**United States Department of Agriculture** **Forest Service** **Region One** **200 East Broadway P.O. Box 7669 Missoula, MT 59807**

**`File Code:** 1570-1 **Date:** June 20, 2007
**Route To:** (1570 (215))

**Subject:** 1570 (215) - ARO Letter - Gold Bug DN - Clearwater NF - John Krebs - #07-01-00-0142

**To:** Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by John Krebs protesting the Gold Bug Decision Notice (DN) on the Clearwater National Forest (Palouse Ranger District).

The Forest Supervisor's decision adopts Alternative B, which includes timber harvest on 101 acres using clearcuts with reserves and on 67 acres using irregular group shelterwood methods, pre-commercial thinning 150 acres of young saplings, building 1 mile of temporary road, and decommissioning 2.5 miles of road. The project also includes a site-specific Forest Plan amendment that would raise the Forest Plan standard for Gold Creek from "minimum viable" to "low fishable".

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 appellant's 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 appellant does not allege violations of any law; however, he does take issue with the analysis of the road decommissioning, INFISH, Forest Plan monitoring of cobble embeddedness, and the site-specific Forest Plan amendment made in the DN. The appellant requests the environmental assessment (EA) do a better job of telling the public how their tax dollars have been spent and what real forest management is all about. An informal meeting was held but no resolution of the issues was reached.

ISSUE REVIEW

**Issue 1. There is no way the public can evaluate the impacts of road decommissioning when the method has yet to be determined.**

**Response:** While the specific method for each road has not been selected, sediment delivery will not be measurable. The description of road decommissioning is displayed in the DN (pp. 9, 18 and 27), as well as in the EA (pp. 4 and 20). The decommissioning includes de-compaction, re-contouring to match the natural slope, removal of culverts and cross drains, and reconstruction of stream crossings. The direct, indirect, and cumulative effects of the road decommissioning have been adequately disclosed in the EA (pp. 29 to 30). The EA and project

file provide appropriate watershed models (WATBAL) to assess the current condition and sediment yields. The WATBAL analysis indicates there would be no direct effects to in-stream sediment levels as a result of timber harvest, but that small amounts of sediment will be delivered to streams as a result of road decommissioning where roads cross live water (EA, p. 30). The model also indicates that long term benefits will be derived from reducing sediment sources. The analysis of the road decommissioning is in compliance with NEPA.

**Issue 2. The Forest Service failed to disclose to the public what effects the natural processes are having in the INFISH buffers (such as dying trees uprooting causing bank destabilization).**

**Response:** The DN (p. 16) states that the selected alternative would implement default INFISH riparian habitat conservation areas and comply with the Clearwater Forest Plan standards and guidelines, as amended by INFISH. The EA (pp. 20) states that the project area is covered by INFISH standards and indicates INFISH buffers were used in project design. No harvest would occur within 100 feet of non-fish bearing intermittent streams, in wetlands larger than 1 acre in size, in landslide prone areas, or within 150 feet of permanent flowing non-fish bearing streams.

The Forest Service disclosed the effects natural processes are having in the INFISH buffers in the DN (p. 33) and silvicultural report (PF, Docs. F1-12, p. 5). The blow down of dead or dying trees in the buffer is acknowledged in the DN and the silvicultural report. The DN states that trees within the buffers would continue to be killed by root diseases and insects, and the silvicultural report states that root disease occurrence is high in some of the stands considered for treatment. The DN acknowledges when streamside trees die and fall they could destabilize streambanks and deliver sediment into streams. This is a natural aquatic habitat building process that is expected and accepted even though sediment delivery may occur. Depending on their composition, streambanks can contain gravel needed to develop spawning and rearing habitat. The silvicultural report states trees would be retained in numbers above what INFISH requires. Fuels and the potential for fire, as well as the effects of fire, are discussed in the EA (p. 24), DN (p. 35), and silvicultural report.

The DN (pp. 15 and 33) and EA (p. 21) indicates multiple efforts will and are occurring to monitor the effectiveness of buffers. One monitoring effort by the Forest Service Research Group will assess effectiveness after a 10-year period will assess effectiveness after a 10-year period through the Forest Service Research Group. There is a monitoring effort by an interagency implementation team to ensure consistency with the requirements of the 1998 Biological Opinion on the Forest Plan. There is an INFISH effectiveness monitoring team that has been developed to take on the Regional responsibility of implementation effectiveness monitoring. The analysis and use of INFISH buffers is in compliance with NEPA and NFMA.

**Issue 3. Please identify the bird, wildlife, and plant species benefiting from INFISH buffer retention.**

**Response:** The EA (pp. 13 and 14) and wildlife report (PF, Vol. 2, Doc. F5-2, pp. 10, 11, 17 to 21, and 28 to 32) identify bird, wildlife, and plant species that may occur in, and benefit from, INFISH (PACFISH in the wildlife report) buffer retention. The greatest detail is provided in the wildlife report regarding sensitive and management indicator species. The INFISH buffers provide habitat for fringed myotis, black-backed woodpecker, belted kingfisher, moose, white-tailed deer, boreal toads, Coeur d'Alene salamanders, ringneck snakes, and fisher.

The effects to individual plant species that may occur in the INFISH buffers are indicated in the wildlife report (Doc. F5-2, pp. 31 and 32). The report states that application of default INFISH buffers will preclude affecting sensitive plant species associated with forest riparian habitats in the project area. These include green bug-on-a-stick, light hookeria, maidenhair spleenwort, mingan moonwart, and naked mnium. The report states some populations of deer fern occur within treatment units beyond the default INFISH buffers, but that application of the buffers is expected to preclude affecting most populations of this species. The analysis and use of INFISH buffers is in compliance with NEPA and NFMA.

**Issue 4. Ocular estimates of cobble embeddedness in 1996 and 2005 cannot be compared to each other.**

**Response:** A survey to measure cobble embeddedness is done to determine if the stream exceeds Forest Plan desired conditions (as found in Espinosa, 1992, DFC Fisheries Model and Analysis Procedures). The cobble embeddedness desired condition for Gold Creek is 45 percent or less. Stream habitat surveys done by Clearwater Biostudies in 1996 indicate that the level is 48 percent "low rating for embeddedness" which slightly exceeds desired conditions. Visual estimates in 2005 rated cobble embeddedness as moderate. The appellant is correct in that it cannot be determined from the documentation in the project file whether the two methodologies are comparable. However, regardless of the methodology or their comparability, the results are the same: the project must meet the same standard of "no measurable increase in sediment" as required by the Clearwater National Forest Settlement Agreement (DN, p. 9; EA, pp. 20 to 21 and 28 to 29; and PF, Vol. 2, Doc. F3-5). The project is in compliance with NEPA and NFMA.

**Issue 4. Changing the Forest Plan standard from "minimum viable" to "low fishable" gives the impression that Gold Creek is a fishable stream.**

**Response:** The intent of the site-specific amendment ("No. 31" Clearwater National Forest Latah County, Idaho**)** to the Forest Plan (Appendix C of Gold Bug DN & FONSI) is not to portray Gold Creek as a fishable stream with regard to recreational fishing; rather it is a means of raising protection of the creek through implementing more stringent Forest Plan standards. Raising the standards would increase the quality of fish habitat in Gold Creek over time (DN, p. 44). The site-specific Forest Plan amendment is in compliance with NFMA.

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 appellant. I recommend the Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

*/s/ Susan Skalski*
SUSAN SKALSKI
Appeal Reviewing Officer

cc:
Forest Coordinator
Responsible Official