From: Hutchinson, Holly A -FS
To: Hutchinson, Holly A -FS
Subject: FW: Lost Creekk-Bouldter Creek Landscape Restoration Project - IDAHO SPORTING CONGRESS
Date: Wednesday, May 28, 2014 4:16:28 PM

From: ronbomitchell@hotmail.com
To: objections-intermtn-regionaloffice@fs.fed.us; ronbomitchell@hotmail.com
Subject: Lost Creekk-Bouldter Creek Landscape Restoration Project
Date: Fri, 23 May 2014 19:03:55 -0600

FROM: Ron Mitchell, executive director
Idaho Sporting Congress, Inc.
[redacted]

May 23, 2014
TO: Nora Rasure, Region IV Forester
and Objection Reviewing Officer

RE: Objection to the Lost Creek-Boulder Creek Landscape Restoration Project

These are the official comments in Objection to the above named project.

1. We incorporate by reference, our letter of comment on the DEIS for this project dated December 12, 2013. All comments below were first addressed in that letter.

2. SEE our Comment 13, on the DEIS. The analysis of Lynx use, and habitat of the project area is cursory and doesn't meet NEPA standards. The FEIS merely states that no lynx have been spotted in the area recently, and no winter tracking surveys have been done due to difficulty of access. This in an area with 600 miles of roads in a density ranging from 8.6 miles to at least 1 mile per mile, with an average of over 1.4 miles per square mile! A sweeping disclaimer is made that lynx are "rare" on the forest. Federal Judge Dana Christiansen ruled in a Montana case that simply declaring the species doesn't exist in an area in order to avoid doing NEPA and ESA analysis is illegal, and ordered the USFWS and USFS to conduct a proper analysis under the correct ESA standard. The case invloved the Fleecer Mtn project on the Beaverhead-Deer Lodge National Forest.

The solution is to put this project on hold until you comply with the ESA, do tracking surveys and fur-collection studies etc.

The same applies to the Wolverine. There's no discussion or analysis of impacts to the Wolverine. It's an ESA candidate species, but there's no discussion of of analysis. We know

you've been doing wolverine research on the Payette NF. That information should be in the EIS. The solution is to drop the project unless/until you do this analysis and disclosure.

3. The LC-BC FEIS fails to discuss and analyze the impacts on elk and elk hunting by new roads *during* project implementation, which will cover years, and which judge Christiansan found reason to enjoin the Fleecer project. As noted in our DEIS Comment 18 and 5, a frank discussion of the effectiveness of your road closure program and policy is absent. There is no monitoring data provided on its efficacy or success. You should have disclosed that, plus the likelihood you'll have funding to do enforcement. How many enforcement people do you have for how many miles of road? There are over 600 miles of road in this project area alone, and utterly absent is the efficacy of road traffic enforcement, including funding. Also absent is discussion of funding for mitigation to obliterate roads. This is critical, since mitigation is vital to projected stream condition improvements, particularly considering most of the streams are rated "Likely to adversely effect" for listed species of fish.

The fact that there are 182 miles of "unauthorized" roads in the area, and "Pioneered" roads raises the issue that the FS cannot police or obliterate roads currently. There is no disclosure of monitoring reports on mitigation funding occuring, and on road closure and obliteration from past projects.

Also, we found no Elk Habitat Effectiveness data for the area which included unauthorized roads, and the"temporary" roads to be included, in the calculations. Were they? The EIS leaves us to guess.

4. SEE DEIS comment 19. The FEIS doesn't disclose or analyze impacts from grazing in the area. We understand the BOISED model doesn't factor grazing impacts. Since they will add to the sediment from new and past road construction and logging, sediment will likely be lmore than projected. The FEIS should be augumented with this information. And what will be grazing effects on the ground squirrels in the areas that are being logged to ostensibly improve their habitat.

5. SEE DEIS Comment 22. There's no discussion of how this plan with a "likely to adversely effect" rating for nearly all the streams in the area by the project, of how this project complies with PACFISH and INFISH and the ESA. There's no disclosure as to if any consultation with FWS or NMFS occured, or what those results were. There's no discussion of why, with the "May effect, Likely to adversely effect" determinations for listed species, that this project complies with the law and can proceed. The public reviewer is left to guess. It isn't clarified if the May--likely to adversely effect finding is that of the FS in its BA, or in a Consultation letter reply from NMFS. No Consultation reply letters from NMFS or fWS were in either the FEIS or the Project Record when the final Record of Decision was signed. It is arbitrary and capricious for the FS to decide, before getting approval from NMFS and FWS.

If NMFS has reservations about this project's impact, that should have been included before signing of the FROD. It should now be appended, if it exists. If it doesn't exist, the project must be halted.

6. The FS meeting FSH direction and WCF and Forest Plan Goals, objectives, standards and guidelines all depends on your undisclosed road enforcement and decommissioning program, your BOISED "estimation" model, and unknown and unanalyzed grazing impacts. These fail to meet the CWA and NFMA's standard of "Insuring" protecting for streams and riparian areas. The FEIS's claim that mere compliance with BMP's constitutes compliance with the CWA is erroneous. The solution is to adopt Alternative C, minus any new roads and new logging.

7. No BAs from NMFS or FWS for ESA-listed and MIS species of fish, or for Wolverine or Lynx were in the DEIS. In the FEIS, in response to our DEIS comment letters, the FS said the BA's were extant, and would be in the FEIS. They are not. References to both BA's in the FEIS say they WILL be in the project record. That seems to mean they aren't in the Project Record now, as well as not being in the FEIS. This is critical information that should have been included.

8. SEE DEIS comments 2, 3 and 4 regarding divulging FS competency and perfidy. The FS must disclose through NEPA the efficacy of its proposals. That includes the ability of the agency to accomplish what it says it will do, and to say truthfully what it did. In the Foothills Wildfire Recovery Project on the Boise National Forest which abutts the Payette, and is partner with the Payette and Sawtooth NF's in the Southwest Idaho Ecogroup of cookie-cutter Forest Plans, the FS committed over 2,300 violations of policy, statute and regulation, and then lied about it. The Dept. of Agriculture Inspector General investigated that project---about the size of this one, i.e. huge, and confirmed that myriad violations occured. His report was triggered by FS whistle-blowers who were outraged at their own agency. Again, on the Boise NF, the FS falsely claimed a beetle epidemic as was convicted in Federal Court by Judge B. Lynn Winmill in Boise. Again, on the Payette, the FS claimed thousands of trees were dying from beetles, and fire, when they were not. The FS knows of these instances, and were reminded of them in our DEIS Comments. They must disclose to the public these violations of law and policy, and rexplain how they can do this huge project without committing the same violations. Can they do projects this size competently? Aparently not. The solution: Include a narrative of the three instances in the DEIS and explain how they can prevent massive screwups this time around.

The resolution to all the issues above is the cancellation of this project.

Sincerely, Ron Mitchell, executive director.