response:* Grazing is noted as a potential vector in the spread of noxious weeds in the final EIS, section 3.2, Vegetation and Forest Health. However, none of the alternatives establish direction for grazing within roadless areas. The direction for grazing capability and suitability is contained in individual forest plans. The allotment management plans that permit grazing address the effects between livestock use and noxious weeds.

#### 38.3 Current Weed Occurrences

**Appendix C needs more current information on weed occurrences.**

*Response:* Specific noxious weed occurrences were provided through public comment. Appendix C of the draft EIS was compiled using the information from existing forest plans' appendix C. Comments were reviewed with the ID team and forest personnel to verify and make updates to appendix C in the final EIS, which reflects this review.

### 39. Social and Economics

#### Phosphate

#### 39.1 Social and Economic

**The Forest Service should consider the social and economic tradeoffs of**



**phosphate allowance at the national scale. The phosphate industry is a national strategic resource important for national self sufficiency. The Forest Service needs to explain the importance of phosphate mining. Explain the assumptions in the draft EIS on why there would be no near-term or long-term impacts on the country if phosphate is not mined. The analysis is speculative. A cost-benefit analysis of the strategic value of phosphate compared to roadless areas needs to be completed.**

*Response:* Phosphate production in Idaho is a valuable source of employment locally and a valuable component of the sources of fertilizer products used nationally. The planning team has consulted with major producers of Idaho phosphate. After working together they determined the approximate annual production and agreed on areas where potential long-term development should be considered. The currently leased areas would continue to produce 2,000,000 tons of phosphate per year under all alternatives. A cost-benefit analysis was not conducted because there is no variation among alternatives during the 15-year time planning horizon evaluated with this document. The section on phosphate mining in the final EIS, section 3.17, Social and Economic, does provide additional details about the acreage constraints proposed for long-term management under the various alternatives. The more constrained opportunities for phosphate production in the long term could be expected to put upward pressure on phosphate (fertilizer prices), which could encourage conservation, substitutions, and/or higher input prices for agricultural production. Recent dramatic increases in the price of phosphate indicate it is in high demand nationally.

### **39.2 Remediation Cost**

**The Forest Service should include the cost of remediation in the economic analysis of**

**phosphate allowance benefits and tradeoffs.**

*Response:* Phosphate production is expected to be maintained at 2,000,000 tons per year for the next 15 years. As part of this work, producers would need to budget some of their expenditures to remediation efforts after learning ways to counteract selenium problems. This new information, which is detailed in the Smoky Canyon Mine EIS (USDI, Bureau of Land Management and USDA, Forest Service 2007), would be incorporated into a company's production functions. The economic sector used to model the economic impacts from phosphate mining already includes similar production function cost categories, experienced during the modeling year of 2004. In other words, the future remediation work would be done with the same types of personnel and machinery currently operating in the phosphate mining operations. The remediation should also have non-commodity benefits. This feature of future mining operations should reduce the negative impacts to the non-commodity values people in Idaho and across the Nation hold for Idaho's roadless areas.

### **39.3 Effects Among Alternatives**

**There is disagreement with the draft EIS analysis conclusion that phosphate production would be similar across all alternatives.**

*Response:* Comments made note an important distinction between the 2001 Rule and all the other alternatives. Under the 2001 Rule, road construction /reconstruction would be prohibited to access unleased phosphate deposits (14,460 acres); without roads, it is unlikely the deposits would be developed. Under Existing Plans, about 13,620 acres of unleased phosphate could be developed; under the Proposed Idaho Roadless Rule,

about 13,190 acres could be developed; and under the Modified Idaho Roadless Rule, about 5,770 could be developed (section 3.5, Minerals and Energy).

The reason that there is no difference in the economic impact modeling is that the economic impact modeling covers only the next 15 years. Over the next 15 years the only reasonably foreseeable phosphate mine development has to do with the Smokey Canyon mine which is under an existing lease; therefore access to this phosphate deposit is permitted under all alternatives. The long-term differences between the 2001 Roadless rule direction and the other alternatives could be substantial, however, depending on many factors that could influence producers' leasing requests and production decisions.

