



**File Code:** 1570-1

**Date:** March 13, 2003

**Route To:** (1570 - 215)

**Subject:** ARO Letter - North Lochsa Face Ecosystem Management Project ROD -  
Clearwater NF - Appeal #03-01-00-0018 - Friends of the Clearwater, et al.

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Gary Macfarlane, on behalf of the Friends of the Clearwater; Alliance for the Wild Rockies; The Lands Council; The Ecology Center, Inc.; Palouse Group of the Sierra Club; and Idaho Sporting Congress, protesting the North Lochsa Face Ecosystem Management Project Record of Decision (ROD) on the Clearwater National Forest.

The Forest Supervisor's decision adopts Alternative 5 as the selected action, with the following modifications: 1) to address public concerns about timber harvest in old growth stands, no old growth would be harvested as part of this decision; and 2) to address concerns about Canada lynx, pre-commercial thinning in lynx habitat was dropped from the selected actions. Alternative 5-modified also includes prescribed fire on approximately 12,530 acres, timber harvest on 4,032 acres, 3.5 miles of temporary roads construction, 66 miles of road obliteration, 54 miles of roads put in long-term maintenance, removal of four sediment traps, and noxious weed treatment.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Wild and Scenic Rivers Act (WSRA), Clean Water Act (CWA), Pacific Northwest Electric Power Planning and Conservation Act, National Historic Preservation Act (NHPA), the Freedom of Information Act (FOIA), and the Clearwater National Forest Plan. The appellants request the ROD be rescinded. An informal meeting was held but no resolution of the issues was reached.

## ISSUE REVIEW

### **Issue 1. The Clearwater National Forest violated NEPA by using non-NEPA, non-Decision documents to make programmatic decisions, similar to a Forest Plan.**

**Response:** The North Lochsa Landscape Assessment is not a decision document (SEIS PF, Vol. 2A, Docs. 136 to 140). The assessment described the ecological condition of the North Lochsa Face area, focusing on the structure, function, and composition of the area's ecosystem. The assessment also described the social values associated with the area. *Opportunities* to improve the landscape conditions, *not programmatic decisions*, were identified in the assessment based on ecological conditions and social considerations (FSEIS, pp. 1-2). Public input was solicited



and used in the formation of the desired condition for the resources and social goals (FSEIS PF, Vol. 2A, Doc. 139, pp. 7 and 8). Any projects coming out of the North Lochsa Landscape Assessment would be analyzed through the NEPA process, with full public participation, as this project has done. The use of non-NEPA documents in Environmental Assessments and Environmental Impact Statements is an acceptable practice (40 CFR 1502.21). The use of the North Lochsa Landscape Assessment is in compliance with NEPA.

**Issue 2. The FSEIS and ROD violate NEPA. The Clearwater National Forest failed to consider an adequate range of alternatives. The Clearwater National Forest designed the purpose and need to purposely limit the range of action alternatives.**

**Response:** An EIS must “rigorously explore and objectively evaluate all reasonable alternatives” [40 CFR 1502.14(a)]. The courts have established that this direction does not mean every conceivable alternative must be considered, but that selection and discussion of alternatives must permit a reasoned choice and foster informed decision making and informed public participation. Chapter 2 of the DSEIS describes how comments received from the public were used to identify issues and develop alternatives. The DSEIS describes eight alternatives analyzed in detail (pp. 2-9 to 2-38) and five alternatives that were considered but dropped from detailed study (pp. 2-7 to 2-9). The appellants’ request for a restoration-only alternative was addressed in the DSEIS (p. 2-9), Response to Comments (FSEIS, Appendix D, pp. D-55, 73, 84, 88, and 89), and in the ROD (p. 26).

The Agency’s Deciding Official has the discretion to determine the Purpose and Need for a project proposal. The NEPA implementing regulations state the NEPA document shall, “briefly specify the underlying purpose and need to which the agency is responding...” (40 CFR 1502.13). The Forest has provided information to support the stated Purpose and Need (DSEIS, pp. 7 to 18), and states it is based on the landscape conditions as described in the North Lochsa Landscape Assessment (FSEIS, p. D-89). I find the Purpose and Need to be within the discretion of the Responsible Official, it is adequately linked to broader scale analyses, and is in compliance with NEPA.

