

APPENDIX A – FINDINGS AND DISCLOSURES

Forest Plan

Long-term management direction for the project area is provided in the Land and Resource Management Plan for the Boise National Forest (Forest Plan) and the Southwest Idaho Ecogroup Land and Resource Management Plans Final Environmental Impact Statement (2003). Chapter III of the Forest Plan describes management direction to guide Forest personnel to achieve desired outcomes and conditions for both land stewardship and public service. This direction is presented in two sections: (1) Forest-wide Management Direction, and (2) Management Area Description and Direction. The Forest-wide management direction provides general direction for all Forest resources and the foundation for more specific direction at the management area level. The management area description and direction describes these areas in detail, highlights resource areas of importance or concern, and prescribes specific management direction to address these concerns. Activities within the various management areas are further directed by management prescription categories (MPCs). MPCs are broad categories of management prescriptions that indicate the general management emphasis prescribed for a given area.

The entire project area lies within Management Area 14 (Lower Middle Fork Payette River), discussed on pages III-254 through III-365 in the Forest Plan. Several MPCs apply within this Management Area (MA), and MPC 4.1c, MPC 5.1, and MPC 5.2 occur within the project area. However, management activities are proposed only in MPC 4.1c and MPC 5.2. The three MPCs are described below and on pages III-87 through III-89 of the Forest Plan.

As documented in the EA (Chapters 1, 2, 3) and the Forest Plan consistency table in the project record, Alternatives B and C would be consistent with direction in the Forest Plan.

National Forest Management Act (NFMA)

Suitability for Timber Production. No timber harvest, other than salvage sales or sales to protect other multiple-use values, shall occur on lands not suited for timber production [16 U.S.C. 1604(k)].

Because timber harvest proposed under Alternatives B and C would be limited to salvage cutting and hazard tree removal (which is designed to protect public safety), this stipulation is not applicable to the project.

Clearcutting and Even-aged Management. Clearcutting will be used as a cutting method where it is determined to be the optimum method. Seed tree and shelterwood silvicultural prescriptions, which are designed to regenerate an even-aged stand of timber, will be used where determined to be the appropriate methods to meet the objectives and requirements in the Forest Plan [1604(g)(3)(F)(i)].

(a) *Determination that where used, clearcutting is the optimum method:*

Both action alternatives would include removal of fire-killed and imminently dead trees only. No clearcutting would occur.

(b) *Determination that even-aged silvicultural prescriptions are appropriate to meet objectives and requirements in the Forest Plan:*

No even-aged silvicultural prescriptions would be applied under Alternative B or C.

Vegetation Manipulation. Vegetative manipulation of tree cover must comply with the seven requirements in 36 CFR 219.27(b).

Management activities associated with Alternative B or C would be limited to the cutting of fire-killed and imminently dead trees. Stipulations related to vegetation manipulation at 36 CFR 219.27(b) do not apply.

Other Laws

Alternatives B and C would be consistent with Federal, State, and local laws or requirements imposed for the protection of the environment. Specifically:

Endangered Species Act: Determinations disclosed in the EA have concluded that Alternative B or C “may affect but is not likely to adversely affect” *Spiranthes diluvialis*, would have “no effect” on Canada lynx and northern Idaho ground squirrel, and “may affect but is not likely to adversely affect” bull trout. On June 6, 2008, the U.S. Fish and Wildlife Service concurred with these determinations where required.

Clean Air Act: Smoke from the prescribed burning of activity fuels would temporarily reduce air quality. Burning landing piles would likely occur in the fall months and would be scheduled to occur when fuel moistures and atmospheric conditions are conducive to meeting resource objectives. Both the Lucky and Lightning project areas were modeled for a day of landing slash pile burning without wind offset to estimate a “worst case” scenario. Because of the limited amount of prescribed burning that would occur, modeling indicated that the project-generated particulates, combined with average ambient pollutants, would remain below regulatory thresholds (i.e., EPA established standards) in sensitive areas.