## **Vegetation Treatments**

### **39.4 Stewardship Projects**

**It appears that most Forest Service restoration activities depend on revenue derived from resource extraction, with few dollars appropriated specifically for ecological restoration. It is unlikely the Agency would see any increase in restoration funding, forcing them to generate revenue through the sale of timber and other resources in order to pay for the restoration mandated by the Idaho Rule.**

*Response:* The various alternatives merely provide direction and limits for the management of Idaho Roadless Areas in the future. While it is true that stewardship contracting authorities have been used in recent years to exchange the value of timber products from national forests for service work that would otherwise not be funded, none of the roadless alternatives mandate future work. Any roads constructed to support timber harvest would be part of the contract package and would not be subject

to Agency funding. The economic projections made for all of the alternatives were based on budget variability during the last 5 years. While budgets are uncertain, the remoteness and ruggedness of most Idaho Roadless Areas combine to produce low bids for most sales. This would certainly limit forest management activity in many areas beyond the projections in the various alternatives. If a project is determined to be needed in a roadless area, all sources of funding would be explored to accomplish the work, including appropriated dollars and partnerships.

### **39.5 Cost of Vegetation Treatments**

**The Forest Service should not subsidize the timber industry. Vegetation treatments are an economic loss for the government. The draft EIS did not consider the administrative cost of the timber management program. The draft EIS statement is not correct that these vegetation treatments are less costly in roadless areas with roads because the draft EIS did not consider the cost of road construction and maintenance. The final EIS should include an analysis of cost per acre for fuels treatments that include road construction and maintenance.**

*Response:* The Forest Service does not subsidize the timber industry. Rather, when the Agency determines there is a need to remove trees to meet management objectives, then it is frequently advantageous to the citizens of the United States to use a timber sale. In this way the value of the timber offsets some of the cost for achieving the management objectives using a competitive bidding process. The Agency acknowledges that for some projects, there may be a net economic loss in order to achieve management objectives.

The purpose of this EIS is not to evaluate the economics of the Forest Service timber program, but rather to examine alternative

management scenarios for roadless areas and disclose the effects, including potential economic impacts. All relevant costs and benefits are included in the analysis used in the final EIS, section 3.17, Social and Economics, including administration costs and road costs.

The use of existing roads to achieve management objectives would be typically less expensive than new road construction. Reconstruction and maintenance costs are also included in the final EIS, section 3.17.

For future projects, any road construction, reconstruction, and maintenance costs would be part of the economic analysis disclosed and considered in the decision. These costs are highly variable and, in the cases where the value of the timber would not cover the cost of fuels treatments, then additional funds would be needed either through appropriated dollars or partnerships.

## Roads

### 39.6 Cost of Road Maintenance

**The cost associated with roads is not similar among alternatives. The Forest Service should consider the long-term cost associated with maintenance, decommissioning, and closure enforcement associated with implementation of alternative 3. The Forest Service should also consider how the roads implementation cost of alternative 3 would affect the roads program budget and other Forest Service resource budgets.**

*Response:* There are approximately 2,050 miles of road existing in the Idaho Roadless Areas. Changes in net road mileages for the life of the plan vary by alternative from a reduction of 3 miles to an increase of 57 miles. In other words, the net road mileage is expected to change less than 3 percent for the area. The annual road maintenance plan

for these roads would not change among alternatives.

Road costs were included in the economic analysis. The average costs used were \$7,500 per mile for road decommissioning and \$20,000 per mile for temporary roads, which represents the combined construction and decommissioning cost. The travel management restrictions and associated enforcement costs are not expected to increase because the roads are generally expected to be temporary and the use to be limited to the project purposes.

### 39.7 Maintenance Costs of Road Construction

**The Forest Service should analyze the costs of roads maintenance among alternatives. How would new roads affect backlog of maintenance costs?**

*Response:* Only the Existing Plans, alternative 2, would result in a net increase of new roads. The other alternatives would likely result in a net decrease in total road miles. However, the focus on road maintenance activities would be in correcting critical deferred maintenance backlogs and in making the remaining road system as self maintaining as possible. This would result in a trend toward low service levels and few miles open for motorized recreation access.

