



Nov 26, 2013

USDA Forest Service
Objection Reviewing Officer
EMC, RPC-6th Floor
Attn: Judicial and Administrative Reviews
objections-chief@fs.fed.us

Dear Objection Reviewing Officer

This letter is a formal Objection to the Kootenai National Forest (KNF) Draft Record of Decision for the KNF Land Management Plan. The Responsible Official is Faye Krueger, Regional Forester, Northern Region, 200 East Broadway, Missoula, MT 59807

The Lands Council (TLC) is a conservation organization based in Spokane, Washington, dedicated to protecting and conserving the natural resources and quality of life of the Inland Pacific Northwest, with approximately 1200 members. TLC seeks to promote sound land management practices, including protection and recovery of wildlife habitat, water quality, and forest ecosystems, especially on public lands. Our staff and members regularly visit and utilize the KNF for numerous purposes, including hiking, wildlife viewing, sightseeing, and other recreational and aesthetic pursuits. TLC has been involved for decades, including the planning stage leading up to KNF's original 1987 Forest Plan.

In pursuit of our conservation goals, TLC has commented on countless KNF projects and appealed many decisions since the 1987 plan was adopted, and have also gone to court several times. We are very familiar with ecological principles and regulatory mechanisms, and how they converge on the national forests of the region.

INTRODUCTION

Our objection can be summarized in the following broad categories:

- The Plan's lack of Standards and use of non-binding Guidelines are too discretionary to ensure that they will be accomplished;
- The Plan does not take concrete steps to ensure that old growth will increase to the historic levels, which means that old growth associated wildlife will be at risk.

- The Plan does not choose Management Indicator Species that reflect rare, threatened and endangered species that are most at risk, and therefore cannot ensure the viability of species as required by NFMA;
- The Plan's Key Plan Elements for hydrology and aquatic species do not provide enough details so that degraded streams and depressed native fish stocks will be restored;
- The Plan's Key Plan Elements for managing the road and motorized trail network do not contain direction to reduce the network and therefore accomplish this key restoration;
- The Draft Plan's Monitoring provisions lacks specificity, particularly with respect to wildlife, soils and achieving Desired Future Condition.
- The Plan does not chart a path for a right-sized road system

I. COMPLIANCE WITH NFMA PLANNING REGULATIONS

The KNF elected to use the provisions of the 1982 planning rule for the plan revisions. The 1982 planning rule includes a critical component that maintaining viable populations of native fish and wildlife species is a longstanding and widely recognized legal and ecological benchmark for complying with NFMA's diversity requirements. Our comments covered this extensively.

The Plan does not include those monitoring components required under 36 CFR 219(k)(4).

Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area.

The Solution is to select and monitor a suite of species that are at risk and ensure that NFMA is followed. Expecting that state wildlife departments will monitor those species is not adequate. We believe budget constraints can be overcome by partnerships with the public, Tribes and other agencies.

II. FOREST PLAN STANDARDS and GUIDELINES

We commented that there was a general lack of Standards, especially when compared to the 1987 Plan, and that the use of Guidelines gave too much discretion. In the response to comments, at 405, the Forest states "In order to provide protection of resources, projects must follow all guidelines." but then goes on to say they are flexible. Many guidelines state that such-and-such *should* occur, instead of "*shall*" occur. The flexibility gives too much discretion as we have seen in the past, either projects follow the guidelines or they don't and need a forest plan amendment.

The solution is to have Guidelines state "shall" rather than "should". If the guidelines must be followed, they need to be made Standards or there will be confusing direction to Forest managers.

III. WILDLIFE

The Plan relies upon achieving its vegetation direction as a surrogate for restoring wildlife habitat. In other words, the Forest Service believes meeting the Desired Conditions for forest composition and structure will result in wildlife habitat that provides viable populations of wildlife. But how will the Forest know if the populations are actually present?

Monitoring is the key to determining whether the Desired Condition is trended towards. Under the 1987 Plan the KNF FS did not follow its obligations to monitor populations of old-growth associated wildlife, in favor of striving towards “desired future conditions” of habitat (vegetation) in the context of project NEPA planning. The Committee of Scientists (1999) state:

Habitat alone cannot be used to predict wildlife populations...The presence of suitable habitat does not ensure that any particular species will be present or will reproduce. Therefore, populations of species must also be assessed and continually monitored.