**Issue 3. The Clearwater National Forest violated The Wilderness Society v. Bosworth Settlement Agreement (Settlement Agreement) and the Clean Water Act by not proving that the project will have no measurable increase in sediment.**

**Response:** The FSEIS (pp. 3-179 to 267) goes into very detailed analyses of each creek in the project area including the Forest Plan requirements, the analysis tools and process used to do the analysis, the evaluation criteria, the general characterization of the watershed, and the effects of the project on each creek. After individual creeks are analyzed the cumulative effects to the Lochsa sub-basin are considered. The effects analysis is based on the data and other information found in the project file (FEIS PF, Vols. 1a, 9, and 20; Docs. 1032 to 1037, 23, and 24; SEIS PF, Vols. 11, 12, 13, 14, 15, 19, and 20). After analyzing all the impacts the watershed specialist concluded, “all action alternatives are consistent with the Clearwater Forest Plan and the Stipulation Agreement [FEIS PF, Vol. 12, Doc. 732], where it applies. All action alternatives are consistent with the Clean Water Act and the Endangered Species Act. The project is designed to ensure that there are limited effects, in duration and

magnitude, in the short term and neutral or beneficial effects in the long term to the aquatic ecosystem.” The project is consistent with the Clean Water Act, the Clearwater Forest Plan, and the Settlement Agreement.

**Issue 4. The Clearwater National Forest violated NEPA, the Settlement Agreement, and the CWA by relying on Best Management Practices (BMPs) and PACFISH buffers to prevent sedimentation.**

**Response:** The DSEIS discusses the uses and effectiveness of BMPs and PACFISH buffers (DSEIS, pp. 3-184, 185, 191, and 192). “Monitoring of...BMP[s], which includes a review of the effectiveness of PACFISH buffers, has found that the PACFISH buffers have been effective in eliminating overland sediment from reaching the stream” (DSEIS, p. 3-185). “The Clearwater National Forest has an excellent record of successful implementation of BMPs. In 2000, the Forest had a 99.1 percent rate of BMP implementation and 99.1 percent rate of effectiveness” (DSEIS, p. 3-191). The use of BMPs and PACFISH buffers to help prevent sedimentation is in compliance with NEPA, the Settlement Agreement, and the CWA.

**Issue 5. The Clearwater National Forest violated NEPA, the Settlement Agreement, and the Clean Water Act by failing to adequately analyze the effects of project activities on watershed, soils, and fisheries resources.**

**Response:** The DSEIS analyzed and displayed the existing conditions and the effects of the project activities on soils and erosion (pp. 3-159 to 3-178) and aquatic resources (pp. 3-179 to 3-267). The analysis is in compliance with NEPA, the Settlement Agreement, and CWA.

**Issue 6. The Clearwater National Forest violated the Settlement Agreement by inappropriately using the sediment reduction effects of road obliteration to mitigate the effects of logging and road building.**

**Response:** The appellants cite a sentence from the Response to Comments (FSEIS, p. D-133), which states, “[s]ince the benefits of the [road] decommissioning are sometimes use to help offset the impact of the timber harvest it is beneficial that the decommissioning activities occur first if possible.” This statement was made in response to a public comment saying the decommissioning of the road must occur at the same time the timber harvest is done to assure that the decommissioning is completed. The FSEIS in fact expects the road obliteration to take place over 3 to 4 years and only to be done during the midsummer low water period to minimize the amount of sediment caused by the removal of the roads. It is clear from the mitigation used to further reduce impacts from the project that road decommissioning and obliteration is not mitigation for the timber harvest. Instead, because of the impact on the watershed from the road decommission, the decommissioning must itself be mitigated (FSEIS, p. B-3). The DSEIS (p. 3-183) confirms “the intent [of the project] is for the vegetative treatments to meet the appropriate standards/criteria on their own merit, without using the road obliteration/long-term maintenance as mitigation.” The project is not using Bonneville Power Administration-funded Tribal restoration projects for mitigation, and is in compliance with the Pacific Northwest Electric Power Planning and Conservation Act.

