

## Appendix B: Responses to Comments Received on the Cayuga Draft Environmental Impact Statement

### *List of Commenters:*

Letter Number	Name of Commenter	Agency or Group
1	David Oberstar,	Lake States Lumber Association (LSLA)
2	Linnaia & Arthur Noot	
3	Kelly Jackson, Tribal Historic Preservation Officer	Lac Du Flambeau Band of Lake Superior Indians
4	Will Gilmore, Archaeologist	Lac Courte Oreilles Tribe
5	Harland Mueckler	
6	Alan Rheinschmidt	
7	David Bartz	
8	Stan Hopfensperger	
9	Terry Moore, President	Lake States Resource Alliance, Inc.
10	Henry Bruse	Wisconsin Audubon Council
11	Joe Shaddock	
12	Jim Schlender, Executive Administrator	Great Lakes Indian Fish and Wildlife Commission (GLIFWC)
13	Laine Stowell, Elk Biologist	Wisconsin Dept. of Natural Resources (WDNR)
14	Billy Stern	
15	Gene Francisco, Administrator	Wisconsin Dept. of Natural Resources, Division of Forestry
16	Michael Chezik, Regional Environmental Officer	United States Dept. of Interior, Office of Environmental Policy and Compliance
17	Jim Dahl	
18	Jane Severt, Administrator	Ashland County Forestry Department
19	Richard Hogue	Superior Wilderness Action Network (SWAN)
20	Kenneth Westlake, Chief, Environmental Planning	United States Environmental Protection Agency (EPA), Region V
21	Gary Zimmer, Regional Wildlife Biologist	Ruffed Grouse Society
22	David Zaber, Ecologist and Vice President	John Muir Chapter Sierra Club and Habitat Education Center (HEC)
23	Brian Bisonette, Tribal Historic Preservation Officer	Lac Courte Oreilles Tribe

# *Cayuga DEIS Responses to*

## *CommentLetterID CommentNumberID Comment*

- |   |   |
|---|---|
| 1 | 1 "LSLA believes that alternative 3 presents the best option of the alternatives analyzed in the DEIS."   |
| 1 | 2 "Additional alternatives which harvest more of the hardwood sawtimber and remove more of the over mature trees should be developed and analyzed. LSLA requested in prior comments that the Forest Service consider harvesting more over mature aspen and thinning more hardwood sawtimber. By selecting the preferred alternative, the Forest Service ignored LSLA's request. NEPA requires that the government vigorously explore and objectively evaluate all reasonable alternatives. 40 CFR 1502.14. With respect to each of the alternatives, the government must provide substantial analysis in sufficient detail to allow reviewers to evaluate their comparative merits. Id. Although it is difficult to specifically define the number of alternatives which must be examined, NEPA requires that all agencies will, to the fullest extent possible, "study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. 4332(2)(B). Alternatives that identify more acres to harvest should be identified." |

## *Response*

Comment noted.

Alternative 3, which proposes to harvest a higher level of hardwood sawtimber and over mature trees, than in Alternative 2, was developed in response to this issue. The Cayuga Project Area DEIS (CPA DEIS), p. 24, Table 2.5a displayed a Summary Comparison of Activities proposed for all Alternatives. Under the heading Proposed Activities "Clearcut mature aspen to maintain aspen component (acres)", Alternative 3 proposed clearcutting almost twice the acres than proposed in Alternative 2. Also, there are approximately 286 acres more of hardwood selection cuts, thinnings and improvement cuts in Alternative 3 than those proposed in Alternative 2. DEIS p. 31, Section 3.3.1 explained why 3,064 acres of aspen located in the Forest Plan Revision Iron River Inventoried Wilderness Area was not proposed for management. Alternative 5 (a modification of Alternative 2) was developed for the FEIS that addresses the concern of harvesting more aspen and hardwood sawtimber. Alternative 5 proposes an increase of 273 acres of aspen regeneration cuts over alternative 2 (see Table 4.2.3a of the FEIS). It also emphasizes unevenaged hardwood management over even-aged management by harvesting 621 additional acres of hardwoods through selective and improvement cuts and 609 fewer acres of even-aged hardwood thinnings.