The Committee of Scientists (1999) also stresses the importance of monitoring as a necessary step for the Forest Service’s overarching mission of sustainability: “Monitoring is the means to continue to update the baseline information and to determine the degree of success in achieving ecological sustainability.”

The important criteria of habitat connectivity should be improved. We support establishing a new Management Area: Wildlife Linkage Zones. Such mapped zones would visually illustrate a “Desired Condition” of connected core habitat areas (roadless and wilderness, Wild and Scenic, etc...) and offer no ambiguity about the management intention for such linkage zones. Within the Wildlife Linkage Zone total road densities would be substantially reduced to increase survival of grizzly bears. The Zone would also protect species other than T&E and “warranted but precluded” making the designation broader in scope, appeal, and effectiveness. The Forest Service does not want to take this step, but this ignores the body of science that considers habitat connectivity to be critical to species viability.

A properly developed Wildlife Linkage Zone, would help to achieve ecological restoration and parity between development and conservation on the KNF. We note that FW-DC-WL-03: (“Recovery of the terrestrial threatened and endangered species is the long-term desired condition”) is a requirement under the Endangered Species Act. This indicates this should be a Forest Plan Standard rather than just a “desired condition.” Setting up linkage zones is a key part of species recovery and viability.

A solution is to map our wildlife linkage zones and create a management area for these important areas.

The 1987 Forest Plan EIS stated, “Maintaining viable populations of (sensitive and old growth dependent species) will require special considerations.” We understand that the term “old growth dependent species” needed refinement. But the Plan proposes to drop all requirements to monitor the population trends of old-growth associated species, in part by saying there are no old growth dependents species (which is different).

The 1982 regulations require the selection of management indicator species (MIS), because their population changes are believed to indicate the effects of management activities on other species and on selected major biological communities such as old growth. In our comments we stated "In apparently rejecting NFMA responsibilities for maintaining viable populations of native wildlife, the Draft Plan proposes to drop all requirements to monitor the population trends of old-growth associated species." This means there would be no monitoring of wildlife whose special habitat needs are best found in old growth, such as pileated woodpeckers, woodland caribou, Canada lynx, northern goshawks, flammulated owls, fishers, and many others.

The MIS selected in the Plan include a landbird assemblage (insectivores). According to the FEIS, these species were chosen because they represent an issue or concern and not because of a viability concern. There is no basis for expecting reliable population trend monitoring will occur even for landbirds, since the FEIS states that is not the purpose of the designated MIS. It is clear that the KNF will revert to habitat monitoring, rather than population trend monitoring and the courts have found this is not sufficient.

We find that KNF has no plans to monitor the presence, abundance or the viability of these MIS species. How will the Forest Service determine how MIS populations are responding to "certain types of habitat management" unless those populations are monitored at the local level? Furthermore, how can they be construed as Management Indicator Species if there is no monitoring to determine the impacts of management on them?

Objective FW-OBJ-WL-03 Landbird assemblage (insectivores) is: "Manage lightning-caused wildfires for resource benefits on at least 10 percent of the ignitions over the life of the plan. Neither the Plan nor the FEIS explain how this non-binding objective will maintain the viable populations of the landbird assemblage, let alone the viable populations of much rarer species such as the black-backed woodpecker.

In contrast, the Boise National Forest has adopted the black-backed woodpecker as an MIS: The black-backed woodpecker depends on fire landscapes and other large-scale forest disturbances (Caton 1996; Goggans et al. 1988; Hoffman 1997; Hutto 1995; Marshall 1992; Saab and Dudley 1998). It is an irruptive species, opportunistically foraging on outbreaks of wood-boring beetles following drastic changes in forest structure and composition resulting from fires or uncharacteristically high density forests (Baldwin 1968; Blackford 1955; Dixon and Saab 2000; Goggans et al. 1988; Lester 1980). Dense, unburned, old forest with high levels of snags and logs are also important habitat for this species, particularly for managing habitat over time in a well-distributed manner. (USDA Forest Service, 2010.)