National Historic Preservation Act: Alternative B or C would not be expected to have any direct or indirect effects on historically significant sites. Previously identified sites would be protected. The State Historic Preservation Officer reviewed the resource report and on May 21, 2008, concurred with the no adverse effects determination. Contract provisions that would halt all degrading activities would be included to prevent adverse impacts to any unknown sites discovered during implementation.

Clean Water Act: Project activities are expected to meet all applicable State of Idaho water quality standards. Implementing Alternative B or C would be expected to have an immeasurable increase in sediment delivery to project area streams in the temporary and short-term timeframes, and in the long term, would have an immeasurable decrease in sediment delivery to streams. BOISED modeling indicated a reduction of management-induced sediment in the long-term in both the Sixmile and Anderson subwatersheds. The reduction in the modeled sediment yield would be attributable to amelioration of wildfire effect over time and benefits from project activities including road maintenance, yearlong-road closures to motorized access, and road decommissioning. Municipal watersheds and designated beneficial uses would not be degraded by project activities with application of design features and BMPs.

Migratory Bird Treaty Act: Alternative B or C would comply with the Migratory Bird Treaty Act. This project might however result in an “unintentional take” of individuals during proposed activities. However the project complies with the U.S. Fish and Wildlife Service Director’s Order 131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for “take.” In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186. Migratory bird species are also analyzed and discussed in Chapter 3 of the EA. If new requirements or direction result from subsequent interagency memorandums of understanding pursuant to Executive Order 13186, this project would be reevaluated to ensure that it is consistent.

Idaho Forest Practices Act: Rules including Best Management Practices pertaining to the Idaho Forest Practices Act would be implemented. In addition, logging operations associated with

Alternative B or C would be supervised and monitored on the ground to ensure compliance with the timber sale contract.

Idaho Stream Alteration Act: Alternative B or C would adhere to the requirements of the Idaho Stream Alterations Act and the 404 Permit Process of the U.S. Army Corps of Engineers. The goals of Executive Orders 11988 and 11990 would be met.

Consultation with Tribal Governments (E.O. 13175) – This order established a requirement for regular and meaningful consultation between federal and tribal government officials on federal policies that have tribal implications.

Three federally recognized Native American tribes have expressed interest in activities proposed in this area: Nez Perce, Shoshone-Paiute and Shoshone-Bannock Tribes. Shoshone-Paiute tribal representatives were presented the proposed Middle Fork Salvage project at the September 13, 2007 Wings and Roots meeting. Wings and Roots meetings are an official part of the consultation process between the Shoshone-Paiute Tribe and the Boise NF. The Shoshone-Bannock Tribe considers the Wings and Roots meetings as a form of “technical” consultation and uses this process to help assess the need for formal consultation. Tribal Chairs of both the Nez Perce and Shoshone-Bannock Tribes were mailed project proposals on December 13, 2007. The tribal notification and subsequent consultation processes described above did not result in the identification of any adverse effects to tribal interests or rights specifically associated with this project.

Facilitation of Hunting Heritage and Wildlife Conservation (E.O. 13443) - On August 16, 2007, President George Bush signed an Executive Order directing appropriate federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. Alternative B or C would not be expected to impact the quality of elk/mule deer forage or thermal cover, but would slightly reduce the quality of hiding cover. Any impacts would be minimal, however, as only dead and dying trees would be removed and these trees contribute little to the quality of hiding cover. Temporary displacement of big game animals occurring intermittently over a period of 2 years would be inconsequential and would not result in more than the individual or herd moving to another location away from project activities.

Executive Order 11988 – Floodplain Management, and Executive Order 11990 – Protection of Wetlands The management actions would have no negative effect on the functions and ecological processes of these narrow wetlands of floodplains, because management actions would be designed to avoid the Riparian Conservation Areas (RCAs), thus helping to retain sufficient LWD for future recruitment.

Best Available Science – The conclusions disclosed in the EA based on a review of the project’s record that reflects consideration of relevant scientific information and responsible opposing views where raised by internal or external sources, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and/or risk where pertinent to the decision being made.