



File Code: 1570

Date: August 4, 2014

#14-04-00-0035-OB218

Ron Mitchell
Executive Director
Idaho Sporting Congress, Inc.
P. O. Box 1136
Boise, ID 83701

CERTIFIED MAIL – RETURN
RECEIPT REQUESTED

Dear Mr. Mitchell:

This letter is in response to your objection, dated May 23, 2014, on behalf of Idaho Sporting Congress, Inc. regarding the Lost Creek-Boulder Creek Landscape Restoration Project located on the Payette National Forest. I have read your objection and reviewed the Environmental Impact Statement (EIS), the draft Record of Decision (ROD), the content in the project file, as well as considered the comments submitted during the opportunities for public comment for this project. Based on this review, conducted in accordance with 36 CFR 218, I understand the disclosed environmental effects of this project.

The 36 CFR 218 regulations provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific Objections related to the project, and suggests remedies that would resolve the objection (36 CFR 218.8). The regulations also allow, in part, for the parties to meet in order to resolve the Objections (36 CFR 218.11(a)). While a call was held on June 20, 2014, nobody was on the call from Idaho Sporting Congress. An email sent on June 20, 2014, served as ISC's input to the resolution meeting and stated, if you remove the logging provisions of the Lost-Boulder Project that would resolve our concerns. You would like the Forest to just concentrate on restoration, and not additional logging.

I find your objection satisfies the requirements of 36 CFR 218.8. As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. The Responsible Official and I have reviewed the project in light of the Objections presented in your objection letter. I have considered your Objections and suggested remedies, and included my reasons for response to these Objections and suggested remedies, which are detailed below.

Overview of Project

The Lost Creek–Boulder Creek Landscape Restoration Project is analyzing proposed landscape restoration treatment activities in the 80,000 acre area on the New Meadows Ranger District, Payette National Forest. The purpose of the proposed action is as follows:

1) Move vegetation toward the desired conditions defined in the Forest Plan and consistent with the science in the Forest's draft Wildlife Conservation Strategy.



- 2) Move all subwatersheds within the project area toward the desired condition for soil, water, riparian, and aquatic resources and improve the Boulder Creek subwatershed from the “Impaired” category to the “Functioning at Risk” category as described in the Watershed Condition Framework.
- 3) Manage recreation use in Boulder Creek and in the vicinity of Lost Creek with an emphasis on providing sanitation facilities, identifying and hardening dispersed recreation areas, and developing new trail opportunities.
- 4) Contribute to the economic vitality of the communities adjacent to the Payette National Forest.

The preferred alternative is Alternative B. This alternative proposes non-commercial and commercial thinning, prescribed burning, watershed improvements such as road closures, road decommissioning, and fish passage improvements, and recreation improvements including ATV/UTV trails and dispersed camping improvements. Alternative B responds to the purpose and need as stated above, and incorporates the recommendations of the Payette Forest Coalition and other concerns expressed in comment letters and public meetings.

Response to Objections & Suggested Remedies

Suggested Remedy

Your suggested remedy from your resolution email was to remove the logging provisions of the Lost-Boulder Project that would resolve our concerns. You would like the forest to just concentrate on restoration, and not additional logging.

Objections Not Requiring Further Discussion or Instructions

Objection: *The Forest is not in compliance with ESA for Wolverine. “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 analysis. We know you've been doing wolverine research on the Payette NF. That information should be in the EIS.*

Objection: *The LC-BC FEIS fails to discuss and analyze the impacts on elk and elk hunting by new roads during project implementation....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... ..Also absent is discussion of funding for mitigation to obliterate roads. There is no disclosure of monitoring reports on mitigation funding occurring, and on road closure and obliteration from past projects.*

Objection: *No discussion of funding for planned obliteration is present in the FEIS.*

Objection: *No discussion of enforcement or funding for enforcement in the FEIS.*

Objection: *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.*

Objection: *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 occurred, 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 ROD. It should now be appended, if it exists.