Studies from the western United States on the logging of post-fire trees indicated the negative impacts of this activity on black-backed Woodpeckers. The conclusion reached was that this species rarely used even partially logged post-fire forests. Therefore, when salvage logging is planned, a delay of work for at least five years after the disturbance event is very important (Hutto 1995, Dixon and Saab 2000). This time delay is essential to provide habitat as the

woodpecker's main prey items (wood-boring beetles) become less abundant after this period (Caton 1996).

The Boise NF chose the black-backed species partly because of its unusually heavy reliance on high-severity burn habitat, and because "Habitat that supports this species' persistence benefits other species dependent on forest systems that develop with fire and insect and disease disturbance processes." (Id.) That rationale is a good one for KNF MIS selection.

On the contrary, we do not believe that the hairy woodpecker substitutes for the black-back woodpecker as they use different habitats for different periods of time. The EIS describes the habitat the hairy woodpecker uses, as mature forests, along with edges and burned areas - which is different than black-backed woodpeckers. The ERG model describes over 2 million acres as suitable for the hairy woodpecker, which is clearly different than the much smaller burned acreage suitable for black-backed woodpecker. In addition, the following indicates hairy woodpeckers exist in almost all types of habitat, making their choice as an MIS meaningless. "Primarily a forest bird; widely distributed in regions where mature woodlands prevalent. Also occurs in small woodlots, wooded parks, cemeteries, shaded residential areas, and other urban areas with mature shade trees, but often scarce within these habitats (Jackson et al. 2002 as cited in the following: http://fieldguide.mt.gov/detail_ABNYF07040.aspx).

The solution: Due to decades of fire suppression, and the Plan to continue fire suppression over the forest, the KNF should drop the hairy woodpecker and include the black-backed Woodpecker as an MIS species and monitor it's numbers and habitat.

Flammulated Owls are associated with mature and old-growth xeric ponderosa pine/Douglas-fir stands and in landscapes with higher proportions of suitable forest and forest with low to moderate canopy closure. They should be an MIS and monitored in the Plan.

We commented that the Pileated woodpecker is a keystone wildlife species and should be one of the MIS species. Consistent with this notion of the pileated woodpecker as a keystone species, USDA Forest Service 2011c states:

Many types of disturbances, such as timber harvest, fuel reduction, road construction, blow-down, wildland fire, or insect or disease outbreaks, can affect old growth habitat and old growth associated species. This is well illustrated by the pileated woodpecker, a "keystone" species, which provides second-hand nesting structures for numerous old growth species such as boreal owls, kestrels, and flying squirrels (McClelland and McClelland 1999, Aubry and Raley 2002).

The Plan has eliminated the three 1987 Plan MIS that highly prefer the habitat conditions found in old-growth forests (pileated woodpecker, northern goshawk, American marten) from its list of MIS for the Forest. The ERG report said that goshawk habitat is said to be in decline for the next 5 years, but supposedly goshawk are not habitat limited. To test this theory it makes sense to monitor their numbers. The purpose of monitoring old-growth associated species presence and

abundance is to determine whether the habitat that is available to them has been altered to such a degree that they are no longer present, or their use of a particular area has declined.

We asked in our comments that the Forest disclose the latest data indicating estimated population size of each of the current MIS (1987 Plan) and TES species, within the bounds of the KNF. No wildlife monitoring was done by the Forest Service, instead it stated that the state wildlife agencies would have population trends, presumably for MIS wildlife. The public is very interested in wildlife, this information should be easily accessible by the Forest. We contend the Plan does not ensure the viability of species, as required by NFMA, because it defers to habitat and not actual population and trend monitoring.

The solution is to adopt all TES species as MIS, as well as other keystone and rare species including black-backed woodpecker, American marten, flammulated owl, northern goshawk, fisher and wolverine. *Note that all Sensitive Species were explicitly adopted as MIS by the Flathead National Forest for its Old Growth Amendment 21 (1999).* Pileated woodpecker should also be included since it is an indicator of many other species and not just habitat like the landbird assemblage. We understand that budgets are a concern, so we suggest that those species should be monitored in partnership with the state wildlife agencies, universities, and the public.

