

Appendix H

Issue Resolution

The Council on Environmental Quality (CEQ) defines scoping as "...an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action" (40 CFR 1501.7). Among other things, the scoping process is used to invite public participation, to help identify public issues, and to obtain public comment at various stages of the EIS process. Scoping started early in the process. Scoping set the stage for the level of public, agency and tribal involvement, the level and scope of analysis, and the significant issues used to develop alternatives. In addition, scoping is used to identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review.

This document summarizes the issues identified through scoping, comments and appeals on the Draft and Final EIS and the resolution of those issues. The Interdisciplinary Team (ID Team) evaluated each of these issues and concerns to determine how they should be considered. The issues have been updated from the Final EIS, reorganized and additional responses provided. The purpose is to clarify how the issues were considered in the analysis process. The issues were grouped into the following categories:

- ~~Issue~~ Issues used to develop alternatives (40 CFR 1501.7(a)(2))
- ~~Issue~~ Issues used to develop design criteria and/or mitigation (40 CFR 1501.7(a)(2))
- ~~Issue~~ Issues used to identify the level and scope of analysis (40 CFR 1501.7(a)(2))
- ~~Issue~~ Concerns that are covered by prior environmental review (40 CFR 1501.7(a)(3))
- ~~Issue~~ Concerns where the effects are non-significant (40 CFR 1501.7(a)(3))
- ~~Issue~~ Concerns that are already considered in the design of the proposed action (40 CFR 1501.7(a)(3))

Issues Used To Develop Alternatives

Issues were identified where there was an unresolved conflict concerning alternative uses of available resources (40 CFR 1501.2(c)). Alternatives were developed based on these issues.

Future Generations : The proposed action recommends vegetative management in the form of timber harvest on 8,065 acres, and prescribed burning on 12,530 acres, for a total of 20,595 acres.

There is an unresolved conflict about the appropriateness of taking management actions. Some people believe that there should not be any active management to restore these ecosystems. They believe that the natural processes should be allowed to continue.

To address this issue the no action alternative considers the effects of no vegetative restoration activities.

Road Construction and Transportation Planning: The proposed action would construct 1.1 miles of system road in the Tick Creek drainage (Face) near Van Camp. Ten temporary roads, located mostly in Pete King, Canyon, and Deadman Creek drainages, and each averaging about 0.5 miles in length would be constructed for yarder access and obliterated after use.

There is an unresolved conflict regarding road construction and the level of road construction. Some people stated, "We favor no new roads", while others stated, "Propose one time entries, treat all areas, build low standard roads, and obliterate."

Alternative 3 was developed to address this issue by not constructing any roads, temporary or permanent. Alternatives 3a, 4, 5, and 6 were developed to only construct temporary roads that would be obliterated after use.

Roadless Areas: The Proposed Action would harvest 2,860 acres of timber; construct 1.1 miles of system road, and one temporary road within the North Lochsa Slope Roadless Area. In addition, 10,980 acres would be prescribed burned.

There is an unresolved conflict regarding allowing any activities within the roadless area, and/or allowing timber harvest within the roadless area. Some people stated, "Stay out of all roadless places!" Others stated "An aggressive program of prescribed burning is far more appropriate in the Fish and Hungry Creek drainages than timber harvesting."

The "no action" alternative and Alternative 4 address those comments opposed to any activity in the roadless areas. Alternative 5 proposes allowing only prescribed burning in the roadless areas.

Prescribed Fire vs. Commercial Timber: The Proposed Action would accomplish 5,485 acres of mixed-severity burns and 7,045 acres of understory burns over a 5-year period. These burns would kill some commercial timber.

There is an unresolved conflict regarding allowing commercial timber to be burned, especially within the portion of the North Lochsa Roadless Area that was included in HR 1570. Some people feel "There should be no irretrievable loss of commercial timber due to prescribed or natural fire until the fate of the wilderness proposal is resolved."

Alternative 4 proposes no vegetative management activities within the North Lochsa Slope Roadless Area, and mixed severity burns under Alternative 3a would be limited to four areas along the Lochsa River breaks (925 acres) that are not feasible for timber harvest and contain little to no commercial timber.