### 39.8 Cost of Road Construction for Fuels Treatments

**The Forest Service should conduct an analysis on road construction and fuels management treatments. The costs of road construction were not factored into the analysis, according to the Fuel Report, because of great variance. While the 2001 Roadless Rule limited road construction and therefore future potential road costs, the Idaho Rule expands road construction options and expands potential road costs.**

A comparison of road construction costs between the Idaho Rule and the 2001 Rule must be included in the Idaho final EIS to consider the viability for road construction to reduce “uncharacteristic and unwanted wildfire risk.” The Fuels Report acknowledges “roads used for fuel treatment are often constructed for other purposes.” In fact, roads are far too expensive to be constructed for non-commercial fuel treatments. If there are any examples of costs and construction sites for fuel treatments not combined with commercial timber harvest or other access issues, the Idaho final EIS must define where it has been done. If these examples of past road construction for stand-alone fuels treatment are not available, the Idaho final EIS must show how road construction for fuel treatments would be funded.

*Response:* Road costs are discussed Road Specialist Report for the final EIS, p. 20, and were also included in the economic analysis (USDA Forest Service 2008k). A weighted road development cost of \$55,000 per mile was used for all road types in each alternative (new construction, reconstruction, and temporary roads). It is generally assumed that only fuels treatments with a commercial timber component could support road development. Roads constructed for other resources are generally paid for by the special use, mineral activity, or private land owner needing that access.

### **39.9 Cost of Road Construction for Timber Harvest**

The Forest Service should analyze the economic and environmental impacts of road construction funded through commercial timber harvest projects. If commercial timber harvest is expected to pay for road construction costs, would the actions be prohibited as a “routine forest

**management activity” described in the Idaho Rule, page 1139?**

*Response:* Both the Proposed Idaho Roadless Rule and the Modified Rule would allow temporary road construction or reconstruction of existing roads only to support timber cutting. Cost of this road development is considered as part of the project level economic feasibility analysis. When the commercial timber value exceeds the projected cost of operations, a project is typically offered as a timber sale contract. When the projected operations cost exceeds the projected commercial value, the vegetation treatments are offered as a service contract. However, there are limited appropriated funds available to pay for service contracts.

The purpose of this EIS is not to evaluate the economics of the Forest Service timber program, but rather to examine alternative management scenarios for roadless areas and disclose the effects, including potential economic impacts. See final EIS, section 3.4, Roads, and section 3.17, Social and Economics, for discussions on costs associated with roads. Cost of road development is considered as part of the project-level economic feasibility analysis. The Agency acknowledges that for some projects, there may be a net economic loss in order to achieve management objectives. See comment and response to 39.5 above for additional discussion.

The intent of the reference in preamble of the proposed rule on page 1139 was to explain the purpose of the “significant risk” concept in the Backcountry theme. If a “significant risk” project is undertaken and requires a road, then a timber sale or stewardship contract are tools that can be used to accomplish the objectives. Moreover, if either of these contracting tools are used, road construction and reconstruction could be part of the package. Nothing in the Idaho Rule would preclude

this option. The term “routine forest management activities” pertains to the use of more traditional silvicultural practices used to tend forests on a continuing basis.

## Weeds

### 39.10 Long-term Cost of Weed Maintenance

The Forest Service should consider the long-term cost burden to taxpayers resulting from the implementation of alternative 3. Respondents assert that implementation of alternative 3 would increased noxious weed spread and result in increased treatment and control cost.

*Response:* Weed control is one of many costs included in site-specific NEPA documentation for timber-cutting projects. Any timber-cutting project with more than \$100,000 in projected revenue would do a cost-benefit analysis detailing the financial costs and financial benefits. This analysis is often enhanced with a discussion of the anticipated non-market costs and benefits for among other activities, weed treatment. Future projects would incorporate BMPs to prevent the spread of weeds and may produce revenue to treat weed infestations in roadless areas. Under the Proposed and Modified Rules, all future roads in all themes with the exception of GFRG would not be open to motorized public use. Most would be recontoured and or decommissioned following timber cutting. Indeed this is one of the differences between the various alternatives; the 2001 Roadless Rule would provide the fewest miles of new road and the lowest amount of revenue due to weed treatment. This contrasts with the Proposed and Modified Rules, which would maintain more flexibility to manage weed populations in roadless areas using funds from timber cutting revenue. The existing plans would create the largest number of road miles in

the future, but also the most revenue potentially usable to manage weeds.