Regarding monitoring of MIS and TES species we ask that information be made readily available on the specific MIS species, including estimated numbers and trends. Since old growth habitat is far below HRC, we ask that wildlife monitoring of MIS and TES species be done is an credible sample of designated old growth stands.

IV. OLD GROWTH

There are no standards in the Plan that guarantee that the Desired Condition, which states that an increase in old growth is desirable, will be accomplished. In addition the statement to generally avoiding road construction in old growth stands, and no statement about avoiding road construction in recruitment old growth stands leaves too much discretion.

Under the 1987 Forest Plan, recruitment old growth has been an integral part of old growth monitoring and inventories. Mature timber stands in Old Growth Management Units (OGMUs) that fell below 5% have been designated as recruitment old growth and thus deferred long term from timber management plans. A return to this designation is critical to protecting old growth associated wildlife species.

Contrast that with this forestwide Standard in the Plan:

Within old-growth stands, timber harvest or other vegetation management activities shall not be authorized if the activities would likely modify the characteristics of the stand to the extent that the stand would no longer meet the minimum old growth criteria as defined by Green and others 1992, errata corrected 10/2008. (FW-STD-VEG-01.)

This means that the Forest Service could choose to log large, old trees down to the degree that a stand could barely qualify as old growth, and that would be consistent with the Forest Plan.

Detrimentially disturbed soil conditions would affect much of the treated old-growth areas, some being dedicated (essentially permanent) skid trails affecting soil productivity over the long term, and that would be perfectly consistent with the Forest Plan.

In 1989 the Chief of the Forest Service directed the agency to inventory the dwindling ancient forest stands across each national forest (Green et al, 1992). The Plan makes no commitments for continuing the inventory so the public may know how much old growth remains, and where it can be found.

The solution is to have a standard that will best achieve an amount and distribution of old growth that has been determined by scientific research to be necessary in order to sustain old-growth associated wildlife species. This means not only full protection for existing old growth and all old trees in the old growth, but also designating specific recruitment old growth areas, based on existing stand conditions and historic data identifying where old growth once existed.

We would favor a special Management Area recognition for the old growth and recruitment old growth. Old growth and recruitment old growth could be protected under special management designation such as MA3 Botanical – “unique, unusual, or important characteristics” (Draft Plan at 59). While we recognize that some areas may not attain old growth due to disturbance and some old growth areas could be lost, this would help establish direction for measuring and accounting for future old growth.

Along with this standard should be a monitoring requirement to maintain an updated inventory of existing and recruitment old growth, we prefer a GIS based interactive data base. Using FIA data and updating that every 5 years, and stand exams in potential project areas EIS is not adequate, given the importance of this forest component.

V. SNAGS

It is known that “areas outside of wilderness/roadless areas have fewer snags per acre than those in wilderness/roadless areas (i.e., in managed lands). As the amount of firewood adjacent to roads accessed by the public continues to diminish; access away from roads to patches of snags, especially in late successional stands, has increased. We think the loss of snags continues to be a problem and that by not taking the opportunity for education, including signage, permit conditions, etc. snags will continue to be lost along roadways throughout the Forest.

The solution is a Standard to protect all old growth and large trees from firewood gathering and educate the public when firewood permits are issued.

VI. SOILS

In order to meet NFMA direction and manage National Forest System lands without permanent impairment, the policy of the Forest Service Northern Region is to “...not create detrimental soil conditions on more than 15 percent of an activity area” (FSM 2554.03). This is only referred to in the FEIS as being one of the laws, but its importance is such that it merits specific mention.

In comparison to this Plan, the 1987 KNF FP is very specific regarding which soil components will be surveyed to determine changes in site soil quality “(especially on soils with a loess surface)”: soil compaction; surface displacement and site quality. Data source is transects in sample harvest units on one sale/district per year. Monitoring item F-4, 1987 KNF FP Vol I at IV-12.