Objection: *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 BAs were extant, and would be in the FEIS. They are not. References to both BAs 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.*

Response: Based on my review of the Environmental Impact Statement (EIS), the draft Record of Decision (ROD), and the content in the project file, I find these objections do not require further discussion or instructions to the Responsible Official for one or more of the following reasons:

- The Forest is in compliance with NEPA, CEQ direction for implementation of NEPA 40 CFR 1500.
- The project fully complies with the Endangered Species Act.

Objections Requiring Further Discussion or Instructions

Objection: *The Forest is not in compliance with ESA for Lynx.*

Response: ESA consultation was completed and concurrence received from USFWS. NEPA- Lynx analysis conducted and included in the FEIS; however there are inconsistencies with other resource analysis (prescribed fire effects on vegetation structure [canopy cover & tree density], and lacks detail that would help the reader understand effects (snowshoe hare habitat, roads/connectivity). Cumulative effects analysis needs clarified (mentions some on-going/future actions but does not go into the detail of effects).

Recommendation: I am instructing the Responsible Official to review/update effects of prescribed fire on lynx habitat and eliminate inconsistency between resources regarding changes in canopy cover or tree density related to prescribed burning; clarify the cumulative effects analysis and discussion of effects; add a discussion for reader understanding regarding how no effect was determined for snowshoe hare habitat, connectivity and roads discussion, and the relevance of no prescribed burning in the next 10 years to lynx; and corrected the language in Table WL-28 from NLAA (not likely to adversely affect) to NLTJ (not likely to jeopardize) as stated in the Wildlife Specialist Report.

Objection: *The FEIS doesn't disclose or analyze impacts from grazing in the area.*

Response: The Forest is compliant with NEPA and CEQ direction for implementation of NEPA 40 CFR 1500.

Recommendation: I am instructing the Responsible Official to include more information to clarify the cumulative effects of grazing on sediment.

Objection: *Discussion of the effects of grazing NIDGs was not provided in the FEIS within the project area.*

Response: ESA consultation was completed. The FEIS complies with applicable rules, but could be clarified in the analysis.

Recommendation: I am instructing the Responsible Official to add to the analysis of cumulative effects to NIDGS in relation to livestock grazing. Include reference the *Diets of Northern Idaho Ground Squirrels and Cattle at Two Sites in Adams County*, Idaho in 2008, which is in the project record.

Objection: *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.*

Response: Protection of riparian areas and streams is not in dependent upon the BOISED sediment yield estimation model. Compliance with State BMPs is only one facet of the management actions and project design features that will protect riparian areas and streams. The analysis is sufficient to address the objection. Compliance with the CWA is based on meeting water quality standards. BMPs are practices that are used to meet water quality standards.

Recommendation: I am instructing the Responsible Official to clarify language in the FEIS for compliance with the CWA and BMPs.

Objection: *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 ...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 explain how they can do this huge project without committing the same violations. Can they do projects this size competently?*

Response: The Lost Creek Boulder Creek project is based upon current data and on-the-ground knowledge. It is compliant with current law, regulation, and policy. The forest does not have a

centralized location in their records where one can easily determine of efficacy of the proposed action.

Recommendation: I am instructing the Responsible Official to provide one central document that explains how the Forest looked at efficacy and then reference the record or document locations. Place this document in the record.

Conclusion

The Responsible Official's rationale for this project is clear and the reasons for the project are logical and responsive to direction contained in the Payette National Forest Land and Resource Management Plan. As described above, I made a reasonable and appropriate effort to resolve the concerns that were brought forward while maintaining a balanced approach to managing the lands and meeting the purpose and need of the project.

Once the recommendations set forth in this letter are complete, I am instructing Forest Supervisor Keith Lannom to proceed with issuance of the Record of Decision for this project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or USDA official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

/s/ George C. Iverson
GEORGE C. IVERSON
Objection Reviewing Officer

cc: Keith Lannom