

SECTION 3 - APPEALS AND LITIGATION

There are two parts to this section: a listing of individual project level appeals on the Clearwater National Forest, and a listing of the lawsuits in which the Forest is currently involved.

PROJECT LEVEL APPEALS

The Forest received eleven new project appeals on six projects during FY03. The following table presents the status of these appeals.

Project Name	Appellant	Status	Major Appeal Issues
North Lochsa Face Ecosystem Management Project	Nez Perce Tribe Friends of the Clearwater, et al. John Swanson Advocates for the West	Decision Upheld by the Regional Forester	Wildlife Cumulative Effects Range of Alternatives Water Quality/Fisheries Old Growth/Vegetation
Middle-Black Ecosystem Restoration Project	Clearwater Elk Recovery Team Idaho Department of Fish and Game Friends of the Clearwater, et al.	Decision Upheld by the Regional Forester	Effects to Roadless Areas Fisheries Soils Water Quality
Brick Trout Timber sale	Friends of the Clearwater, et al.	Decision Upheld by the Regional Forester	Analysis Documented in EA Effects to Wildlife Narrow Purpose and Need
White/White Timber Sale	Friends of the Clearwater, et al Nez Perce Tribe Columbia River Inter-Tribal Commission	Decision Upheld by the Regional Forester	Effects to Fisheries Water Quality Cumulative Effects

LITIGATION

The Forest was involved in one lawsuit during FY03. The following table presents the current status of this lawsuit.

Topic of Lawsuit, Plaintiffs and Defendants	Status	Major Issues
ATV Use on Recreation Trails Montana Wilderness Association, et al. v. Forest Service, et al.	Court decision in favor of Forest Service in November 2002	Use of all terrain vehicles on recreation trails in the general. In particular, the Clearwater and the Bitter-root National Forests failed to amend their Forest Plans to permit ATVs in excess of 40" to use recreation system trails.

SECTION 4 - IMPLEMENTED CHANGES

ECOSYSTEM MANAGEMENT

The Forest continued with the implementation of Ecosystem Management concepts and principles when designing projects. The Final Supplemental EIS and Record of Decision for the North Lochsa Face project were released in November 2002.

In addition, the Final EIS and Record of Decision EIS for the Middle-Black Ecosystem Management Project were released in January 2003.

The Forest continues to make progress in completing Ecosystem Analysis at the Watershed Scale (EAWS). The EAWS for the Upper Lolo EAWS and the Brushy Fork EAWS were completed in 2003.

FOREST PLAN REVISION

Forest plan revision continues with the formation of a Nez Perce/Clearwater National Forests zone revision team located in Kamiah, Idaho. A preliminary draft of the Analysis of Management Situation, which describes the current situation and what needs to change, was completed. Work continued on preparation of data sets to be used in analysis of alternatives.

FOREST PLAN AMENDMENTS

The only Forest Plan amendments implemented during FY03 were the following:

Amendment No. 20: Amends Appendix D to change the maximum acres burned from "wildfire" to "un-scheduled" for certain management areas that have a primary resource emphasis other than timber, Lochsa District, North Lochsa Face EIS

Amendment No. 26: Amends Appendix K to change the water quality objective for the following nine streams: Bar Creek, Cub Creek, Deep Creek, Game Creek, Grasshopper Creek, Ice Creek, Pack Creek, Station Creek and Sun Creek; in addition, the channel types are changed for the following streams: Flat Creek, Squaw Creek, Fisher Creek, Trail Creek and Rock Creek, North Fork District, Middle-Black FEIS

Amendment No. 29: Amends Appendix K to change the water quality objective for Big Sand Creek, Palouse District, Big Sand Restoration Project EA

SECTION 5- PLANNED ACTIONS

INTRODUCTION

This section identifies actions slated for 2003 and beyond, in the following order.

- (1) Discussion of Clearwater National Forest Ecosystem Management Documents
- (2) Steps in the Revision of the Forest Plan
- (3) Amendments that may be Proposed to the Current Forest Plan
- (4) Discussion of Projected Budget (Appendix C in the Forest Plan)
- (5) List of Other Activities Planned in FY03

- 1) **Ecosystem Management Documents:** CLEARWATER NATIONAL FOREST ECOSYSTEM MANAGEMENT DOCUMENTS - Procedures for updating the Forest vegetation and land system inventory databases are established and in use. Procedures for conducting broad-scale ecosystem analysis are better understood and being used to guide the Forest's ecosystem analysis projects.