The solution is that the detrimental soil conditions, especially compaction, within the suitable for timber production base should be analyzed, based on the best available science, and incorporated into the ASQ and long-term yield models.

VI. MONITORING

The Plan's management direction (Elements) is open to so much decision-maker discretion with regards to Desired Conditions, the Forest Service is unlikely to know if their attainment is being approached. The Chapter 5 KNF Monitoring Program and the ideals of “adaptive management” can only be realized with strong Elements and sound, scientifically-based monitoring.

In the response to our comments, the Forest stated that they would take a systems approach to monitor movement towards Plan desired conditions and objective. While we can see that vegetation will be monitored, we remain concerned that wildlife, watershed recovery, old growth recruitment, soil productivity, snags and noxious weeds are not monitored in a way that will indicate movement toward Desired Condition.

The solution is to improved monitoring as follows:

- Require that old-growth monitoring include an internet-based map inventory with linked stand data, updated at annually with all changes fully explained. It should include existing and recruitment old growth.
- Monitor population trends of all MIS and TES species, annually reporting on the results of all species occurrence and surveys, and population estimates. Select MIS species as we have outlined in our Wildlife section. Monitor snag levels.
- Require numerical disclosure of the acreage of the various categories of detrimental soil conditions forest-wide, as well as overall changes in forest-wide soil productivity
- Since budgets are limited, form partnerships with other agencies, Tribes, conservation organizations, and the interested public

VII. WATER QUALITY AND NATIVE FISHERIES

We commented that for native fish populations to be restored to anything resembling historic levels, the revised forest plan must contain strong guidance toward reversing the trend towards increasingly degraded watersheds, riparian habitat and non-viability of native aquatic species on the KNF. We asked that the Plan address the many specific problems in the 1998 Bull Trout BiOp that was discussed in the draft plan, but cannot see a response to our concerns.

The solution to achieve Desired Conditions for water quality and native fisheries is that Standards must be included in the Elements for implementation, and monitoring must be required. Stream surveys should be conducted in enough subwatersheds to determine if these desired parameters for habitat features are being met.

One important component of aquatic habitat that that can be measured and is missing is sediment loading. Standards must be included, along with their associated monitoring methodology, for cobble embeddedness, turbidity and total suspended solids.

Unfortunately, the only Element recognizing sediment as an adverse impact on aquatic habitat is in Aquatic Species Guideline, not a Standard:

FW-GDL-AQS-01. Management activities that may disturb native salmonids, or have the potential to directly deliver sediment to their habitats, should be limited to times outside of spawning and incubation seasons for those species, as identified in Table 7.

The solution is to revise guideline FW-GDL-AQS-01 to include strict limits on the amount of sediment delivered to fish bearing streams from ground disturbing activities. While this may be complex, a threshold could be set, based on sediment modeling.

VIII. ROADS AND MOTORIZED TRAILS

According to the DEIS there are a total of 7,894 miles of roads on the KNF, out of which 3553 miles are open. The many negative impacts of roads on all forest resources, which are well documented, have been acknowledged by the Forest Service. Roads reduce or eliminate secure wildlife habitat, are barriers to wildlife movement and migration, cause fragmentation of habitats, allow access into sensitive and rare habitats, result in erosion and sedimentation that adversely impacts water quality and fish habitat, are the cause of mass failures when located on unstable land types and cause permanent compaction of soils.

The DEIS describes the impacts of roads on riparian areas:

Roads can have a relatively high impact on riparian areas and overall road density in a watershed can be an indicator of these effects. There are an estimated 2,000 miles of road located in riparian areas, which amounts to approximately 14 percent of all road miles on the planning unit, with an average road density of 2.9 mi/mi². Another potential indicator of riparian condition effects to water quality and aquatic habitats is the number of road crossings within a subwatershed. Although all stream crossings are not created equally, higher numbers of stream crossings and density indicate the potential for negative effects to riparian areas, water quality and aquatic habitats. There are an estimated 12,000 stream crossings across the entire planning unit and an average of 2.4 stream crossings/mi², for all subwatersheds on the Forest. DEIS at 150.