Harvest of Old Growth: The proposed action would commercial thin or salvage 790 acres of old growth. The concern over harvest of old growth and relation to the Clearwater Forest Plan was brought up an appeal on the Vegetation and Aquatic Record of Decision, and also was included in litigation on the Fish Bait project (TWS vs. Bosworth). The District Court of Montana issued a decision on this case July 20, 2000. That decision found the Forest Service reliance on the August 1995 Old Growth Report finding of 10.3% total old growth to determine that the Fish Bait project would not

violate the Clearwater's Forest Plan 10% old growth habitat standard was arbitrary and capricious. Based on this decision, this issue was added to the SEIS and Alternative 6 was developed to respond to the issue.

Alternative 6 proposed no harvest within old growth.

Lochsa Wild and Scenic River Corridor: The proposed action would harvest 236 acres, in three units within the Lochsa Wild and Scenic River Corridor. In addition, the proposed action would initiate mixed severity burns on 130 acres (4 units) and underburn 555 acres (11 units).

There is an unresolved conflict regarding whether or not timber should be harvested within the Wild and Scenic River corridor and what the effects of timber harvest and prescribed burning would be. This issue was added to the SEIS to evaluate the trade-offs.

Alternative 4 would not harvest within the Lochsa Wild and River Corridor and would only underburn 35 acres. Alternative 4a was added to drop the 35 acres of underburning.

Issues Used To Develop Design Criteria And/Or Mitigation

The ID Team evaluated the following issues. The ID Team determined that these issues could be resolved through design criteria that would be applied to all alternatives. These design criteria were determined to be effective in minimizing the effects to these issues (see design criteria table in Chapter 2).

Visual Quality: "Visuals need to be respected!" Other public comments urge us to maintain the wild character of this region.

Visuals and scenic quality were included in the design of the project. Those areas that are highly visible (areas seen from US Highway 12, or within the Lochsa Wild and Scenic River Corridor) are designed to retain significant vegetation (70 percent or more) so that the scenic quality is maintained. The vegetation removal that would be visible from US Highway 12 is designed to be small patch openings of ¼ to ½ acres in size interspersed with leave tree patches and riparian corridors. The scenic quality in other areas would also be maintained just by the nature of vegetation restoration proposed. Most areas would retain 45-50 percent or more of the canopy, riparian areas would remain untouched so that the harvest would appear natural on the landscape.

Lochsa Wild and Scenic River Corridor: "What about proposed treatments in the Wild and Scenic River corridor?" "We favor no use of the Wild and Scenic River corridor for helicopter landings."

Timber harvest may occur within the Lochsa Wild and Scenic River Corridor when enhancement of key resources are needed and adverse impacts to them are of low magnitude and short duration. The key resources of the river are inferred from the Middle Fork Clearwater Wild River Study, August 1964, as scenery, recreation and fish and wildlife. A River Plan for the Middle Fork Clearwater, including the Selway and Lochsa River was developed to guide management of the Wild and Scenic River Corridor

(River Plan, 1972). The plan, p. 7 outlines general coordinating requirements, “Consider timber for recreation, watershed protection and esthetic values rather than for commercial production.” The River Plan, p. 11, states “Timber cutting will be done only for the following: ...control of fire, insects and disease when such cutting is determined to be the only practical method of control...”. Timber harvest is proposed for the purpose of improving forest health. Group selection timber harvest would decrease the presence of climax species, and increase the seral tree component thereby reducing root rot conditions. Harvest would be centered in root rot pockets or areas of insect and disease activity. Harvest would improve patch resiliency to root rots and insect and disease and reduce potential fire intensities within the patch. In addition, harvest would provide for an interspersed mix of forage and cover and vegetative conditions to enhance big game winter range and visual quality. As noted above Alternative 4 and 4a would not harvest timber within the corridor.

Units 32, 33, and 43 propose regeneration harvest within the Lochsa Wild and Scenic River Corridor. The design criteria for these units include retaining a minimum of 70 percent of the existing tree canopy within the ¼ mile viewshed boundary. Proposed treatments would mimic natural disturbances, with large trees remaining on the site. There would be no roads constructed across the scenic landscape. All of the area within the corridor would be helicopter logged. Visual quality would be protected and the project would ensure long-term maintenance of the desired vegetative conditions.