**Issue 7. The Clearwater National Forest violated NEPA by failing to analyze cumulative effects on water quality in the Fish and Hungery drainages.**

**Response:** The only activities that will take place in the Fish and Hungery Creek drainages is 9 acres of noxious weed treatment and 2,800 acres of prescribed burning. The proposal for reintroducing fire into the watershed has been designed so that no measurable sediment would be delivered to the streams (DSEIS, p. 3-288). The only potential cumulative effect for the watershed is wildfire. The cumulative effects on the Fish and Hungery Creek watershed are discussed in the DSEIS (p. 3-289).

**Issue 8. The Clearwater National Forest relied on WATBAL and WEPP, which are unproven scientific models, to justify its conclusions that logging, road construction and reconstruction, and prescribed burning will have no measurable effect on sediment delivery to project area streams.**

**Response:** The FSEIS discusses the uses and limitation of the WATBAL and WEPP models as two of the tools used in the watershed analysis (pp. 3-185 to 187).

“Models, such as WATBAL and WEPP, are designed to address and integrate a vast and complex number of conditions and organize the evaluation according to established rule sets. In the case of WATBAL, the rule sets were based on research, data and analysis collected locally. The models, however, also include simplifying assumptions, and do not include all possible controlling factors. Therefore, the use of models is to provide one set of information to the technical user, who, along with knowledge of the model and its limitations, other models, data, analyses, experience, and judgment integrate all those sources to make appropriate findings and conclusions” (p. 187).

It is appropriate to use these models as part of the watershed analysis.

**Issue 9. The FSEIS and ROD violated NEPA and the Endangered Species Act (ESA). The Clearwater National Forest failed to adequately analyze the effects of the project on bull trout, other TES fish, and their habitat.**

**Response:** The DSEIS goes into considerable detail on the impacts fish habitat in the *Aquatic Resources Existing Conditions and Environmental Consequences* section (DSEIS, pp. 3-179 to 3-287) from the project as a whole, and discusses the effects of wildfires and prescribed burning in Fish and Hungery Creeks (pp. 3-386 through 3-389). The Biological Assessment (BA) for fall Chinook salmon, steelhead trout, and bull trout can be found in the project file (FEIS PF, Vol. 9, Doc. 621). A supplement for steelhead and bull trout can be found in the project file (SEIS PF, Vol. 1, Doc. 67A). The concurrence letter from USFWS, dated March 1, 2002, states the impacts to bull trout are “insignificant and discountable.” The National Marine Fisheries Service (NMFS) issued a Biological Opinion (BO) on November 23, 1999 (FEIS PF, Vol. 10, Doc. 629). In the BO they concluded, based on the BA, the project may reduce habitat quality in particular sites in the short term but these would be small in magnitude, and that over the long term the project would improve habitat for listed fish in the project area. On February 12, 2002, NMFS concluded reinitiation of consultation would not be necessary because the impacts of the project would be less than those considered in the original BA (FEIS PF, Vol. 1, Doc. 74). The Forest has adequately analyzed the effects the project will have on bull trout, other TES fish, and their habitat and is in compliance with NEPA and ESA.

**Issue 10. The Clearwater National Forest violated NEPA, the Settlement Agreement, and the CWA. The Forest failed to adequately analyze the effects of this project on water**

**quality and fisheries by not providing a creditable cumulative effects analysis on the Lochsa River.**

**Response:** The analysis of the Lochsa River existing conditions and environmental consequences including cumulative effects can be found in the DSEIS (pp. 3-262 to 267). The analysis is adequate, creditable, and in compliance with NEPA, the Settlement Agreement, and CWA.

**Issue 11. The Clearwater National Forest violated NEPA and NFMA by relying on a Forest Plan that is outdated.**

**Response:** On February 14, 2003, Congress passed House Joint Resolution 2, also known as the Consolidated Appropriations Resolution, 2003. Sec. 320 of the resolution states, “Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C.1600, et seq.) or any other law: Provided, that if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.” The Forest is in compliance with NEPA and NFMA.

