

# Brebner Flat

## Decision Notice and Finding of No Significant Impact



Forest Service

Idaho Panhandle National Forests  
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St. Joe Ranger District

## Contents

Introduction .....	1
Decision and Reasons for the Decision .....	1
Vegetation Management .....	3
Roads and Transportation .....	3
Best Management Practices and Standard Operating Procedures .....	3
Public Comments .....	4
Alternatives Considered but Eliminated .....	5
Public Involvement and Scoping .....	6
Finding of No Significant Impact .....	7
Context .....	7
Intensity .....	8
Conclusion .....	10
Findings Required by Other Laws and Regulations .....	11
National Forest Management Act (NFMA) .....	11
Other NFMA Requirements .....	11
Consistency with the Forest Plan .....	14
Administrative Review and Objection Rights .....	16
Implementation .....	17
APPENDIX A: Treatment Units and Prescriptions .....	18

### List of Tables

Table 1. Retention Areas in MA-6 .....	6
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### List of Figures

Figure 1. Project location .....	2
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## Introduction

The 11,779 Brebner Flat project area is located on National Forest System lands on the St. Joe Ranger District of the Idaho Panhandle National Forests within Shoshone County, Idaho. Although private land is located within the project boundary, the activities described in this decision will only occur on National Forest System Lands. The project is located directly south of Avery, Idaho (Figure 1). The legal description is within all or portions: T45N, R5E, Sections 13,14,16,22,24,26,28,34,35,36 T44N, R5E, Sections 1,2,11,12 and T17N, R32W, Sections 30, 31 Boise Meridian. Management activities will occur on approximately 1,719 acres within the Theriault Creek, Kelly Creek, Williams Creek, and Siwash Creek drainages.

As described in the Brebner Flat Environmental Assessment (EA), existing and desired conditions in the project area indicate a need to:

- Improve forest health and increase vegetation resilience to large disturbances such as severe fire and insect or disease outbreaks.
- Provide sustainable use of natural resources and benefits for local communities.
- Reduce hazardous fuels to lessen the severity of wildfires and to enable safe fire suppression efforts.

This decision notice describes my decision to proceed with the Brebner Flat project, information about the project, and the rationale supporting my decision. This document includes my finding of no significant impact (FONSI) to the human environment, which means that no further environmental analysis is necessary in order to proceed with this project.

The Brebner Flat Project EA and supporting resource reports are incorporated by reference in this document. The EA, resource reports, maps and this decision notice are all available to view or download from the Idaho Panhandle National Forests' website at: <https://www.fs.usda.gov/project/?project=53048>.

This decision and the project EA are tiered to the Forest Plan Record of Decision and incorporate by reference the Forest Plan FEIS.

## Decision and Reasons for the Decision

Based upon my review of the effects analysis, information contained in the planning record and input from interested parties, it is my decision to implement the proposed action described in the updated EA, including design features and mitigation. I believe the activities in the proposed action will best respond to the need (EA, pp. 3-6), Forest Plan, and other legal requirements.

## Vegetation Management

This decision includes 1,719 acres of commercial timber harvest. The vegetation management actions are designed to shift forest vegetation conditions toward the desired conditions described in the Forest Plan (FW-DC-VEG-11) and best meet the need to establish and maintain resilient forest stand structure and species composition. Timber harvest, prescribed fire, and planting of more resilient and desired tree species will increase the presence of western white pine, ponderosa pine, and western larch in response to the need identified for this area (EA, pages 3-4).

The timber harvest and prescribed burning will help to reduce flame lengths and lower fire intensity, resulting in the type of fire behavior that can be more easily controlled or suppressed, with safer conditions for firefighters and the public (FW-DC-SES-04, FW-DC-FIRE-01, FW-DC-FIRE-02).

In addition to providing the necessary infrastructure for accomplishing restoration goals, objectives and desired conditions outlined in the Forest Plan, the sale of forest products resulting from management activities on National Forest System lands will contribute to the local economy and to the sustainability of the local forest products industry, responding to the purpose and need (EA, page 5-6) and Forest Plan desired conditions (FW-DC-SES-02, FW-DC-SES-03).

## Roads and Transportation

Road-related activities are necessary to access treatment units safely, efficiently and economically while protecting other forest resources (EA, pages 10-11).

The extent and scope of these activities (EA, Appendix Table 20) will depend on actual site conditions found as the area, and could include clearing brush from the road shoulders to improve sight distance, blading and shaping the road, cleaning ditches, maintaining or improving drainage structures, and improving the road surface.

