

## Appendix K

### North Lochsa Face Ecosystem Management Project Summary of Compliance with Laws and Regulations

#### Vegetation

**Forest Plan Consistency:** All proposed treatments in all action alternatives are consistent with the Forest Plan Standards for vegetative management. The action alternatives would result in maintaining a diversity of vegetation and habitat conditions across the forest to meet the needs of a variety of wildlife species, and to provide a sustained yield of timber.

**Old Forest:** All planned NLF actions are intended to maintain or restore larger patches of older forest, including old growth forest structure, function and processes. Management actions that recognize, accommodate or promote natural processes and disturbance regimes are expected to eventually provide for the continued occupation of this landscape within the historic range of variation for old forest. Planned management actions exceed the Clearwater Forest Plan standard for coniferous old growth forest in non-wilderness areas.

**Sensitive Plant Species:** All alternatives are consistent with Forest Plan direction and manual direction regarding sensitive species management. Although habitat for some species may be reduced in the short term, adequate habitat would be retained to provide for those species needs. In addition, long-term habitat conditions would improve as younger patches age, and the risk of intense, lethal fires are reduced.

**Noxious Weeds:** All alternatives are consistent with the Forest Plan since the plan does not provide specific direction for noxious weeds.

**National Forest Management Act:** The National Forest Management Act and implementing regulations (1982) require specific findings be made when implementing the Forest Plan. Those findings include the following:

- a. **Suitability for timber production:** Harvest units proposed on suitable lands have been reviewed and determine that they are located on suitable lands and are capable of being regenerated in five years of timber harvest.
- b. **Clearcutting and even-aged management:** The Clearwater Forest Plan favors the use of even-aged silvicultural systems within the suitable management areas proposed harvest. The ID team and silviculturist have determined that prescribing even-aged systems for the specified units is appropriate. In order to meet the purpose and need of the project, some proposed units are prescribed as clearcuts with reserve trees. The off site ponderosa pine would be clearcut and reforested to species adapted to site conditions. This is the optimum method of treatment for this site due to the existing deteriorating conditions of the off site ponderosa pine.

- Removal of the pine would improve vegetative diversity and forest health conditions.
- c. **Vegetative manipulation:** The National Forest Management Act provides that timber harvest and other silvicultural practices shall be used to prevent damaging population increases of forest pest organisms and treatments shall not make stands susceptible to pest-caused damage levels inconsistent with management objectives. Harvest of trees provides social and economic benefits, reduces potential losses attributed to insects and disease, and manipulates forest vegetation to enhance wildlife habitat and increase vegetation resiliency. The silvicultural prescriptions are designed to meet Forest Plan goals and objectives for forest productivity and wildlife habitat improvement, while achieving ecosystem objectives.
  - d. **Regeneration potential:** The National Forest Management Act specifies, “timber would be harvested from National Forest system lands only where there is assurance that such lands can be adequately stocked within five years after final harvest (16 USC 1604). Determination of adequate stocking is based on reforestation surveys conducted within a five-year period following harvest or site preparation. Results of these surveys are compared with the desired and minimum levels identified in a site-specific silvicultural prescription. Survey records on the Clearwater National Forest have been reviewed to determine the probability of reforestation success. Monitoring results show that areas regenerated are adequately reforested in five years 96 percent of the time (Clearwater Forest Plan Monitoring Reports, 1999, 2000). Harvest would occur on similar sites as evaluated in these reports. Based on this information reforestation on suitable lands would be accomplished in accordance with the National Forest Management Act.
  - e. **Size of openings:** The National Forest Management Act 36 CFR 219.27(d)(2)(i) states “Cut openings larger than those specified (40-acres in this case) may be permitted where larger units will produce a more desirable combination of net public benefit”. Prior to fire suppression efforts, the natural fire events that influenced the North Lochsa Face ecosystem ranged from spot fires less than one acre in size to large stand replacement fires 1000+ acres in size. The ID team considered the effects of past management and concluded that in many cases smaller openings have had detrimental effects, including: 1) fragmentation of large patches of mature or late mature forest; 2) creating openings that did not meet scenic quality objectives, because they did not match form, texture, or scale of natural disturbances; and 3) the small scale treatments did not allow the effective return of fire to the landscape or effectively lessen the risk of wildfire. Proposed treatment units were designed to fit desired patch sizes and to maintain manageable boundaries for burning and logging systems. A range of possible opening sizes is included in each alternative description, with the high range representing a worst-case scenario. As per Forest Plan direction and the Northern Regional Guide, Forest Supervisor approval was obtained on all proposed openings between 40 and 60 acres, and Regional Forester approval was obtained on proposed openings over 60 acres.