The Forest Service is has been unable to keep up with needed road maintenance of the vast road network and the Plan indicates most roads will not be maintained. As a result, these roads either continue to degrade watersheds through chronic erosion or are at risk for mass failure from crossings or locations on sensitive land types.

We are strongly concerned that the Plan fails to reflect the KNF duty to right-size the road system by deferring to project level analysis. But project level analysis does not allow the Forest to logically prioritize where to reduce road densities, it primarily ends up following vegetative

management projects and looking at the road system at that time. The Plan does not contain adequate direction to designate the minimum road system.

Forest Service leadership issued a directive memorandum to the field in November of 2010 requiring every forest to identify its minimum road system (MRS) and roads for decommissioning by 2015, and fully comply with 36 CFR 212 subpart A. The Plan fails to do this, again deferring to budget and saying it does not make site-specific travel management decisions. This does not meet the requirements of the November 2010 memorandum.

The solution is to give strong direction that requires the roads network be reduced to a level that can be adequately maintained within foreseeable agency budgets. The Plan should include a timetable and prioritization of how this analysis will be done.

To support our solution, our comments said the following:

According to the DEIS there are a total of 7,894 miles of roads on the KNF, out of which 3553 miles are open. The many negative impacts of roads on all forest resources, which are well documented, have been acknowledged by the Forest Service. Roads reduce or eliminate secure wildlife habitat, are barriers to wildlife movement and migration, cause fragmentation of habitats, allow access into sensitive and rare habitats, result in erosion and sedimentation that adversely impacts water quality and fish habitat, are the cause of mass failures when located on unstable land types and cause permanent compaction of soils.

In particular, at the bottom of page 1 of the Directive Memorandum, the memo states: “By completing the applicable sections of Subpart A, the Agency expects to identify and maintain an appropriately sized and environmentally sustainable road system that is responsive to ecological, economic, and social concerns”

In order to do this, the KNF must reduce its road system to a size and design commensurate with available funding. By all indications, the current funding levels are not close to those needed to maintain the current road system on the Forest. The Forest Service has been unable to keep up with needed road maintenance of the vast road network. The Forest Service has acknowledged the fact that road maintenance on NFS lands has been neglected due to budgetary issues and the vast number (many thousands of miles) of roads that now exist on national forests. Roads should be reduced to a level that can be adequately maintained with foreseeable agency budgets.

We are also concerned that the plan components do not reflect the agency’s duty to designate motorized trails and areas to minimize impacts to forest resources and other users as required by Executive Order 11989 and 36 CFR 212.55 and recently affirmed in a federal court decision (see *Idaho Conservation League v. Guzman*, 2011 WL 447456 (D. Idaho Feb. 4, 2011)).

In fact as indicated in Table 5 Comparison of Alternatives by Management Areas, the percent of the KNF that will be open to motorized use appears to increase. Table 5

indicates that MA 5a, Backcountry Non-motorized will be decreased by 5.2% (116,200 acres) from current conditions.

The Draft FP contains no road density standards except in management units (BMUs) for grizzly bears. The Forest Plan must also include science-based road density Standards, beyond those included in the Access Amendment for grizzly bear security, in order to maintain intact habitat and security for other species. Scientific information must be incorporated into nondiscretionary Forest Plan standards for road density.

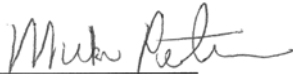
As noted above in the Bull Trout section of these comments, low road densities (well under 1mi/sqmi) in watersheds that support bull trout are necessary in order to maintain healthy aquatic habitat and non-declining populations of bull trout. Also, as noted above in the Wildlife/Elk section of these comments, the best available science on the subject indicates that open road densities in “secure” elk habitat should be at or below .75 mi/sqmi.

A whole host of other aquatic and terrestrial species would benefit from mandatory limitations on open and total road densities. The Final EIS for the KNF Forest Plan must address this issue and adopt Standards that reflect the scientific research on this issue.

In summary, we have proposed solutions to the Plan components that do not appear to address our concerns or meet NFMA requirements.

Thank you for the opportunity to participate in the management of our public lands. We look forward to a response to our Objection.

Sincerely,



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