Road construction and reconstruction will be designed to standards appropriate for the intended use while considering safety, costs of transportation, and potential to impact resources, in compliance with (16 U.S. Code 1608(b) and (c)) and to make progress toward achieving forest-wide desired conditions (FW-DC-AR-07). Only the road improvements needed to complete the treatments will be implemented.

## Best Management Practices and Standard Operating Procedures

The proposed action was designed by the project interdisciplinary team to minimize or avoid adverse effects during project implementation. Specific design features (Appendix C) for this project are based on law, regulation, policy and Forest Plan direction, best available science, site-specific evaluations, and public input; and would be applied during project implementation.

Application of design features and best management practices (BMPs) are addressed during implementation of vegetation management projects through the initial design of the project and layout of harvest units as well as the subsequent contract(s) administered by a certified Timber Sale Administrator and considered standard operating procedures. Most standard operating procedures and design features are applied through project development and administration of the timber sale contract, which can include both standard and site-specific provisions (FS 2400-6) and standard specifications for road construction and maintenance associated with the road package of the sale (FP-14). Specific design features will be implemented through unit-specific prescriptions and/or marking guidelines, identified in Appendix A.

During project development the interdisciplinary team conducted a more thorough analysis of the area and determined that there was an opportunity to create additional elk security in Elk Management Unit 7-6. The seasonal closure of approximately 1 mile of the OHV portion of road 1956E would increase elk security in the elk management unit by 314 acres, leading to a net gain in security of 94 acres. Therefore I believe the decision addresses elk security needs appropriately.

I believe this decision adequately addresses public concerns.

### **Alternatives Considered but Eliminated**

Federal agencies are required by NEPA to evaluate all reasonable alternatives to the proposed action, and to briefly discuss the reasons for eliminating those alternatives that were not studied in detail (40 CFR 1502.14). Alternatives not considered in detail may include, but are not limited to, those that fail to meet the purpose and need, are technologically infeasible or illegal, or would result in unreasonable environmental harm. The following alternatives were considered but were eliminated from detailed analysis:

#### **Limit Forest Openings to 40 acres or less Alternative**

The action alternative analyzes in detail the effects of including even-aged regeneration harvest treatments that would create forest openings larger than 40 acres in size. For this project we are seeking approval from the Regional Forester to create forest openings that exceed that size. An alternative was initially considered that limited the size of potential openings to 40 acres or less. This alternative was proposed by the interdisciplinary team as a way to help determine if project goals and objectives could be achieved without exceeding the opening size restriction. This alternative was eliminated from detailed analysis because limiting openings to less than 40 acres would clearly not allow the realization of project goals related to forest patch size and pattern, hazardous fuels, and insect and disease hazard (EA p. 4, 16). It would not appropriately or effectively address the scale of current insect and disease hazard, or create ecologically desirable patterns of early seral structure, or provide persistent, effective wildfire threat.

#### **Intermediate or "Thinning Only" Treatments**

Intermediate harvest would not be effective because it would exacerbate root disease effects (through buildup in the stumps and root systems of the fungi that cause root disease), lead to heavy blowdown, and encourage advanced regeneration of grand fir and Douglas-fir (EA p. 14).

#### **More Commercial Harvest**

In both the scoping and EA review comment periods, the American Forest Resource Council (AFRC) suggested that more acres should be treated through commercial harvest to better accomplish the need and to improve the economic efficiency of the project. Although, 69 percent of the project area (8,129 acres) is designated as MA-6 not all of this acreage met criteria for timber harvest. The proposed action will treat about 21 percent (1,719 acres) of the potentially available land in MA-6.

The interdisciplinary team carefully considered the comments that were received and determined how they would be incorporated into project development.

The EA was completed and released to the public in March 2019. A legal notice was published in the Coeur d'Alene Press on March 15, 2019. The St Maries Gazette, Spokesmen Review and the Coeur d'Alene Press had an article that the Forest Service was seeking comments on the proposed Brebner Flat project. We received seven letters from interested parties. The interdisciplinary team conducted a thorough analysis of the comments and prepared responses to each one (see the Idaho Panhandle National Forests website). The EA was updated to clarify information in response to the comments. Based on a review of the comments, I concluded that there were no substantive issues that weren't already considered and addressed.

## Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15\_05. "Significant" as used in NEPA requires consideration of both context and intensity of the expected project effects.

**Context** means that the significance of an action must be analyzed in several contexts (i.e. local regional, worldwide), and over short and long time frames. For site-specific actions, significance usually depends upon the effects in the local rather than in the world as a whole. This project is limited in scope and duration. The project was designed to minimize environmental effects through design features and BMP's.