***CommentLetterID CommentNumberID Comment***

1

3 "The Forest Service needs to consider in detail the economic and social benefits to the local and regional areas from the timber sale program. Limited economic data is referenced in the DEIS, and additional data would be beneficial to the analysis. The economic benefits are significant and are illustrated by data in the most recent TSPIRS Report for the CNF."

***Response***

A FEIS was completed for the Chequamegon National Forest Land and Resource Management Plan as required by law, regulation and policy. The Cayuga Project Area (CPA) EIS is tiered to the Forest Plan and FEIS, (CPA DEIS, p. 10), where a Social Economic Analysis was completed for the Forest Timber Sale Program. This importance was also discussed in the CPA DEIS p. 47, in section 3.3.12. The number of jobs created, income generated, and payment to counties by alternative was discussed in the Cayuga DEIS Table 2.5b, p.27; and in Section 4.2.12, pp. 86-87. Economic information from the Project Record was added to Sections 3.3.12 and 4.2.12 to provide additional explanation regarding the social and economic benefits that would occur as a result of the Cayuga Project alternatives.

1

4 "With several hundred jobs created directly by the federal timber program on the CNF and millions of dollars in income generated from those jobs, the importance of the federal timber sale program is obvious." The DEIS estimates that the most jobs will be created by Alt. 3 (396 jobs) and revenue of about \$464,000 will be produced. DEIS, p.86. In many of the rural communities in which the national forest is located, these jobs are an important

Comment noted. The Forest Service recognizes that jobs and products generated from National Forest timber sales are important to local economies. The "Quick Silver" Forestry Investment Analysis program (FEIS Section 4.2.12) was re-run to calculate the data for Alternative 5. As a result, some of the figures for the other action alternatives have changed slightly from those presented in

1

5 "Local government also benefits from the federal timber program. The counties located within the CNF share thousands of dollars in funds annually returned to local governments through the 25% fund and the PILT payments. The total 25% payment is estimated in the DEIS, but the specific payments to local units of government are not calculated. DEIS p.86. These funds help local schools and communities meet their financial needs. The federal money also reduces some of the tax burden on local citizens. If harvest volumes decrease on the CNF, these lost revenues to the small communities become a significant problem for local government."

As disclosed in Table 4.2.12b, p.87, CPA DEIS, the amount of dollars returned to the local governments through the 25% fund is calculated by Alternatives. Section 4.2.12 of the FEIS provides additional information on economics. The Forest Service makes these payments at the state level and any further disbursement of these dollars is made by the state and the county governments.

***CommentLetterID CommentNumberID Comment***

- 1 6 "The economic analysis in the DEIS favors selection of Alternative 3. The comparison of the alternatives shows that Alternative 3 provides about 40% greater revenue to the federal government than any of the other alternatives. DEIS, p.86. Further, Alternative 3 will provide better future returns on the public investment, make the forest more productive and will allow the public to recover its investment more quickly in future years when these managed areas of the forest reach rotation age. In addition, Alternative 3 provides a much greater positive impact to the community from direct and indirect jobs created by timber program activities. LSLA believes that the economic analysis supports its preferred alternative, alternative 3."
- 1 7 "The social impact of the federal timber sale program must also be considered. There is no meaningful discussion of this issue in the DEIS. Logging is a family tradition for many of the loggers in the area. Towns are dependent on logging with many supporting related businesses benefitting from timber sales on the federal forest. A stable supply of timber from these federal forests is critical to maintaining these loggers and their support businesses. In many of the local communities, logging is the dominant industry and major employer. Forest Products industries are the major employer in the region surrounding the CNNF. Loss of those industries would be devastating to the communities and families."
- 1 8 "It is critical that the National Forest maintain a timber program that harvests timber at consistent, stable levels over the years. Harvest levels should be equal to the allowable cut in the Forest Plan, which would provide for a long-term, continued harvest at sustainable levels. A stable flow of timber is critical to the businesses that harvest and utilize timber products. For example wide fluctuations in the volume of timber to be harvested in an area may make it difficult for small loggers to maintain their business from year to year. In short, the Forest Service cannot operate a timber sale program without loggers. An even flow of timber off the national forests can go a long way toward stabilizing many of these logging operations."