## Recreation

### 39.11 Impact on the Economics of Hunting

[An] impact that happens is a loss of hunting opportunity [due to loss of deer herds]. Hunters and fishermen constitute over 30 percent of the population of Idaho, and big game license-holders constitute about between 10 and 12 percent of the state of Idaho. The North American wildlife management model is based on, of course, the funding of the outdoor sports. They generate between \$1 billion and \$1.5 billion a year that hunters and fishermen pay willingly to go about their activities. And those monies are all handed back either through conservation agencies raising their own money like Rocky Mountain Elk or Safari Club or Turkey Foundation or TU [Trout Unlimited] or a whole bunch of other people, or through Federal excise taxes and license fees. As we eliminate hunting opportunity, we eliminate that population of those financial supporters of the system. And if we are to continue that system – because I don’t think it’s going to compete with welfare and military and education and all the rest of the tax money that’s spread around – it’s a source of money. And if we eliminate this opportunity, we’re going to eliminate recruitment of the next generation into these activities. And that system would break down monetarily. It’s a web that’s all connected, and more so than ever pointing to the Federal lands as the only place where these opportunities remain.

*Response:* There is tremendous economic value obtained from hunting and fishing in Idaho Roadless Areas every year. This leads to some notable economic impacts in communities across the State, as well as revenue for Idaho Fish and Game

management. However, there is no measurable impact on hunting opportunities projected in conjunction with any of the alternatives (final EIS, section 3.9, Terrestrial Animal Habitat and Species). Based on this projection, there would be no difference in the economic impacts associated with the implementation of these alternatives.

The GFRG theme was reduced by 203,700 acres for the Modified Rule in response to public comment regarding the extent of GFRG. A major reallocation of some roadless areas from GFRG to Backcountry was made, partly in response to requests from hunters to place big game range in a more restrictive theme. About 257,700 acres were changed for these reasons. See final EIS, appendix E (Idaho Roadless Area Comparison) and appendix P (Consideration of Theme Changes) for details on theme changes based on public comment.

If a project is undertaken under the Modified Rule, concerns for wildlife in general and hunting in particular would be given careful consideration.

## **Social / Economic**

### **39.12 The Timber Industry Economy Is Hurting**

**The State's forest industry has been so affected by mill closures, prices, and product availability that only a limited capability exists. Often that capability is hampered by other operations, such as helicopter availability during fire season. The Forest Service needs to do what they can to keep mills open. The timber industry and small logging companies contribute vital timber products to the nation.**

*Response:* The forest industry, like other natural resource industries, constantly experiences fluctuations in size,

configuration, and capability based on combinations of external and internal factors. The external factors are those out of the industry's control, such as trends in national housing construction and remodeling markets, costs of electricity, costs of employee health care benefits, costs of other production process inputs, and policies affecting international competitors. Internal factors are those controlled by the industry, such as decisions of when to harvest and process raw materials from privately held timber lands, and production decisions based on competing investment opportunities.

The national forest portion of the supply of raw materials to many Idaho milling operations declined dramatically during the 1990s. This was partially a result of a paradigm shift to a focus on what is left behind, compared to the previous focus on what was removed. This increased emphasis on forest restoration and hazardous fuels reduction means that the average size of logs removed from NFS lands has decreased. This causes a shift in the type and volume of logs offered by the Forest Service. In recent years, although mills have cited lack of available raw materials as a main reason for closing, several sales have been offered that did not attract any bids. As a result of the changes in the types and numbers of contracts being offered from NFS lands, a greater portion of the supply of logs comes from private industrial and non-industrial private sources. In response, some Idaho mills terminated processing of plywood, which depends on large logs, and some mills updated lumber milling equipment to deal with smaller wood. This dynamic and uncertain supply in concert with advances in milling technology and changes in the global forest product markets continued to change the balance of labor and capital and resulted in a general decrease in the

numbers of mills operating in Idaho. This reduction in the number of mills has generally increased average haul distances, which could be problematic given the rapid escalation in the price of diesel fuel. Despite these changes, the national forests in Idaho maintain the harvesting and milling capability needed for forest management on public lands in most areas.