The timber harvest would occur below the highest use areas for rafting. Rafting starts as early as April and goes on through about mid-July depending on water flow. The general recreation use of the area is from Memorial Day weekend to Labor Day, with most of the use occurring on the weekends. To avoid the activities during the highest use periods, timber harvest would be limited to Monday through Friday, from May 1 through Labor Day. Helicopter activities during these times can be done so that the helicopter avoids flying over the portion of the river that rafters are using.

In addition, the ID Team evaluated the placement of helicopter landing sites within the Wild and Scenic River Corridor. The Deadman site is on a large flat adjacent to the Lochsa River. It is sufficient in size to allow landing with minimal impacts to the surrounding environment. The access road would be improved resulting in a long-term benefit for recreational use in the corridor by providing an additional river access for boaters. This landing will be visible to passersby. The Bimerick site is north of Highway 12 on a short side road. Some clearing would be necessary at the north and west sides of the site to provide sufficient space to yard logs safely. Trees would not be removed between the access road and the highway in order to maintain a visual screen.

The effects of the proposed action and alternatives have also been added to Chapter 3 of the SEIS.

Fish and Hungry Creeks Wild and Scenic River Study Areas: “What about proposed treatments within the study areas?”

Only prescribed burning is proposed within the Fish and Hungery Creeks Study Areas. This burning is consistent with the study areas and would not change the character or the nature of why the areas were determined to be eligible.

Safety: This includes comments about the danger of helicopter operations. "Helicopter logging would increase congestion on Highway 12, making this highway unsafe."

Safe helicopter operations have been conducted on Highway 12 in the Wild and Scenic River Corridor on private land and along other State and federal highways having traffic volumes greater than Highway 12. As part of mitigation for all alternatives involving helicopter operations along the highway, coordination efforts would be required with the State Highway Department of Transportation, and the posting of warning signs and/or flagmen would occur, where necessary.

Economic Feasibility: This relates to the feasibility of treatments in remote, inaccessible areas, plus, the lower value and size of the tree species proposed for harvest. "Include cedar to enhance value of sale. Helicopter flight distance of 1 mile or less enhances feasibility. Large treatment areas are more cost effective for harvest, burning, and planting."

All alternatives were designed to have a positive present net worth. The computer model Timber Sale Planning and Analysis System (TSPAS) and a helicopter feasibility model (HELIPACE) was used to evaluate the economic feasibility of timber harvest and provide a present net worth of all activities proposed under each alternative. The burning of logging slash is funded by collection charged to the associated timber sale. The size and type of burn will determine the collection amount.

Soil Stability: "We favor no timber cutting on unstable or erosive landtypes."

This concern was also included in the litigation on the Fish Bait project (Wilderness Society vs. Bosworth). The District Court of Montana ruled that "Because BMPs have not been assessed for their effectiveness against landslide events and because a high risk of landslides is acknowledged in the Fish Bait preferred alternative, the Court finds it is not reasonable for the Defendants to just summarily rely on BMPs to mitigate the environmental impact.

Based on this ruling, the Forest re-evaluated how the project was designed and the effectiveness of BMPs to better maintain soil stability. The project was designed to avoid high landslide hazard areas and minimize erosion potential through site identification, PACFISH buffer implementation, specified canopy retention levels, and further field review prior to project implementation. Modifications may be made in both treatment area boundaries and silvicultural methods based on these field reviews. BMP reviews have been completed in the past and will continue into the future. A review of Forest BMP monitoring shows a success rate above 98% for implementation and effectiveness since 1997 (CNF Monitoring Reports, 1997-2000). Forest Plan Standards and Regional Soil Quality Standards will also be met.

Land should be Managed-- "Treat areas in need. Our public lands should be managed for productivity and sustainability."

For the purpose of improving the area's ecological condition and its social values, the IDT has formulated a range of alternatives that include prescribed burning, timber harvest, stand density management, riparian planting, control of noxious weeds, watershed restoration and rehabilitation, and recreation and access management strategies.