***Response***

Comment noted. Regulations (36 CFR 219.27b (3)) state that vegetative manipulation shall not be chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors should be considered. Economic factors were disclosed and analyzed in sections 3.3.12 and 4.2.12 of the Cayuga DEIS and

As stated in the response to letter 1, comment 3, a Social Economic Analysis was completed for the Forest Timber Sale Program through the FEIS for the current Chequamegon National Forest Land and Resource Management Plan. The Cayuga Project Area DEIS pages 86-87 describes the "Predicted Effects on Local Economy" based on the cost and benefits of the timber harvest activities. The volumes and revenues generated by the various alternatives represent a portion of the overall timber sale program for the Forest. Further analysis at this broad scale level was conducted and documented in "A report on the Socioeconomic Roundtable Convened by the CNNF, completed in 1995", which is available in the Project Record, References section.

The "End-of-Decade Monitoring Report (1986-1996) for the Chequamegon National Forest shows 99.1% accomplishment of the Plan Projection of the Allowable Sale Quantity (ASQ). From 1997 through 1999 the annual sold volumes were slightly lower than the Plan ASQ. Since 1997 the Chequamegon and Nicolet National Forests reflect an evenflow timber sale sell program of approximately 100 million board feet, (MMBF) annually. See also the response to letter 1, comment 7.

***CommentLetterID CommentNumberID Comment***

- 1 9 "National Forests are suffering from outbreaks of disease, increasing forest mortality and generally declining forest health. More active management of the NF lands, including increasing timber harvesting can reduce these problems and return the forests to healthier conditions."
- 1 10 "In order to manage the Forest, the Forest Service needs to have road access. The road access is also needed to provide for multiple use of the Forest. LSLA members expect access for recreation and fire prevention, and they expect access to reach private lands. The FS must assure that it has sufficient access to manage the forest and deal with wildfire and other catastrophic events. The Forest Service must assure that it has sufficient access to manage the forest and deal with wildfire and other
- 1 11 LSLA members expect their national forests to be managed and protected for future generations. Above all, LSLA members expect their national forests to be healthy, green, full of fish and wildlife.

***Response***

Comment noted. The level of timber harvesting permitted on the National Forest is determined at the Forest level of planning. In general, the Chequamegon-Nicolet National Forest is presently in a healthy condition. The greatest insect pest to date has been the Forest tent caterpillar. Outbreaks tend to occur about every 10 to 12 years and can last 2 to 3 years. Populations have been building in the Great Lakes Region since 1998. In Wisconsin, defoliation had increased to over 5 million acres by 2001. Widespread tree mortality does not commonly occur following outbreaks, although growth and vigor of trees are reduced. Major windstorm events (I.e. tornados, downbursts, straight-line winds, etc.) do occur on the Forest and at least one event per year has been recorded over the last few years. Salvage timber harvesting has occurred as a result of tree mortality resulting from these events, that may lead to healthier forests in the future.

Comment noted. A Road Analysis has been completed at the Forest Level (available at the Great Divide R.D.), as well as for the Cayuga Project Area (Project Record, Cayuga Roads Analysis). One of the objectives of the Cayuga Roads Analysis was to balance the need for access with the need to minimize risks by examining important ecological, social, and economic issues related to roads. The findings in the analysis were used to develop

Comment noted.

*CommentLetterID CommentNumberID Comment*

1

12 "The DEIS discloses certain site specific activities that will be applied to all proposed actions. Some of the restrictions include limiting operations to frozen soil in certain soil types. A large percentage of the harvest sites would require operations in frozen soil conditions. Before implementing such blanket restrictions, the Forest Service must obtain current information from local loggers and determine whether they have upgraded their equipment to the point where they can operate on non-frozen ground without causing any significant soil impacts. In many areas of the Lake States Region, loggers are investing large sums of money into equipment which is designed to operate in more difficult soil conditions. If the loggers are willing to make that investment in equipment, land managers should be willing to see how that equipment can be utilized. If the Forest Service has investigated this issue, it should be disclosed in the environmental documents."

1

13 "Fragmentation is identified as a concern by the wildlife specialist who apparently favors more continuous canopy of interior forest. DEIS, pp.66-67. LSLA does not believe there is any credible scientific evidence of within forest fragmentation. Fragmentation has been scientifically documented as a concern in urban and highly agricultural areas. That concern does not transfer to fragmentation within a forest. Forests that are harvested and regenerated to a forest condition are quite different from fragmentation caused by forest land conversion."