Assessments for the Clearwater, the Lower and Upper North Fork Clearwater, and Palouse River sub-basins have been completed. The sub-basin assessment of the Lochsa River will be completed after other higher priority watershed analysis and NEPA projects are completed.

- 2) **Steps in the Revision of the Forest Plan for the Clearwater National Forest:** Preparation for the release of the Forest Plan Revision Proposed Action in fiscal year 2004 is the primary task for the revision team. Public involvement concerning revision has started with informal contacts to groups and individuals. Formal public involvement will begin as part of the scoping process after release of the Proposed Action. Identification of forest plan revision issues will be completed after public input has been analyzed. A draft Environmental Impact Statement and Draft Revised Forest Plan is scheduled for release for public review and comment in 2005.
- 3) **Amendments That May be Proposed to the Current Forest Plan:** Following are some of the proposed Forest Plan amendments that may be expected in FY04.
 - **Other Amendments** ♦ Throughout 2004, several other project-specific amendments are expected to be identified as analysis continues or is initiated on other projects.
- 4) **Projected Budget (Appendix C of Forest Plan)** ♦ As implementation of the Forest Plan continues, actual dollars versus projected dollars are continually adjusted. Instead of amending the Forest Plan, Table 2 under "**ECONOMICS**" displays this information annually.

5) Other Planned Activities

EFFECTS	<ul style="list-style-type: none"> ◆ A final environmental impact statement and Record of Decision for the Lynx Forest Plan amendment is expected to be issued in early 2003 with the projected time for a decision being late 2004. ◆ Interpretive displays at the Lolo Pass Visitor Center are to be completed in 2004.
FISHERIES	<ul style="list-style-type: none"> ◆ Monitoring in the Lochsa River watershed area is scheduled to continue in 2004-2005. ◆ PACFISH and INFISH reviews were rescheduled for 2004. ◆ Habitat monitoring in the Orofino Creek drainage was rescheduled for 2005. ◆ Population monitoring is planned for the lower Lochsa River area during 2004-2005. ◆ The culvert on Toboggan Creek will be replaced with a bridge in 2004. ◆ Multiple surveys on these streams and other potential bull trout streams in the North Fork Clearwater drainage are scheduled for survey in 2004 in conjunction with IDF&G.
LANDS	<ul style="list-style-type: none"> ◆ The Pits Land Exchange is scheduled for completion as a legislated land exchange in FY04. ◆ Acquisition of sections of Lewis and Clark Trail easements across Plum Creek lands will continue in 2004 and, if money is appropriated, be completed in 2005.
RECREATION	<ul style="list-style-type: none"> ◆ Recreational use surveys begun in FY01 will continue thru FY03 with the results being available in FY04. ◆ Construction of the Deception/Cedars OHV trail began in FY02, continued in FY03 with completion scheduled for FY04. ◆ Snowmobile activity in the Selway-Bitterroot Wilderness area will be monitored from the air in FY04.
RIPARIAN AREAS	<ul style="list-style-type: none"> ◆ Road obliteration to eliminate unneeded roads in the Deception Gulch area is planned to continue in FY04. ◆ Beginning in 2002 and continuing through 2003, an estimated 50 miles of road will be decommissioned in the Badger Creek watershed. Monitoring will continue each year through 2007.
ROAD DECOMMISSIONING	<ul style="list-style-type: none"> ◆ The results of effectiveness monitoring for use of brush blankets is planned for FY04.

SECTION 6 - LIST OF CONTRIBUTORS & CONSULTANTS

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SECTION 7 - FOREST SUPERVISOR APPROVAL

APPROVAL

I have reviewed this annual Forest Plan Monitoring and Evaluation Report for FY03. This report meets the intent of the Forest Plan (Chapter IV) and 36 CFR 219. I have also considered the recommendations of my staff on proposed changes to the Forest Plan. Amendments needed to keep the Forest Plan current will be implemented only after appropriate participation and analysis.

This report is approved.

/s/ John Keerseemaker

9/8/04

for

LARRY J. DAWSON

Date