Many projects now proposed on national forests are a combination of timber sales and service contract work, forcing the forest industry to subcontract parts of recent contracts to industrial partners to produce competitive, high-quality bids for these projects. The four alternatives analyzed have differing levels of timber cutting permissible in Idaho Roadless Areas. In general, the potential amount of raw materials to come from the implementation of any of the alternatives is not expected to significantly influence the operations of the forest industry in Idaho. However, the specific geographic location of any future timber cutting that yields commercial timber products could influence the viability of select harvesting and processing companies. Leaders for the State of Idaho and the Forest Service are aware of the need to retain forest industry capacity in Idaho. Projects under the Existing Plans or inside the GFRG theme of the Proposed and Modified Rules may include desires to contribute to forest industry production as part of their purpose and need statements. This could be done to help maintain the forest industry's capacity to help the Forest Service execute forest management on NFS lands and/or to maintain Forest Service contributions to Idaho economies.

### **39.13 Sustainable Recreation Values Compared to Commodity Jobs**

**The Forest Service should provide an analysis of loss of income and an increase of social issues to local communities by closing of management areas to logging or**

**mining. These jobs are not easily replaceable by lower paid recreational jobs.**

**The Forest Service should include in the analysis the value of recreation-based income and the long-term consequences for local communities. This value should be compared to the economic value of resource extraction permitted with the alternatives. Some comments request that the Forest Service support non-extractive employment such as ecotourism and outfitters and guides, while others request the Forest Service support long-term logging jobs through sustainable stewardship. Roadless areas provide some of the best fishing, hunting, and scenery. They are the gateways to the wilderness and are usually accessible from city centers. These values provide for a recreation-based industry to provide jobs for the local economy. Logging jobs come and go, but recreational income remains stable, no matter the market.**

*Response:* The economic impact portion of the final EIS, section 3.17 Social and Economics, addresses expected annual changes in employment and labor income associated with the activities projected for the various alternatives for the five economic impact areas delineated in Idaho. These impacts are based on changes expected with timber cutting, road construction/reconstruction, road decommissioning, and phosphate production. No significant changes in Idaho recreation are expected across the alternatives, which is why no differences in the alternatives were modeled for economic impacts.

Both timber-cutting-related and recreation-related employment are based on management of renewable resources. Timber cutting may affect the environment for a longer period than recreation, but both timber cutting and forest recreation affect

the land base for employment, in positive and negative ways depending on one's perspective. As the perception of fire hazard has grown in recent years, the amenity values of people may be shifting to more of a combination of wild areas and safe living environs. The potential trade-off between long-term employment in recreation-dependent jobs and higher paying wages for short-term employment in extractive industries is one facet of the decision of which alternative to select. Many people feel that timber cutting and recreation both need to be actively managed to steward the land and this has led to the development of the Proposed and Modified Rules.

There are general background trends across the Western United States of decreases in manufacturing employment and increases in service sector employment and labor income that could be expected to continue to affect Idaho. Many of the new service sector jobs are specialized services that have high wages. Some of these jobs are directly tied to recreation and others are new businesses attracted to Idaho because of high amenity communities. This is discussed in the Affected Environment, section 3.17, of the final EIS.

### 39.14 Non-commodity Values

**The Forest Service should consider the cumulative economic and social impacts of altering the values of neighboring undisturbed lands (other Idaho Roadless Areas, State, private, Federal) that share common resource values (wildlife populations, ecological processes, microclimates, hydrological connections, and/or remoteness).**

*Response:* There are several resources shared across Idaho Roadless Areas and neighboring disturbed and undisturbed lands. Wildlife populations, opportunities for secluded recreation, and water resources are all good examples. These connections

visibly and theoretically extend very far. For example, wolf home ranges contain multiple mountain ranges, and rivers forming in the high peaks of Idaho Roadless Areas continue thousands miles to distant oceans. Similarly, the non-market values people hold for many of these resources are composed of pieces of land inside and outside Idaho Roadless lands. An analysis of the economic and social impacts should focus on the changes to existing situation. This is also known as marginal change analysis as compared to total valuation.