*Response*

The mitigation measures regarding timber harvest operating restrictions on sensitive soils (EIS, Appendix C, p. 8-11) do provide for alternative means of protecting the soil, such as using low ground pressure equipment during July and August (mit. Measure S16) and restricting activities to dry periods (S10). The mitigation list was clarified in the FEIS to include the word "or" between the various choices of mitigations to use for groups of stands. An additional mitigation (S18) was added to the FEIS, which states, "the operating season may be changed by written agreement". We cannot base operating restrictions for soils on assumptions of what equipment operators might have. The Forest Service also recognizes the logging industry's attempts at upgrading equipment that offers low-impact track and rubber tired harvesting equipment to minimize the ground disturbance during harvest operations. The Forest Service through its timber sale contracts also works with the timber sale operators in protecting the soil resource and minimizing the impacts of ground disturbing activities.

The scientific evidence was disclosed in the effects analysis (EIS, Section 4.2.4) and in more detail in the Wildlife Resource Specialists Report (WRSP). Literature references also address this issue. There is contradictory evidence related to the concept of fragmentation within extensively forested areas like northern Wisconsin. This is pointed out in the section of the WRSP that discusses clearcutting and fragmentation (WRSP, pp. 6, 44). Brood parasitism of bird species by cowbirds is not generally thought to be a concern in extensively forested areas, including the Chequamegon-Nicolet. This is pointed out in the DEIS (p. 66) and in the WRSP (p. 7). Nest predation however is considered to be a concern in this area, particularly with ground-nesting birds. Regional and local studies are cited in the WRSP that present evidence of increased nest predation near clearcut edges (Flaspohler et al., 2001; Manolis et al., 2000). Studies are also cited that provide evidence of other edge-related effects within extensively forested areas (Mason, 1992; McRae, 1995; Flaspohler et al., 2001; Manolis et al., 2000). Some information regarding edge and fragmentation in the WRSP was brought into the FEIS in Sections 4.2.4 to aid the reader in understanding the analysis and findings.

***CommentLetterID CommentNumberID Comment***

1

14 "Forests within the Lake States Region have historically been frequently disturbed by large fires. These fires created a mosaic across the landscape of various forest types and age-classes that can be mimicked by timber management. These practices do not cause fragmentation of the forest. This forest is naturally fragmented by swamps, lakes and natural openings. Species have adapted to these conditions on the Lake States Forests throughout

***Response***

The specialist report on Landscape Pattern points out a number of differences between clearcuts and areas affected by natural disturbances such as fire and windthrow (pp. 1, 2). Included in the discussion are differences in structural features such as the number of snags and cavity trees, the density of downed woody material, and the complexity of the edge (distinct edge vs. poorly defined edge). There is also a discussion of differences in landscape-scale features such as randomness of placement, and variation in patch size. As pointed out in the specialist report, clearcuts in general tend to be less random in their placement, less variable in size, and have less complex structure. As a result, clearcuts can have different value for wildlife species, and different effects at a local and landscape scale.

1

15 The DEIS correctly notes that the extensive forest in the Lake States minimizes any concern over potential fragmentation impacts on bird populations. DEIS, p.67. The management practices designed for alternative two focus on the fragmentation issue. The DEIS explains that "as a result of these practices there would be a continuous canopy of interior forest habitat." DEIS, p.63. In fact, the DEIS does not support the need for a continuous canopy or the wildlife specialist's concern over fragmentation. Accordingly, alternative 2 should not be selected by the Forest Service. Alternative 3 better meets the requirements of the Forest Service.

The response to Comment #13 describes the scientific basis for concern over increased levels of fragmentation, offering support for some areas of continuous canopy, interior forest. In addition, the Biological Evaluation (Appendix D) describes the importance of extensive closed-canopy forest to various species, including pine marten, northern goshawk, red-shouldered hawk, and