Issues Used To Identify The Level And Scope Of Analysis

The ID Team evaluated these issues and determined that they should help focus the level and scope of the analysis in the EIS.

Community Stability: "The impact on local communities, their economics, customs, traditions and cultures should be the first consideration of any action."

From the beginning this project has been designed to consider social and economic concerns. A social assessment was completed for the landscape assessment (Project File, Doc 807). This analysis described the wants, needs and desires of the communities and people who use this area. The project was designed to sustain the health, diversity and productivity of the land to meet the needs of present and future generations.

Because of the economic and social concerns, the EIS includes an analysis of effects on communities, tribes and tribal interests, economics, recreation and other social factors.

Water Quality: "The Forest Service must carefully consider the cumulative effects of its proposed management activities on the water quality and fishery resources of the North Lochsa Face area." Another comment was "Can we enhance elk forage without doing damage to watersheds and other resources?"

The Supplemental EIS considers the cumulative effects of all past, present and reasonably foreseeable actions on water quality and aquatic resources.

Air Quality: There has been much concern over the smoke generated during prescribed burning.

Since the effects to air quality has been identified as a concern, and because of the amount of prescribed burning proposed, the Supplemental EIS includes a detailed analysis of the effects of all alternatives, including no action.

In complying with the Clean Air Act, the Forest Service follows the Northern Smoke Management Memorandum agreement that regulates the smoke produced by prescribed burning and requires all operations to adhere to strict smoke management guidelines during the fall burning period. In addition to regulatory restrictions, the Lochsa District restricts burning activities when local air dispersion conditions warrant. Use of prescribed burning for fuel reductions will limit the duration and amount of smoke produced from future wildfires.

Wildlife Habitat (General): "Those species that have been "losers" should be given extra consideration and helped through the project."

The Supplemental EIS considers the effects to all of the threatened, endangered and proposed species, management indicator species and sensitive species. The project was developed to ensure that all habitat components are maintained at a level to ensure species needs.

Endangered Species (General): "We are concerned about potential impacts on the gray wolf, the grizzly bear, the bull trout, and the wild steelhead, which is likely to be listed as endangered in the next year."

As required by the Endangered Species Act, we looked at the specific habitat needs for these and other threatened, endangered, proposed, and sensitive species. We also consulted with other regulatory agencies, as required by law. Our Biological Evaluation and Biological Assessment (BE/BA) are located in *Appendix J*.

Natural Processes: "What affect does our management activity have on forest ecosystem renewal processes in comparison to natural renewal processes? The area is suffering from the effects of fire suppression. Gradually removing fire suppression will allow the area to recover. I don't think the Forest Service should work to avoid catastrophic changes."

The effects analysis evaluates the effects of no action and the action alternatives on vegetation, fire risk, wildlife components, water resources as well as social components. The intent is to evaluate the effects on the forest renewal processes in comparison with natural processes.

In addition, we considered the status of ecosystem components and the natural processes at work. We identified areas where the existing condition is outside the expected range of variability because of fire suppression and management activities. We have identified natural fire regimes and the size of natural disturbances (patches) that our proposed activities will mimic. The proposed prescribed fire program to be developed along with a Forest Plan amendment regulating maximum wildfire acreage should gradually allow natural fire regimes to dominate the area.

Concerns That Are Covered By Prior Environmental Review

The ID Team evaluated these concerns and determined that they have been covered by prior environmental review. In addition, the team considered these concerns in the design of the proposed action to ensure the proposed action would not foreclose future options.

Wild and Scenic Rivers Suitability/Eligibility: "Complete the Wild and Scenic suitability studies for Fish and then Hungry Creeks in this process... and designate them as National Wildland Scenic River areas."

Rivers eligibility was addressed in the Forest Plan, and portions of Fish Creek and Hungry Creek were identified as eligible candidates to the Rivers System. Suitability studies were initiated in 1993 and will be continued as funding becomes available. All of the alternatives being considered are designed to protect the outstanding resource values that are used to evaluate wild and scenic rivers.

Wilderness Designation: "Designate North Lochsa Slope wilderness, of 121,000 acres."