**Intensity** refers to the severity of the expected project impacts and is defined by the 10 points below.

### Context

The proposed treatments (EA, Appendix A, Figure 7) encompass a limited area of various vegetation (fuels reduction / prescribed burning treatments) and the activities are limited in duration. The project is anticipated to be awarded in 2020 and the completion date for the contract work (roadwork and harvest activity) is expected to be in 2026.

Implementation of roadwork associated with timber sales will begin once the project is awarded. Restoration activities such as prescribed burning for site preparation, tree planting and any road reconditioning/storage activities are generally completed within five years after harvesting a particular unit, depending on the prescribed burning windows of opportunity such as weather, fuel conditions and resource availability.

Effects are local in nature and are not likely to significantly affect regional or national resources. This action is also a continuation of fuel reduction, forest health and similar projects that have occurred for many years on the Idaho Panhandle National Forests and elsewhere across the Northern Region and the nation as a whole. Short-term negative effects will be addressed through implementation of the standards and guidelines in the Idaho Panhandle forest plan, best management practices, and the design measures developed specifically for this project. The project's design features minimize and avoid negative impacts to the extent that such impacts are almost undetectable and immeasurable, even at the local level (see cumulative effects sections of resource reports and design features in the EA and Appendix C).

**3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

No eligible historic properties have been identified within the proposed harvest units; therefore, the project will result in no historic properties affected (EA, p. 38).

Parts of the northern boundary of the project area falls within the St. Joe Wild and Scenic River Corridor (WSR). There are no activities proposed within the WSR corridor. A Section 7 (a) Evaluation for the Wild and Scenic Rivers Act was completed (Project Record).

No long-term, measurable negative effect to riparian areas or wetlands are expected with this project because we will be using riparian habitat conservation area (RHCA) standards which provide shading and sediment filtering as required by the Forest Plan. This activity within the RHCA is not expected to be detrimental to stream temperatures because the natural topography and locations of the proposed unit would protect streams and streamside resources.

Per requirements of the forest plan and based on past forest plan monitoring of similar treatments (<https://www.fs.usda.gov/main/ipnf/landmanagement/planning>) the proposed action does not include activities in old growth stands present in the forest (EA, p7).

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

Monitoring shows effects of similar projects are consistent with estimated effects of the proposed activities (see monitoring reports on the Idaho Panhandle National Forests website: <https://www.fs.usda.gov/main/ipnf/landmanagement/planning>). Effects of the proposed activities on the quality of the human environment are not highly controversial. This conclusion is based on: the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Resource reports document the use of the best available science for each resource. The project file includes relevant literature citations, science references, biological assessments, and monitoring results used in the project analysis to support this decision.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The planned actions are similar to actions implemented in other areas on National Forest System land and on state, county, and private lands. Effects will be similar to those of past actions. The analysis considered the effects of past actions combined with the estimated effects of the proposal (see the cumulative effects analyses in the individual resource reports and EA sections). I conclude there are no unique or unusual characteristics of the area which have not been previously encountered or which constitute highly uncertain or unknown risks to the human environment.

**6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

The proposed management actions are similar to actions conducted in the project area, in other areas on the St Joe Ranger District, and on other ranger districts of the Idaho Panhandle National Forests. The proposed action is not setting a precedent for future actions with significant effects. Management practices are consistent with the Forest Plan and within the

## Findings Required by Other Laws and Regulations

### National Forest Management Act (NFMA)

This project does not require any Forest Plan amendments. Project activities are consistent with the Forest Plan for the Idaho Panhandle National Forests (2015) and project-specific activities described in the NFMA (16 USC 1604 (i)).

### Other NFMA Requirements

I have determined the proposed action is consistent with the following provisions of the National Forest Management Act:

- 1. 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 USC 1604(k)).**

The proposed action complies with this requirement. All lands proposed for timber harvest are suitable timber lands. Portions of units 25a, 26b\_2, and 19b\_1 were originally mapped as being unsuitable for timber production. Subsequent stand exams and walk-throughs of areas in question by certified silviculturist field verified that the area was suitable for timber production (Forest Vegetation Report p. 25).