**Issue 12. The Clearwater National Forest violated the Forest Plan by inadequately analyzing effects on soil productivity.**

**Response:** The Forest analyzed the impacts the project would have on the soil resource (DSEIS, pp. 3-159 to 178). In the analysis the soils scientist discusses the limit of 15 percent detrimental impacts to the soils resource. The discussion is based on the *Past management impact to soils in North Lochsa Face* (SEIS PF, Vol. 9, Doc. 588A), which summarizes the on site field reviews conducted by the soil scientist and displays, unit-by-unit, the amount of existing detrimentally disturbed soil and the expected amount after the project is completed. Those units that presently exceed the 15 percent limit will not further exceed the limit at the conclusion of the project. The soil analysis adequately analyzes soils productivity and is in compliance with NFMA, the Forest Plan, and the Regional Soil Guidelines.

**Issue 13. The Clearwater National Forest violated NEPA and the Forest Plan by failing to adequately analyze the effects on old growth management indicator species.**

**Response:** The Forest analyzed the impact the project would have on pileated woodpecker, pine marten, and northern goshawk (DSEIS, pp. 3-105 to 155 and 3-147 to 151; FEIS PF, Vol. 1, Doc. 65, p. 26; SEIS PF, Vol. 17, Doc. 754, pp. 29, 30, 44 to 46, 73 to 78, and 86). The Forest Supervisor stated in the ROD (pp. 5, 6, and 16) that the chosen alternative (5-modified) project would not harvest any old growth. The impact to old growth-dependent species would, therefore, be less than displayed for Alternative 5. The project is in compliance with NEPA and the Forest Plan.

**Issue 14. The Clearwater National Forest violated NFMA, NEPA, and the Forest Plan by failing to adequately analyze the effects on sensitive species.**

**Response:** The Forest analyzed the impact the project would have on sensitive plant species

(DSEIS, pp. 3-54 to 67) and sensitive animal species (DSEIS, pp. 3-133 to 159). Further information is found in the project file (SEIS PF, Vol. 1, Doc. 65; FEIS PF, Vol. 1, Doc. 65, pp. 22 to 27, and Vol. 17, Doc. 754, pp. 40 to 56 and 85 to 110). The Forest adequately analyzed sensitive species and is in compliance with NFMA, NEPA, and the Forest Plan.

**Issue 15. The Clearwater National Forest violated NFMA, the Forest Plan, and Forest Service Manual by failing to monitor wildlife population trends for old growth-dependent management indicator species, including pileated woodpecker, goshawk, and pine marten, and for sensitive species, including wolverine, black-backed woodpecker, harlequin ducks, and boreal owl. The Clearwater National Forest failed to monitor sensitive plants.**

**Response:** The Clearwater National Forest is monitoring wildlife population trends of old growth management indicator species pileated woodpecker, goshawk and pine marten. The monitoring is reported in the annual Forest Plan Monitoring and Evaluation Reports. The 2001 report (p. 125) states, a “normal population of pileated woodpecker and goshawks were commonly observed across the Forest and coincide with maintenance of old-growth habitat... Pine martens are very common in higher elevations and continued to be trapped with no limits or harvest restrictions being considered.”

The Forest Plan does not require the Clearwater National Forest to monitor population trends of sensitive species. The Forest analyzed the habitat conditions and environmental effects the project would have on sensitive species, including wolverine, black-backed woodpecker, and harlequin ducks as required by the Region (see letter from Regional Foresters Salwasser, Bosworth, and Lowe to Forest Supervisors, dated August 17, 1995) (DSEIS, pp. 3-132 to 158). Boreal owl was dropped from the Northern Region sensitive species list March 12, 1999.

The records of sensitive plant surveys are found in the project file (FEIS PF, Vol. 8, Doc. 554). The MIS and TES wildlife and plant resources status report, which addresses sensitive plant project design criteria, habitat conditions, environmental effects and conservation management practices are also found in the project file (SEIS PF, Vol. 17, Doc. 754, pp. 19, 20, 49 to 56, and 100 to 110). The Forest is in compliance with NFMA, the Forest Plan, and the Forest Service Manual.