The non-commodity portion of the economics section discusses some of the marginal changes expected in Idaho Roadless Areas, but it does not attempt to address impacts on all the lands in Idaho, the Nation, or the world. This larger analysis is beyond the scope of this EIS and would be extremely difficult to both accomplish and defend, because as the area analyzed expands the concept of "all else being constant" becomes less realistic.

### 39.15 Motorized Recreation Economy

**The Forest Service should consider how designation of non-motorized areas would affect local community motorized economic base (in towns such as Priest River, Kingston, Coolin, and Nordman)**

*Response:* Alternatives of the final EIS provide management direction for timber cutting, mineral leasing, and road construction/reconstruction. These alternatives do not provide direction or make decisions that directly change the recreation uses currently permitted in the Idaho Roadless Areas. Under the 2001 Roadless Rule, no additional roads would be constructed, except under limited conditions (see final EIS, section 2.2, Alternatives Considered in Detail). Under the Existing Plans, some additional road miles could potentially be available for motorized use. Under the Proposed and



Modified Rules, there would be some roads constructed and reconstructed that would not be available for recreational use, and the decommissioning is expected to outpace the road construction. The impacts on the economies of communities with labor income derived from motorized activities was not analyzed as part of this EIS, as the alternatives do not provide direction that would change current motorized or other travel management. These potential impacts would be evaluated with the appropriate level of NEPA during travel management planning efforts.

### 39.16 Commodity Values

**The Forest Service should consider the risk to commodities values outside roadless areas resulting from the potential for wildland fires to escape from within the roadless areas. The respondent contends that the Forest Service management budgets for roadless areas do not produce commodity timber.**

*Response:* The various levels of timber cutting and road construction/reconstruction projected for each alternative may site-specifically affect the potential for wildland fires to escape from within roadless areas to alter the risk to commodity values on both public and private lands outside roadless areas. These impacts are projected to be very small, with an expectation of slightly reduced risk to commodity values outside roadless areas following timber cutting activities inside roadless areas. There is always a trade-off between the risk associated with management activities and the altered risk following management activities. Timber cutting activities under the existing plans, and in the GFRG theme under the Proposed and Modified Rules, may not specifically be designed to reduce fire risk to communities, whereas this is the focus in Backcountry themes and under the 2001 Roadless Rule. The timber cutting in GFRG in the Proposed

and Modified Rules is more likely to produce commercial products but is not as narrowly focused on protecting communities from wildland fire.

## 40. Legal and Regulatory Compliance

### NEPA

#### 40.1 Alternatives 1 and 2 Are Not Viable Options

**Alternatives 1 and 2 in the draft EIS (2001 Roadless Rule and Existing Plans, respectively) do not offer viable or implementable options to the preferred alternative 3 (Idaho Roadless Rule). NEPA requires the Forest Service to offer alternatives that the Agency is willing to act upon. The 2001 Roadless Rule is pending current litigation and the forest plans are under revision or being challenged under procedural deficiencies of the 2005 Planning Rule. Because of the controversial status of these alternatives they cannot be realistically analyzed or implemented as alternatives to the preferred alternative 3.**

*Response:* An alternative under litigation is not invalidated as a viable or reasonable option for management. The 2001 Roadless Rule is currently in operation by court order and represents the legal status quo and operating management direction for NFS roadless lands. It is therefore a reasonable option that currently represents the “no-action” alternative (draft and final EIS, section 2.2, Alternatives Considered in Detail). Alternative 2, the Existing Plans, represents the management direction that would be in effect if the 2001 Roadless Rule were enjoined by the courts. Therefore, it also represents a reasonable management option. Both alternatives contribute to the range of reasonable alternatives analyzed in detail in the draft EIS and this final EIS.

#### **40.2 Range of Alternatives: Consider Alternatives for More Protection – (Also In Alternative Section)**

The Forest Service should consider a wider range of alternatives that includes more protections for the Idaho Roadless Areas. Both alternative 1 (2001 Roadless Rule) and alternative 2 (Existing Plans) are no-action alternatives. With alternatives 1 and 2, the draft EIS does not consider the full range of alternatives that represent the more protective spectrum. Consideration of HR 1975 as an alternative that allocates more wildernesses, or another alternative that does not have “loopholes” for management (such as mineral lease allowances), would represent a more complete array of alternatives.