***CommentLetterID CommentNumberID Comment***

- 1 16 The DEIS explains that a primary reason for not selecting alternative 3 is because it would decrease "habitat for species such as pine marten, pileated woodpecker and brown creeper." DEIS, p.58. The Biological Evaluation explains that because it included the largest amount of clearcutting, alternative 3 would have the greatest impact on the pine marten. DEIS, p.A-33. The clearcutting however occurs in only 1,300 acres out of almost 40,000 in the project area. Further, eight specific aspen stands are identified as possibly impacting the pine marten. Id. The statements concerning the pine marten are confusing. First, the habitat for pine marten is not aspen, it is old red and white pine and white spruce. DEIS, p. A-62. The brown creeper has almost twice as much available habitat as is required to maintain the species. DEIS, p.A-63. The Forest Service should remove habitat concern for these species as a justification against selecting alternative 3.
- 1 17 Habitat concerns for the pileated woodpecker and the brown creeper are misplaced. The pileated woodpecker habitat in the Forest is sufficient to meet the management goals for the species, with the population trends increasing or stable. DEIS, p.A-62. The brown creeper has almost twice as much available habitat as is required to maintain the species. DEIS, p.A-63. The Forest Service should remove habitat concern for these species as a justification against selecting alternative 3.
- 1 18 "The DEIS and biological evaluation implicitly recognize that habitat can be used as a surrogate to determine presence of most species. We agree that this approach to species viability analysis is correct and appropriate in this case, and that specific species viability studies are not needed. If there is no habitat in the study area to support the species, it is unlikely the species resides in the study area. Conducting a viability survey for such species only serves to unnecessarily expand the workload of already overworked Forest Service personnel. The Forest Service in the Cayuga DEIS correctly uses habitat in the analysis."

***Response***

The pine warbler is the species that was discussed in this context in the DEIS, not the pine marten. The commenter suggests that because 1300 acres of clearcutting would occur in Alternative 3, the effects would be limited to those 1300 acres. The response to Comment #13 however cites a number of studies that describe effects of clearcutting that are apparent well beyond the clearcut edge.

The commenter also describes habitat for pine marten as being old red and white pine and white spruce, and references p. A-62 of the DEIS for this description. That reference however is for a description of the pine warbler, a Management Indicator Species. Habitat for the pine marten is described on p. A-33 as being extensive areas of mature forest, with structural features such as cavity trees, woody debris, and tip-up mounds. This same section on the pine marten describes why clearcutting can negatively affect the species and its habitat.

One of the purposes of an EIS is to disclose potential effects on resources, including Management Indicator Species such as the pileated woodpecker and brown creeper. Effects on these species or their habitat are possible even if population levels are currently stable, or if there is currently adequate habitat forest-wide. Potential effects on these species need to be considered by the decision maker along with effects on all other resources when deciding on the selected alternative or combination of

Comment noted.

***CommentLetterID CommentNumberID Comment***

- 1 19 "LSLA believes that active management through timber harvest is the most economical and efficient way to maintain the healthy ecosystem which is the desired future condition for this area of the Chequamegon/Nicolet National Forest." "Please keep me on the mailing list for this
- 2 1 The commenters urge the adoption of Alternative 1. They support the positive impacts described on page 55, paragraphs 2-5.
- 2 2 "Adoption of Alternative 1 would reduce and perhaps eliminate the destructive incursions of 4-wheelers and other motorized vehicles that we have experienced wherever new roads are cut into forests."
- 3 1 "In response to your letter dated November 15, 2002, the Lac du Flambeau Band of Lake Superior Chippewa Indians would like to thank you for your thorough description of this project and the actions you have taken so far to gather data for the NEPA analysis.
- 3 2 "This office is not aware of any effects that the proposed undertaking would have on historic properties eligible for listing on the National Register of Historic Places."
- 4 1 "Was an archaeological survey completed for this project?"

***Response***

- Comment noted.
- Comment noted.
- Under the current Forest Plan, all areas of the Chequamegon side of the National Forest are open to use by 4-wheelers, except where posted closed (e.g. Semi-primitive, non-motorized areas, wilderness, non-motorized trails, specific roads to protect resources, etc.). Under all of the alternatives, new temporary roads would be closed when no longer needed for access to timber sales (DEIS, Sec. 2.3.2,3,and 4 Road Management).
- Comment noted.
- Comment Noted.
- Yes, surveys have been conducted for all areas in all alternatives where activities are proposed. Documentation regarding heritage resources and the heritage resource survey is on file at the District Office in Glidden, the Northern Great Lakes Visitor Center, and at the Division of Historic Preservation, Wisconsin Historical Society, Madison. Heritage Resources were discussed in Section 1.4.4.10, p. 13-14 of the DEIS. Additional information regarding Heritage Resources, that was in the Project Record, was added to Section 1.4.4.9 of the FEIS.