**Issue 16. The Clearwater National Forest violated NFMA by not being consistent with the Forest Plan standard for maintaining old growth habitat.**

**Response:** The Forest analyzed the impact the project would have on old growth forest (DSEIS, pp. 3-47 to 3-52). In response to the public’s concern about harvest in old growth forest, the decision maker dropped all timber harvest in old growth habitat (FSEIS, p. 85). The Forest Supervisor stated in the ROD (pp. 5, 6, and 16) this project, as amended, would not harvest any old growth. Approximately 11,680 acres, 9.2 percent of the area, has been identified as old growth forest in the Lochsa Face analysis (DSEIS, p. 3-49, Table 3-20). However, five of the old growth analysis units in the project area are below the Forest Plan standard of 5 percent old growth for each 10,000-acre watershed (Forest Plan, p. II-23). In order to be in compliance with the Forest Plan old growth standards, the Forest identified over 1,700 acres of replacement old growth in 35 stands (FEIS PF, Vol. 11, Doc. 701). Also, the DSEIS (p. 3-49) states, “[a]n additional 700 acres in the project area have been identified through the Clearwater National Forests (sic) stand database as possibly qualifying as old growth forest (but needing field verification to confirm or refute).” In *The Wilderness Society v. Bosworth*, the Court found the

use of replacement old growth to satisfy the 5 percent old growth standard was in compliance with the Forest Plan.

Since Alternative 5-modified would not remove any old growth forest and replacement old growth stands have been identified, the project is in compliance with the Forest Plan old growth standards (Forest Plan, p. II-23), the guidelines (Forest Plan, Appendix H), and the Wilderness Society Lawsuit Settlement Agreement.

**Issue 17. The Clearwater National Forest has violated NEPA and the Forest Plan by failing to adequately analyze the effects of prescribed fire. Allowing prescribed fire in designated old growth is contrary to Forest Plan direction.**

**Response:** Prescribed fire and wildfire control was an important part of the Purpose and Need (DSEIS, pp. 1-7 to 16) and the Selected Alternative (ROD, pp. 7 and 10). The Forest took the required hard look at prescribed fire and fire suppression (ROD, pp. 32 and 33; DSEIS, pp. 3-18, 125 to 126, 130, 170 to 176, 335 to 340, and 348). The project is in compliance with NEPA.

The Forest Plan does not prohibit the use of prescribed fire in old growth stands. The Forest Plan Old Growth Management Guideline 8 (Forest Plan, Appendix H) states, "Fire suppression/management strategies will be based on the objective of improving or enhancing old growth values." In this project the underburning of old growth would lower the likelihood that it would be lost to a dry season wildfire, and therefore would continue the existence of old growth in the project area (DSEIS, p. 3-52). The use of prescribed fire in old growth to maintain the old growth characteristics is in compliance with the Forest Plan.

**Issue 18. The Clearwater National Forest has violated NEPA by inadequately analyzing the effects of the project on Canada lynx. The Clearwater National Forest has failed to adequately disclose the effects of prescribed burning on lynx habitat.**

**Response:** The Biological Assessment for Canada lynx (FSEIS, Appendix F, pp. 8 to 32) discusses the impact the prescribed fire would have on lynx (p. 15). The wildlife biologist determined there would not be a detectable effect on lynx populations or their habitat from the amount of prescribed burning that would occur from the project. The project adequately analyzed the impacts on lynx, and is in compliance with the Lynx Conservation Assessment and Strategy (DSEIS, pp. 3-124 to 132) and NEPA.

**Issue 19. The Clearwater National Forest has violated NEPA and the National Historic Preservation Act (NHPA) by failing to adequately analyze the effects of the project on heritage resources.**

**Response:** Title 36 CFR 800.4(b)(2) allows for the phased identification and evaluation of historic properties under a Memorandum of Agreement. In consultation with the Idaho SHPO, and in participation with the Nez Perce National Historic Park, the Forest developed a heritage resource management and monitoring plan that would protect culturally modified trees and other historic properties (ROD, p. 11) and entered into a Memorandum of Agreement with those agencies (SEIS PF, Vol. 2, Doc. 102). The Forest took the required hard look at impacts on heritage resources (ROD, pp. 11 and 36 to 37; FSEIS, Appendix D, pp. D-28 to 32; DSEIS, pp. 3-320 to 334, Appendix B, pp. 10 to 16; and SEIS PF, Vol. 2, Doc. 83c, pp. 1 to 62, and Doc. 109a). The project is in compliance with NEPA and NHPA.