The North Lochsa Face Roadless area was evaluated for wilderness designation during development of the Clearwater Forest Plan. Wilderness recommendation was considered for the entire roadless area but that alternative was not selected. The Forest Plan Lawsuit Settlement Agreement states the Forest will not construct roads or implement timber harvest in the portion of North Lochsa Face roadless area in Fish and Hungry Creeks. These areas were proposed for wilderness in H.R. 1570. That bill did not pass. None of the alternatives propose timber harvest or road construction within this area.

Although this project does not reconsider the area for wilderness designation, the activities have been designed to not foreclose that option in the future. In addition, Alternative 4 was developed to avoid any activities in the roadless area. Alternative 5 proposes only prescribed burning within the roadless area boundaries.

Visual quality objectives (VQO): "Too much of the area has "maximum modification" VQOs. Reduce that."

Approximately half of the North Lochsa Face analysis area was designated by the Forest Plan to have the VQO of maximum modification. Of the remainder, 54,000 acres are designated as retention, 2,500 acres as partial retention, and 4,500 acres as modification. These Forest Plan standards are considered thresholds for visual quality, meaning that projects may not go beyond these thresholds. However, projects can be designed to have visual quality that is better than the Forest Plan threshold. This means that although a portion of the Forest Plan states that maximum modification is allowed, a project can be designed to meet partial retention objectives instead.

Forest Plan Standards and Guidelines (General): "Discard the minimal standards for the neglected resources (fish, wildlife, water quality and forest fragmentation) and replace them with optimal standards."

Forest Plan standards were developed through an EIS on the Clearwater Forest Plan. Therefore they have been considered by prior evaluations. In addition, the Plan has been amended by PACFISH and INFS to provide additional protection and consideration to water quality and fisheries needs. These amendments were determined to provide appropriate protection to fisheries.

In addition, we considered the best scientific information available for the design of the project and evaluation of environmental effects. We also evaluated each alternative to ensure it meets the regulatory requirements under the Endangered Species Act, Clean Water Act, etc.

Concerns Where The Effects Are Non-Significant

The ID Team evaluated these concerns and determined that the effects were non-significant or that the concerns were not relevant to this project.

Heritage Resources: This includes comments about the Lolo Trail System. "The secluded camps of Lewis and Clark need to remain secluded... opposed to hauling logs on the Lolo Motorway (Road 500)."

There are no proposals to haul logs on the Lolo Motorway with this project or at this time. We will be following direction in the memorandum of understanding with the State Historic Protection Office and will follow standard avoidance procedures. The initial heritage resource survey and report provides information relating to the affected environment and the consequences of the proposed alternatives. Considering the known and potential cultural properties in the area, no foreseeable direct or cumulative effects are anticipated, nor are mitigation measures deemed necessary. All alternatives are consistent with Forest Plan direction for cultural resources.

Lochsa Research Natural Area (RNA): "We favor no timber cutting within the RNA."

We are not proposing timber harvest within the RNA. Prescribed burning is proposed within the RNA, since the intent behind the establishment of the RNA is to allow natural processes to shape this area. Prescribed burning is allowed under the management plan for this area.

Legal Requirements: "We will consider any thinning activities in the Fish and Hungry Creek drainages as a violation of the Clearwater Forest Plan lawsuit settlement agreement."

The lawsuit settlement agreement only applies to timber harvest and road construction projects. (Project File, Doc. 732). No timber harvest is proposed within the settlement area. There is one precommercial thinning unit that is located near Mex Mountain, within the Fish Creek drainage. This young stand was established after a shelterwood harvest in the 1970s. While precommercial thinning is often used to improve forests for future commercial harvest, for this project, the purpose is to improve long-term health of the forest, and to make it less vulnerable to balsam wooly adelgid damage in the subalpine fir. This activity is consistent with the settlement agreement.

Reforestation: "Many south-facing slopes are nonstocked. That may mean regeneration in other areas may be difficult."

South-facing slopes that are non-stocked had multiple catastrophic wildfires that removed the seed source and changed the physical structure of the soil. Such sites are acknowledged as landtypes with regeneration limitations. Regeneration within five years has a success rate of over 90 percent on all of our managed sites (Clearwater Forest Plan Monitoring Reports, 1999, 2000), including south-facing slopes. Harvest would occur on similar sites as evaluated in these reports.