**Northern Region Forest Service Manual:** All action alternatives are consistent with the Northern Region Forest Service Manual regarding noxious weeds (FSM Chapter 2080 as amended 2001). The alternatives implement practices that reduce the risk of spreading or introducing noxious weeds.

**Clearwater River Basin Coordinating Committee:** All action alternatives are consistent with the agreements of the Clearwater River Basin Coordinating Committee agreements. The alternatives initiate preventive measures for reducing the threat of invasion by new non-native plant species.

## **Wildlife**

### **Forest Plan Consistency**

**Elk Summer Range:** All action alternatives are consistent with the Clearwater Forest Plan. 100 percent habitat potential is maintained in MA C6 even though habitat effectiveness is below 100 percent. Elk security area in the interiors of the Alder, Ceanothus Creek, Gass Creek and Obia Creek EAAs is essentially unaffected by motorized activity on roads at their margins. These EAAs provide excellent cover and security from human disturbance to permit elk use at the “...maximum potential for the site”.

**Elk Winter Range:** All alternatives, except alternative 1 and to some degree Alternative 4/4a are consistent with the Forest Plan. Alternative 2, 3, 3a, 5, and 6 improve forage conditions, at least in the short-term. Periodic disturbances in the future are needed to maintain forage conditions. Alternative 1 and 4/4a would not improve forage conditions that are on a declining trend. This is inconsistent with the Forest Plan goals and objectives for winter range.

**Moose:** All alternatives are consistent with Forest Plan direction for moose.

**Pileated Woodpecker:** All alternatives meet the Forest Plan standards for pileated woodpecker habitat for within all OGAUs except Willow Creek (#503). None of the alternatives affect pileated woodpecker habitat in Willow Creek due to a lack of habitat there. Though planned disturbances would convert potential pileated woodpecker nesting and foraging habitats to openings, habitat quality would continue to meet or exceed CFP standards. Advancing forest succession promoting larger patches of older forest would continue to restore potential breeding habitats in forestlands burned extensively in the early 1900's. Suitable nesting habitat in the NLF would be retained under all alternatives to support an estimated 40 to 45 breeding pairs of pileated woodpecker.

**Gray Wolf, Grizzly Bear, and Bald Eagle:** All alternatives are consistent with the Clearwater Forest Plan because they provide adequate habitat conditions to contribute to the recovery of the gray wolf, grizzly bear, and bald eagle.

**Lynx:** All alternatives comply with the Lynx Conservation Strategy Agreement by: 1) Maintaining at least 85 percent of lynx habitat in suitable conditions; 2) Retaining at least 10 percent of each LAU in denning habitat generally larger than 5 acres in area; 3)

Maintaining or enhancing snowshoe hare habitat and red squirrel habitat, in proximity to denning habitat (consistent with historic landscape patterns, forest succession and disturbance regimes); and 4) Maintaining habitat connectivity within and between LAUs, both within the NLF and adjoining the NLF to the north and east.

**Endangered Species Act:** All alternatives comply with the Endangered Species Act by proposing activities that do not contribute to the listing of additional species. Habitat for currently listed species is being maintained at adequate levels (*see Forest Plan Consistency above*).

### **Water Quality/ Aquatic Species**

**Clearwater National Forest Plan:** All action alternatives are consistent with the Clearwater Forest Plan. The project is designed to ensure that there are limited effects, in duration and magnitude, in the short term and neutral or beneficial effects in the long term to the aquatic ecosystem. This is accomplished by

- a. Ensuring there are “no measurable increases” in sediment from vegetative and road construction activities in those watersheds that do not meet Forest Plan standards;
- b. Incorporating design criteria (Chapter 2) and monitoring, such as required for the mixed severity burns, to ensure that the actions meet resource objectives.
- c. Locating road construction in areas of very low risk of landslides
- d. Not harvesting in riparian areas thereby retaining streamside shade and woody debris
- e. Increasing vegetative resiliency to decrease the likelihood of stand replacing fires that could further retard improvement in the watersheds
- f. Taking a conservative approach in the use of WATBAL.
- g. Further accelerating watershed recovery by taking care of the whole ecosystem, including the vegetative conditions, and removing chronic sediment sources, planting riparian areas currently lacking large trees, and removing sediment traps.