**Issue 20. The Clearwater National Forest violated the Freedom of Information Act by failing to make heritage resource survey information available to the public as part of the project record.**

**Response:** The Freedom of Information Act request for heritage information relative to this project is being processed in the Regional Office at this time. Alleged violations of the Freedom of Information Act are not reviewable under 36 CFR 215.

**Issue 21. The Clearwater National Forest violated NEPA and the Forest Plan by adopting management objectives based on the historic range of variability which is poorly defined, is not supported by science, and was developed without the benefit of public involvement. They failed to demonstrate that the North Lochsa Face area historically experienced high frequency/low intensity fires. The Clearwater National Forest has failed to demonstrate that timber harvest and prescribed burning will be effective in preventing forest fires.**

**Response:** The North Lochsa Landscape Assessment evaluated the ecological conditions in the area watersheds. The interdisciplinary team evaluated the existing condition and compared those to the historical conditions. The historical conditions does not represent one point in time, but is based on a range of conditions that would be expected for a given landtype association (DSEIS, p. 1-6). The research and data the team used in the assessment to determine the range of conditions for each landtype including fire frequency and intensity can be found in the DSEIS (Appendix M) and the project file (FEIS PF, Vol. 1a, Doc. 73; Vol. 2a, Doc. 150; Vol. 11, Docs. 630, 631, 636, 641, 643, 644 and 649; Vol. 13, Docs. 753, 755 and 759; SEIS PF, Vol. 2, Doc. 170a). As discussed in Issue 1 (above) the Landscape Assessment is not a decision document and is not required to go through public review; however, public input was requested and received.

The intent of the project is not to prevent forest fires. The intent is to reduce severe or intense wildfires and produce a forest that is better able to withstand wildfire, insects, and disease (DSEIS, pp. 1-7 to 18). The DSEIS (pp. 3-338 to 3-344) discusses the impact the timber harvest and prescribed burning described in the project would have on wildfires. This information is based, in part, on General Technical Report INT-000, *Fire Ecology of the Forest Habitat Types of Northern Idaho* (SEIS PF, Vol. 2A, Doc, 170A). The project is in compliance with NEPA and the Forest Plan.

**Issue 22. The Clearwater National Forest violated NEPA and the National Wild and Scenic Rivers Act by failing to adequately analyze effects on the Lochsa Wild and Scenic River and the candidate rivers, Fish and Hungry Creeks.**

**Response:** The DEIS analyzed the effects the project would have on the Lochsa River (pp. 3-289 to 298), and on Fish and Hungry Creeks (DSEIS, pp. 3-286 to 289). Each of the outstandingly remarkable values (ORVs) of scenery (DSEIS, pp. 3-268 to 272), recreation (DSEIS, pp. 3-350 to 352), fish (DSEIS, pp. 3-179 to 267), and wildlife (DSEIS, pp. 3-87 to 158) has also been analyzed for impacts from the project. The Forest has managed and monitored past timber harvests on private land in the Wild and Scenic River corridor and found the guidelines that have been used for all timber harvests in the corridor since 1966 have resulted in a natural appearing landscape with no report of erosion or water quality problems. “Implementing these harvest guidelines for the proposed units in the Wild and Scenic River

corridor of the North Lochsa Face Assessment will protect the outstandingly remarkable values of the Wild and Scenic River. The ORVs will be preserved as shown by past activity” (SEIS PF, Vol. 10, Doc. 617). The project is in compliance with NEPA and the Wild and Scenic Rivers Act.

**Issue 23. The Clearwater National Forest violated NEPA by failing to adequately analyze effects on the Lochsa Research Natural Area.**

**Response:** The DSEIS analyzed the effects of the project on the Lochsa Research Natural Area (DSEIS, pp. 3-280 to 286). After reviewing the *Proposal for prescribed burning and weed management in the Lochsa Research Natural Area*, the Rocky Mountain Research Station Director approved the proposal on June 18, 2001 (SEIS PF, Vol. 8, Doc. 538). The project is in compliance with NEPA.