- 2. Timber Harvest on National Forest Lands (16 USC 1604(g)(3)(E)): A Responsible Official may authorize site-specific projects and activities to harvest timber on National Forest System lands only where:**
  - a. Soil, slope, or other watershed conditions will not be irreversibly damaged (16 USC 1604(g)(3)(E)(i)). See below (c.)**
  - b. There is assurance that the lands can be adequately restocked within five years after final regeneration harvest (16 USC 1604(g)(3)(E)(ii)).**

The proposed action does comply with this standard because regeneration harvests are not proposed on sites with potential regeneration success concerns. Overall regeneration success on the St. Joe Ranger District is 90 percent for the period 1990 to 1999, with an 88 percent success within 5 years of harvest. The Idaho Panhandle National Forests 2012, 2013 and 2014 Forest Plan Monitoring and Evaluation Report (USDA, pg. 10; PF Doc. CR-040) states, "...it appears that 97 percent of the stands planted in the last 21 years are currently satisfactorily stocked."

- c. Protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat (16 USC 1604(g)(3)(E)(iii)).**

The design of activities under the proposed action includes features designed specifically to protect water, soils, and fisheries, including use of best management practices and other criteria for road reconstruction and maintenance (EA, Appendix C). There would be no irreversible damage to soil, slope, or other watershed conditions. Vegetation management activities proposed within the INFISH buffers are non-commercial and designed to protect soil and water quality. All appropriate BMPs would be used to protect soil, slope and watershed conditions (Hydrology and Soils Reports).

Direction provided in the Region 1 supplement to FSM 2471.1 has been followed and Regional Forester approval has been sought for the units that will exceed the 40-acre opening size limitation.

- e. Such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource (16 USC 1604(g)(3)(F)(v)).**

Cuts will be carried out in a manner that will protect soil, watershed, fish, recreation, esthetic resources and the regeneration of the timber resource. Design features have been incorporated and are intended to minimize or mitigate effects that may be caused by project activities (EA, Appendix C).

- 4. Stands of trees are harvested according to requirements for culmination of mean annual increment of growth (16 USC 1604(m)).**

Areas proposed for regeneration harvests have not met the culmination of mean annual increment. Inclusion of these stands is intended to increase representation of the seedling/sapling size class and western white pine/western larch forest types while decreasing the grand fir/hemlock forest type and small/medium size classes. This would trend these measures of forest resilience on the landscape within the project area toward the desired conditions. Current species composition in combination with the documented root disease give these stands elevated probability of early culmination (Silviculture Report, p. 26). The grand fir and Douglas-fir have already begun to decline due to root disease and stand examinations indicate root diseases are present throughout the proposed treatment area.

- 5. Construction of temporary roadways in connection with timber contracts, and other permits or leases: Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System (16 USC 1608(b)).**

See below (6.)

- 6. Standards of roadway construction: Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources (16 USC 1608(c)).**

Temporary roadways (16 USC 1608[b]) and standards of roadway construction (16 USC 1608[c]): All new road construction would be completed using best management practices to protect soil and aquatic resources (EA, Appendix C). At the completion of their intended use, temporary roads would be decompacted, recontoured to the approximately shape of the surrounding terrain, and seeded or covered with debris to prevent erosion and accelerate hydrologic and vegetative recovery.

## **Executive Orders 11990 and 11988**

All alternatives are consistent with these EO's regarding floodplains and wetlands. The proposed action proposes no treatment within wetlands or floodplains.

## **Executive Order 12962–Recreational Fishing**

The selected alternative is consistent with Executive Order 12962 as amended by Executive Order 13474 because the short term impacts to westslope cutthroat trout and bull trout would not cause a reduction in the potential of the recreational fishery of the St. Joe River (Brebner Flat Fisheries Report, p. 26)

## **Clean Air Act**

To comply with the Clean Air Act, approval to burn will be requested through the Montana/Idaho Airshed Management System (Airshed Group) in compliance with the Idaho State Implementation Plan. If necessary, the Idaho Department of Environmental Quality issues burn closures in order to protect air quality. The IPNF complies with all recommendations of the Airshed Group to limit smoke accumulations from project activities, to legal, acceptable limits (EA, p. 18).

## **Endangered Species Act**

There are no threatened and endangered wildlife species in the Brebner Flat project area. A biological assessment for bull trout has been completed for proposed action and Section 7 consultation will be completed prior to signing the final decision notice (EA pp. 26, 34). There would be no effects to critical habitat.

## **Migratory Bird Treaty Act**

The proposed action complies with this act because it does not intentionally take any migratory birds and meets the responsibilities identified by Executive Order 13186 which directs Federal agencies to evaluate the effect of Federal actions on migratory birds. For the proposed action, I've considered the potential effects to sensitive bird species and their habitat at the project level (Wildlife Report, pp. 3-4).