**Forest Plan Stipulation Agreement:** Litigation on the Clearwater Forest Plan resulted in a Stipulation Agreement (Project File, Doc 732) that discusses what type of activities the Forest could proceed with and under what conditions. The Agreement states “The Forest Service agrees to proceed only with those projects that would result in no measurable increase in sediment production in drainages currently not meeting Forest Plan standards.” (Only those watersheds that do not meet sediment and/or cobble embeddedness, which is a measurement of sediment, would trigger this portion of the Stipulation Agreement). Each alternative was evaluated at the subwatershed level and all are consistent with the applicable criteria.

**PACFISH:** On February 25, 1995, the Forest Service and Bureau of Land Management issued a decision for managing anadromous fish-producing watersheds on federal lands

(USDA Forest Service, 1995). This decision amended the Clearwater Forest Plan. The direction provided in PACFISH:

- ☞ Identifies and defines habitat conservation areas (RHCA's)
- ☞ Establishes riparian management goals and objectives (RMO's)
- ☞ Establishes standards and guidelines to meet the RMO's.

The default standards in PACFISH, including streamside buffers have been applied to this project.

**Clean Water Act:** All action alternatives comply with the Clean Water Act by maintaining the beneficial uses for the Lochsa River and other North Lochsa Face tributaries. All alternatives will maintain current temperature and sediment levels in the short term through PACFISH buffer retention. Improvements will occur over the long term as a result of riparian planting, sediment trap removal, and road obliteration activities.

**Endangered Species Act:** All alternatives comply with the Endangered Species Act by proposing activities that do not contribute to the listing of additional aquatic species. Habitat for currently listed species is being maintained or enhanced through restoration activities and catastrophic wildfire risk reduction.

**Best Management Practices:** Best Management Practices will be followed for all action alternatives as stipulated by the Idaho Forest Practices Act. The Clearwater National Forest has an excellent record of successful implementation of BMPs. Success has been above 98% for implementation and effectiveness since 1997 (CNF Monitoring Reports, 1997-2000).

### Visuals/ Wild and Scenic River

**Forest Plan for Visual Quality:** All alternatives are consistent with the Clearwater Forest Plan. All alternatives meet the Foreground Visual Quality Objective of retention adjacent to US Highway 12 and the Lolo Motorway, as well as adjacent to the trails. Retaining substantial vegetation and creating a mosaic pattern similar to natural occurrences meets the retention VQO. Timber harvest has been done successfully on private land encumbered by scenic easement by removing a maximum of 30 percent of the canopy cover (leaving a minimum of 70 percent of the canopy cover) and creating openings no larger than ½ acre (see January 8, 2000 Wild and Scenic River Corridor Timber Harvest Memo). This level of harvest protects the visual quality of the corridor by leaving the overall structure of the stand intact. Harvested areas tend to mimic the natural environment. The prescription used on private lands is the same as what is proposed in this action. Activities adjacent to the trails would meet the retention standard by maintaining screening vegetation between the trails and the activities.

**Wild and Scenic Rivers Act and Clearwater Forest Plan Consistency:** The Wild and Scenic Rivers Act requires designated rivers to be administered in such a manner as to protect and enhance the values which caused the river to be included in the Wild and

Scenic Rivers system. Forest Service Policy requires management of eligible rivers so as not to alter their eligibility status. The Clearwater Forest Plan reiterates this direction for both designated and eligible Wild and Scenic Rivers. All action alternatives meet Forest Plan and the River Plan requirements by:

1. Protecting surrounding trees by reducing fire, insect and disease hazards. Timber harvest in the form of small group openings would occur in root rot areas or areas of insect and disease. Harvest would remove climax species and retain seral species that are more resilient to diseases and root rot.
2. Maintaining certain tree species, sizes or vegetative patterns to enhance visual quality. Harvest and prescribed fire would retain seral species adapted to fire disturbance ecosystems. Vegetative patterns created by timber harvest and prescribed fire meet visual quality objectives by retaining substantial tree canopy, structure, and texture.
3. Harvest activities would be restricted to Monday through Friday, (no helicopter activities on the weekends), from May 1 through Labor Day thereby avoiding harvest activities during the high recreational season.
4. Protecting the fisheries within the Lochsa River.