**Issue 24. The Clearwater National Forest violated NFMA and NEPA by failing to adequately address the spread and introduction of noxious weeds by project activities. The proposed mitigation measures are insufficient.**

**Response:** The project adequately addresses the introduction, spread, and control of noxious weeds, and the measures to mitigate the impacts of the project (ROD, pp. 8, 9, 25 and 26; DSEIS, pp. 1-1, 2, 16, 17, 26, 2-10, 11, 16, 17, 26, 35, 3-68 to 86, 199 to 201, B-8 and 9, E-1 and 2, and F-2, 6, and 16 to 18). The project is in compliance with NFMA and NEPA.

**Issue 25. The Clearwater National Forest violated NEPA by not preparing an adequate economic analysis. It did not update the economic report, it did not adequately consider the effects on communities and individuals that live away from the site, and it used Timber Sale Information Reporting System (TSPIRS) data, which is unreliable.**

**Response:** The Forest did review and update the economic data from the final EIS (SEIS PF, Vol. 10, Doc. 591). That updated information can be found in the project file (SEIS PF, Vol. 2, Docs. 112 to 124; Vol. 10, Doc. 592). The economic analysis and display of effects changed substantially from the FEIS (pp. 3-95 to 96 and 4-154 to 156) to the DSEIS (pp. 3-357 to 370).

The project considered various zones of influence in the economic analysis (SEIS PF, Vol. 2, Doc. 125). The local zone of influence involves primarily Idaho, Clearwater, and Lewis Counties and the communities in them. The regional zone of influence includes a larger ring of counties and included the cities of Missoula, Montana; Moscow, Idaho; and Spokane, Washington. The analysis finds that “even dramatic changes in District or Forest timber outputs are perceived as having only limited effects on the regional economy, and almost no effect on the personal lifestyles of most of [the regional zone’s] residents” (SEIS PF, Vol. 2, Doc. 125, pp. 4 and 5). The analysis also considered the national zone of influence (p. 5) and found “a change in timber output would not significantly vary supply or demand on a national scale. However, changes in management that affect amenity values such as scenic, water quality, and similar values will draw attention from special interest groups at the state and national levels... Fishery and elk management also draw national attention, ...and the Lochsa River has received national recognition as a blue ribbon cutthroat trout fishery.”

Timber Sale Information Reporting System (TSPIRS) is a *program level* economic reporting system that was designed to respond to the public concern of below cost timber sales. In this

project the Forest used the Timber Sale Planning and Analysis System (TSPAS), which is a *project level* economic analysis that provides the cost-benefit information the Deciding Official

needs to make an informed decision on a project. The DSEIS discusses the use of TSPAS and displays the economic comparison of the alternatives (pp. 3-367 to 370). “All alternatives were designed to have a positive present net worth” (DSEIS, p. H-5). The economic analysis is in compliance with NEPA.

**Issue 26. The Clearwater National Forest violated NEPA by inadequately addressing public comments on the DSEIS.**

**Response:** The Response to Public Comments (FSEIS, Appendix D; SEIS PF, Vol. 18; ROD, p. 26) is adequate, and in compliance with NEPA.

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellants.

I also found the FSEIS does not contain a summary as recommended at 40 CFR 1502.10(b) and 1502.12. The summary would help the public understand the EIS by touching on the major conclusions, areas of controversy, issues to be resolved, and the choice the Deciding Official made among alternatives.

I recommend the Forest Supervisor’s decision be affirmed, with the instructions to write a summary of the EIS. I also recommend the team pull together the information presented in the FEIS, DSEIS, FSEIS, the August 10, 1998, Biological Assessment for steelhead trout, fall Chinook salmon, and bull trout, and whatever other information is located in the project files concerning grazing in the project area, and document in the project file the cumulative impacts of grazing to water quality, fish, and wildlife when combined with this project and all other past, present, and reasonably foreseeable future activities. I further recommend the appellants’ requested relief be denied.

/s/ Michael J. Burnside  
MICHAEL J. BURNSIDE  
Appeal Reviewing Officer  
Regional Mining Geologist