Comments That Are Already Part Of The Design Of The Proposed Action

The ID team evaluated these concerns and determined that they were already incorporated into the design of the proposed action and that further design features, mitigation or alternatives were not necessary.

Biodiversity: This also includes the comments related to landscape management, ecosystem management, and forest health. "Biodiversity should be the primary goal... The whole Lochsa drainage should ideally be considered... concerned that the Forest Service is going to use forest health as an excuse for clearcuts."

The project is designed to manage the forest to achieve the desired vegetative conditions by landtype association. The desired conditions are based on the types of structures, functions, and processes are associated with each landtype. Biodiversity is maintained by maintaining the components of each landtype association. As noted in the existing condition, because of fire suppression over the last 60 years, landscape conditions are more uniform than would be expected under historic conditions. Taking action now would increase diversity and improve the structure, function and composition of the ecosystem.

Monitoring: "A monitoring plan which incorporates existing in-stream conditions and monitors impacts to water quality and fish habitat in affected watersheds will be a requirement for this project."

The Forest currently monitors water temperature, sediment discharge, and fish populations and will continue to do so during this project and beyond. Best Management Practices audits will measure the application and effectiveness of mitigation measures.

Clearcutting: "Much land in the surrounding region is dedicated to old clearcuts, and this is a frightening thing for us."

The project was designed to utilize clearcutting only where it was the only option available. Only the off-site trees outside of the default PACFISH riparian buffers within the Bimerick Creek drainage are proposed for removal using this method of harvest. These trees are now prematurely falling victim to root rots, blights, needle casts, and insect infestations. To prevent these trees from contaminating the local gene pool, which could affect the species ability to adapt and thrive, complete removal of these trees and the replanting of adapted stock are necessary.

Proposed regeneration harvests are designed to mimic mixed severity and lethal fire events, resulting in natural appearing areas having a mosaic of large trees and shrubs retained within them. Depending on topography, soils, and vegetation, varying amounts of trees would be removed with each regeneration harvest. Up to 50 percent of the trees would be removed on the steep breaklands; about 65 percent on the colluvial midslopes; and an average of 75 percent on the gentle, rolling, old surfaces. Further detail of this and other proposed harvest treatments is included in the sample stand diagnoses located in Appendix G.

Fish Habitat: "Any activities proposed in Pete King, Canyon, or Deadman should focus on restoration of fish/water quality elements. The focus in Fish Creek should be on preservation of existing fish/water quality."

We agree. That is why part of the purpose of this project is watershed restoration and rehabilitation. We have proposed 60 miles of road obliteration on those roads that are high risk of landslide and debris torrents; are close to fish bearing streams and are chronic sediment sources. Most of the obliteration would occur in Pete King and Canyon Creek. In addition, we have proposed an additional 59 miles of placing roads into long-term storage. These roads are not needed in the near future. The roads would be closed to motorized traffic and would be placed in a condition to ensure they are self maintaining. Also we have proposed removal of sediment traps in Pete King Creek, and riparian planting in Pete King and Fish Creeks. These activities will not only maintain conditions, but also improve conditions.

In addition, the vegetation treatments are designed to reduce the risk of severe fires, similar to the fires that burned in the early 1900s. These fires burned very hot and in some cases the riparian areas were completely denuded, resulting in debris torrents. Although we cannot stop fires from occurring, we can have an effect on the severity of the fires by reducing fuel loads, changing species composition to species that are adapted to fire, and reducing stocking levels so that the competition for water is reduced.

Other

Tribal Treaty Rights: The 1855 Treaty with the Nez Perce Tribe states that they have "the right of taking fish at all usual and accustomed places in common with citizens of the Territory; and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land." Lands applicable to these rights include the Clearwater National Forest.

This issue is connected to the other fish and wildlife issues described in this appendix. Mitigation measures and project design features aimed at minimizing impacts to fish, wildlife, and plants should have the same impact on tribal treaty rights. The right to pasture their horses and cattle is not at issue, since there are few lands suitable for this use in the analysis area.