*Response:* Please see the response to the Public Concern above (7.1). The 2001 Roadless Rule is currently the no-action alternative. The Existing Plans represents a different management option that varies in several substantial respects. The Proposed Idaho Roadless Rule represents another option with substantial differences from either alternative 1 or 2. The Modified Rule represents a refinement of alternative 3 in several key areas in response to public comments. Collectively, the four alternatives analyzed in detail in this final EIS provide a variety of ways to address the purpose and need, and represent a range of reasonable alternatives (draft and final EIS, section 2.2, Alternatives Considered in Detail).

Some people requested that all lands be managed as Wild Land Recreation or in accordance with the proposed HR 1975, the Northern Rockies Ecosystem Protection Act. Other people wanted to fully protect roadless areas by working with Congress. These suggestions would prohibit all road construction, reconstruction, timber cutting, and discretionary mineral activities across all 9.3 million acres of Idaho Roadless

Areas. These suggestions were not given detailed consideration because: (1) all Idaho Roadless Areas have already been evaluated for wilderness designation during the forest planning process, and there has been no wilderness legislation enacted affecting Idaho Roadless Areas; and (2) managing all roadless areas in one prescription, proposed wilderness, would not recognize the individual roadless area characteristics that the purpose and need for this roadless rule seeks to recognize and address by applying five different themes “tailored” to the specific roadless area.

#### **NFMA**

**40.3 Tier to Draft Plans—Pre-decisional Draft forest plans or draft environmental impact statements cannot be incorporated into the decision or analysis of effects. For example, the oil and gas leasing analysis in the Caribou National Forest has not been completed and cannot be tiered to. In addition, “incorporation of draft revised forest plans for the Idaho Panhandle, Clearwater and Nez Perce National Forests is pre-decisional because it tiers to an incomplete NEPA guidance and appears to violate the injunction over the implementation and utilization of the 2005 Planning Regulations ‘until [USDA] has complied with the pertinent statutes’ (Final Order Case No. C 05-1144 PJH).” The NFMA requires that any projects that occurring on national forests be consistent with the existing land and resource management plan. “The impact of the Idaho Rule on this statutory provision is unclear and appears contrary to existing direction.”**

*Response:* The draft and final EISs do not tier to the incomplete Caribou National Forest oil and gas leasing EIS or proposed forest plan revisions. “Tiering” in this context, implies that the decisions from these documents were used to direct

decisions in the Idaho Roadless EIS or analysis used in these other documents were used as the basis for analysis in this EIS. No decision documents have been issued for the Caribou National Forest oil and gas leasing EIS or for the proposed plans. Information from these documents was used to help inform the analysis.

For example, the roadless inventories from some proposed forest plans were the best available information for some roadless area boundaries. These inventories have been made available for public review. While proposed draft forest plans were not used to direct theme designations, they were considered because they represent the most reasonably foreseeable future scenarios to assist in providing proposed management direction for some Idaho Roadless Areas. The State of Idaho used information in existing and proposed forest plans (where available) to assist in development the State Petition.

The Caribou National Forest oil and gas leasing EIS is ongoing. Information from this document was used to identify reasonably foreseeable future actions for purposes of analyzing potential effects. For alternative 2, Existing Plans, the draft and final EISs use the existing forest plans as the basis for this alternative. Management area prescriptions or other forest plan components from proposed forest plans were not included in the Existing Plans alternative.

Based on public comments, a thorough review was conducted of the crosswalk of forest plan prescriptions to management themes. Only existing forest plans (not proposed plans) were used in the compilation of appendix B (Relationship of Existing Forest Plan Prescriptions to Idaho Management Themes) in the final EIS. The review resulted in modifications of theme assignments to improve the consistency of the management direction of each of themes

with the existing forest plan prescriptions within roadless areas.