## **National Historic Preservation Act**

As described in the EA (pp. 38-39), the Cultural Resource report and in item nine in the "Finding of No Significant Impact" section, the proposed action complies with this act. 36 CFR §800.4(b)(2) and 36 CFR §800.8(3)(c) allows utilization of the Finding of No Significant Impact to bind the agency to completion of the National Historic Preservation Acts' Section 106 process prior to implementation.

## **Executive Order 12898–Environmental Justice Act**

The proposed action will not disproportionately impact minority or low-income populations. There were no public comments raised regarding environmental justice considerations, and no disproportional impacts to minority or low-income populations were identified during scoping or any other portion of public involvement during the course of this analysis. Therefore the proposed action complies with this order.

## **Executive Order 13112–Invasive Species**

The proposed activities align with this Executive Order both by enacting measures to prevent new weed establishment, and also by taking steps to proactively monitor for new weed introductions or

- ◆ The name of the project being objected to, the name and title of the responsible official, and the name of the national forest on which the project will be implemented;
- ◆ A description of those aspects of the project addressed by the objection, including specific issues related to the project and, if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; and supporting reasons for the reviewing officer to consider;
- ◆ A statement that demonstrates the connection between prior specific written comments on the particular project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity for formal comment.

Incomplete responses to these requirements make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10.

When objections are filed, approval of project activities will not occur until the pre-decisional review process is complete and a final decision notice issued. A decision will not be signed until the reviewing officer has responded in writing to all pending objections, and all concerns and instructions identified by the reviewing officer in the objection response have been addressed. All objections are available for public inspection during and after the objection process.

## Implementation

If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before the fifth business day following the end of the objection filing period. For further information concerning the Brebner Flat Project, contact Beth Reinhart, project leader, at (208) 245-6034 or mreinhart@usda.gov during normal business hours.

Approved by:

  
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JEANNE M HIGGINS  
Forest Supervisor  
Idaho Panhandle National Forests

10/3/2019  
Date

Unit ID	Treatment Type	Acres	Logging System	Slash Treatment
28b	Seed Tree with reserves	12	Skyline	Yard Tops, Broadcast burn
29a_1	Clearcut with reserves	42	Ground Based	Yard Tops, grapple pile, slash
29a_2	Clearcut with reserves	17	Ground Based	Leave Tops, grapple pile, slash
29a_3	Clearcut with reserves	21	Ground Based	Yard Tops, grapple pile, slash
29b_5	Clearcut with reserves	23	Skyline	Yard Tops, Broadcast burn
29b_6	Clearcut with reserves	14	Skyline	Yard Tops, Broadcast burn
29b_7	Clearcut with reserves	53	Skyline	Yard Tops, Broadcast burn
29c	Clearcut with reserves	12	Off Road Skyline	Yard Tops, Broadcast burn
30a	Clearcut with reserves	14	Ground Based	Yard Tops, grapple pile, slash
30b_1	Clearcut with reserves	21	Skyline	Yard Tops, Broadcast burn
30b_2	Clearcut with reserves	12	Skyline	Yard Tops, Broadcast burn
31a	Clearcut with reserves	7	Ground Based	Yard Tops, grapple pile, slash
31b	Clearcut with reserves	6	Skyline	Yard Tops, Broadcast burn
32a	Clearcut with reserves	11	Ground Based	Leave Tops, grapple pile, slash
33a	Seed Tree with reserves	5	Ground Based	Leave Tops, grapple pile, slash
34a	Clearcut with reserves	38	Ground Based	Yard Tops, grapple pile, slash
34b	Clearcut with reserves	5	Skyline	Yard Tops, Broadcast burn
35a	Seed Tree with reserves	29	Ground Based	Yard Tops, grapple pile, slash
36a	Seed Tree with reserves	39	Ground Based	Yard Tops, grapple pile, slash
37b_2	Clearcut with reserves	29	Skyline	Yard Tops, Broadcast burn
37b_3	Clearcut with reserves	35	Skyline	Yard Tops, Broadcast burn
38c	Irregular Shelterwood / seed tree w/ reserves	33	Off Road Skyline	Yard Tops, Broadcast burn
39a	Seed Tree with reserves	8	Ground Based	Yard Tops, grapple pile, slash
39b	Seed Tree with reserves	19	Skyline	Yard Tops, Broadcast burn
40b	Clearcut with reserves	10	Skyline	Yard Tops, Broadcast burn
41b	Clearcut with reserves	48	Skyline	Yard Tops, Broadcast burn