## Research Natural Area

**Lochsa RNA Establishment Report and Forest Plan:** All alternatives are consistent with the Lochsa RNA Establishment Report and the Clearwater Forest Plan. The actions proposed under Alternatives 2, 3, 3a, 5 and 6 have been submitted to the Rocky Mountain Research Station for their approval. The weed treatment proposed under these alternatives would modify the Establishment Report by allowing the use of herbicides within the RNA. The Rocky Mountain Research Station has approved the prescribed burning and weed treatment, and the adjustment to the Establishment Report. (Project File, RNA section)

## Roadless Areas

**Forest Plan Consistency:** All alternatives are consistent with the Clearwater Forest Plan for Roadless areas.

**Forest Plan Stipulation Agreement:** All alternatives are consistent with the Stipulation Agreement. No timber harvest or road construction would occur within the boundaries of roadless area HR 1570.

**Roadless Policy:** Alternative 2 would require the Chiefs approval to construct 1.1 miles of permanent road and 0.25 miles of temporary road.

Alternatives 3 through 6 are consistent with the policy that allows the cutting, sale or removal of generally small diameter timber under certain circumstances. The alternatives remove off site ponderosa pine that will not grow into large trees because they will succumb to mortality before they do so. These trees are generally smaller in size because they are not adapted to the site. The other harvest in the roadless areas would create

openings ¼ to ½ acre in size. Within the openings some large diameter trees that are insect or disease infested would be removed. However, the largest trees would be retained for structure and future cavity habitat. Trees in the understory surrounding these openings would be harvested to remove excess trees on the site. Harvest in these areas is consistent with the policy, because small diameter timber “generally” would be removed, as well as some larger trees. The policy does not forbid harvest of large trees.

The removal of trees falls into exemption 1(b) that allow for timber harvest “to maintain or restore characteristics of ecosystem composition, and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period.”

Timber harvest would maintain and restore ecosystem composition and structure resulting in a decreased risk of uncharacteristic wildfire effects. Timber harvest would improve one or more of the roadless characteristics as described in the roadless policy including improving the diversity of plant and animal communities, improving the prey base for wolves, and retaining natural appearing landscapes (except in Bimerick Creek). Although the landscape would appear altered in the short term in Bimerick Creek, the long-term visual condition would improve and appear more natural than what exists today.

## Heritage Resources

**Clearwater Forest Plan Consistency:** All action alternatives are consistent with the Clearwater Forest Plan because they protect all historic values and are managed in accordance with Federal Law and Forest Service direction.

**National Historic Preservation Act:** Approximately 15 percent of the North Lochsa Face analysis area has been surveyed for historic properties, and consultation with the Idaho SHPO has been completed for those areas. Consultation is ongoing for the remainder of the project areas, pursuant to the terms of a Memorandum of Agreement (MOA) between the Idaho State Historic Preservation Office, National Park Service, Advisory Council on Historic Preservation, and the Clearwater National Forest. The terms of this MOA develop specific management direction to guide management and protection of historic properties within the North Lochsa Face area. Execution of this MOA signifies that the Forest Service has complied with the National Historic Preservation Act.

## Air Quality

**Clean Air Act:** The Clean Air Act requires the EPA to identify air pollutants with adverse effects on public health and welfare, establishing standards for each identified pollutant. Smoke is the primary pollutant of concern for the Clearwater National Forest. The Forest abides by the North Idaho Smoke Management Memorandum of Agreement (MOA) and participates in the North Idaho Airshed Group. This agreement established procedures to regulate the amount of smoke produced by prescribed fire and identifies

airsheds for management purposes. All proposed burning activities would comply with the MOA and the Clean Air Act by igniting fires when conditions are appropriate.

### **Environmental Justice**

**Impacts on Minority and Low-Income Communities:** In regards to Environmental Justice Executive Order 12898, the human health and environmental effects of proposed activities will not disproportionately impact minority and low income populations. The effects of proposed activities on the treaty rights of the Nez Perce Tribe and local communities are discussed in the document.