### **Other**

#### **40.4 Federal Advisory Committee Act (FACA)**

**The Forest Service violated NEPA and the Federal Advisory Committee Act by using the Idaho Petition process.**

*Response:* The FACA requires among other things an open and unbiased public process of decision making by Federal agencies and sets formal requirements for groups providing advice to Federal decision makers. The State of Idaho Petition was initiated and processed under the provisions of the APA, as well as Department of Agriculture regulations at 7 CFR 1.28. This process is consistent with FACA. The RACNAC is an appointed advisory committee established under the authority of FACA, and has provided guidance and recommendations to the process. The NEPA requires among other things the analysis of environmental effects and disclosure of those effects to the decision maker and public before the decision. The Proposed Rule and this EIS have been prepared in compliance with NEPA and its implementing regulations (40 CFR 1500-1508).

#### **40.5 Authority**

**The ruling by Judge La Porte appears to make the Proposed Rule by the Forest Service literally dead on arrival. It seems that any final determination of the Forest Service to approve this Proposed Rule is illegal on its face, and even if it is legal, it is unenforceable and inconsistent with its current policy. The Proposed Rule arises from a petition by the State of Idaho, but the Forest Service has absolutely no authority to cede its jurisdiction over to any other body.**

*Response:* The Proposed Rule and the process used to develop it were consistent with law, regulation, and policy. The September 20, 2006, court decision, by U.S. Magistrate Judge LaPorte of the Northern District of California, enjoined the 2005 State Petitions Rule process for assigning roadless area management and reinstated the 2001 Roadless Rule. After the injunction, the State of Idaho accepted the Secretary of Agriculture's invitation to create a petition under the APA (draft EIS p. 304). This act provides that petitions "by interested persons in accordance with 5 U.S.C. 553(e) for the issuance, amendment or repeal of a rule may be filed with the official that issued or is authorized to issue the rule." A decision was made by the Secretary to accept the Idaho State Petition as recommended by the RACNAC. The RACNAC was chartered by the Secretary to provide a national perspective on individual State petitions regarding roadless area management (draft EIS p. 305). Therefore, this Proposed Rule was prepared and processed pursuant to the APA (section 553(e)) and Department of Agriculture regulations (7 CFR 1.28), and not under the 2005 State Petitions Rule process enjoined in 2006. The current Idaho petition process retains authority for the decision in the U.S. Department of Agriculture, with the Secretary of Agriculture as the responsible official with jurisdiction over the National Forest System.

#### **40.6 Do Not Close Off Roadless Areas to Access. It Is Discriminatory!**

**The Forest Service should not support the 2001 Roadless Rule because making large parts of our public lands inaccessible by roads is discriminatory and essentially excludes the elderly and handicapped from access to these areas. This violates the Americans with Disabilities Act**

**,which is supposed to guarantee access to all.**

*Response:* The Americans with Disabilities Act of 1990 does not cover the Executive Branch of the Federal government. The Executive agencies are covered by Title V of the Rehabilitation Act of 1973, which requires these Agencies to make their programs and activities accessible to people with disabilities. Programs include facilities and lands in their natural state. While some of the topography of roadless areas may not be user friendly to some persons with disabilities, the Proposed Rule and all other alternatives would not cause the Forest Service to construct any barriers that would prevent people from having an equal opportunity to enjoy roadless areas. All members of the public have an equal opportunity to try to access Forest Service lands, including roadless areas; however, this equal opportunity does not guarantee success.

The Proposed Rule applies equally to all members of the public, and therefore is not discriminatory towards persons with disabilities or age groups. Any buildings that the Forest Service constructs on public lands would be accessible to all members of the public, including people with disabilities. The Forest Service strives for universal design in the construction of facilities. Universal design means a design that serves all people well, such as a building that is constructed to have a level and wide entry, and does not require stairs or a ramp.

#### **40.7 Idaho Roadless Rule Unconstitutional**

**Protections of roadless areas should not be reduced. The divestiture of roadless lands from the American people is unconstitutional. The taking of land is beyond the scope of the Executive Branch of Government.**

*Response:* The Proposed Rule addresses management direction of Federal lands subject to congressional direction. The Rule was reviewed for relationships to private property rights, including the fifth amendment of the U.S. Constitution, and the rule would not pose a risk of taking constitutionally protected private property or threaten to abrogate private property rights. It would not take land from jurisdiction of the Federal Government. The Proposed and Modified Rules would provide State-specific direction for the conservation and management of Idaho Roadless Areas by means of federal regulation.