***CommentLetterID CommentNumberID Comment***

- 5 1 He owns 47 acres on GG and 193. There is a short-cut road extending off of FR193 between GG and 195. That portion of road beyond his driveway isn't needed and should be considered for decommissioning.
- 5 2 He noted a mistake on the Cayuga maps regarding land ownership. He acquired the thin strip of land between FR193 and his land as it is identified on the maps. Its shown as Forest Service land on the maps.
- 6 1 "Regarding " item 4.1.1, Maintain Aspen Component and Age Class Distribution. Alternative two would result in a 5 percent decrease of aspen in the 1 to 20 year age class from the existing condition and a 6 percent decrease from the desired future condition in Goal Area 1. In my opinion this is unacceptable for the following reasons: 1. Decreased cover and food for ruffed grouse, woodcock, songbirds and whitetail deer which would result in lower populations of these birds and animals."

***Response***

A roads analysis was completed for the Cayuga project area. Part of that analysis included identifying roads for decommissioning. This road is a Town Road without resource problems, and serves as an ATV and snowmobile trail route, so wasn't considered for decommissioning at this time. The Town also has to agree to decommissioning of Town roads. The Roads Analysis pgs. 8-9, in the project record further explains the rationale used for choosing roads for decommissioning.

Our records verify that the strip of land is his property. The Alternative 5 map in the FEIS was updated to note this change.

The commenter correctly states that Alternative 2 would result in a 5% decrease in aspen in the 1-20 year age class.

The Cayuga interdisciplinary team developed Alternative 3 in part to respond to the concern over aspen age-class diversity (Alternative 3 maintains the current level of aspen in the 1-20 year age class). The following aspects of aspen management and sapling aspen in relation to wildlife populations were discussed in the DEIS and Wildlife specialist report as listed:

- Value of sapling aspen to various wildlife species- DEIS, p. 57; specialist report, pp. 9-11, 14.
- Effect of reductions in sapling aspen- DEIS, p. 59; specialist report, p. 20.
- Cumulative effect of reductions in aspen type- DEIS, p. 59; specialist report, p. 51. In addition, Alternative 5, which is a modification of Alternative 2, was added to the FEIS, in part to address this issue. It includes more aspen stands than Alternative 2, but less than Alternative 3, and less aspen conversions than Alternative 2. Alternative 5 shows only a 2% decrease in the 1-20 year age class for aspen in Goal Area 1 and an increase of 2% in Goal Area 2.

***CommentLetterID CommentNumberID Comment***

- 6 2 ..."2. Lower populations of deer would tend to move the wolf population further south into more populated areas causing increased conflicts with humans."
  
- 6 3 ... "3. As you know, one of the more serious wildlife problems concerns the decrease in the woodcock population. Loosing aspen habitat in the 1 to 20 year age category will lead to further decreases in the woodcock population."
  
- 6 4 "I would suggest that the aspen acreage in the 50 year plus age class be reduced to compensate for an increase in the 1 to 20 age acreage."

***Response***

Potential effects on white-tailed deer, a Management Indicator Species, are discussed in the Wildlife specialist report on pages 11-12, 14, 18, and 20. As stated in these references, the quantity of aspen and other favored habitat is only one of several important factors that can influence deer population levels. It is worth noting that in the past 20 years the deer population in northern Wisconsin has increased overall, at the same time that overall aspen acreage has decreased (information available as part of the project record). The wolf population has also increased substantially during this time period. They have greatly expanded their range in the state, but this is due to increasing population, and not due to a lack of prey in the north.

Comment noted. Potential effects on woodcock from aspen management, including reductions in aspen habitat, were discussed in the DEIS (p. 57, 58), Wildlife specialist report (p. 10, 15), and FEIS Section 4.2.11.

Alternative 3 maintains 29% of the Goal 1 aspen acres in the 1-20 year age class, which very nearly matches the Forest Plan Goal Area 1 prescription emphasis of 30% (Forest Plan p. IV-114). Alternatives 2 and 4, at 24% and 20%, respectively, fall somewhat short of this figure. However, all of the action alternatives come closer to meeting this figure than Alternative 1 (No Action). Half of the existing 1-20 year-old Goal 1 aspen stands are greater than 15 years old, and will grow out of this class within 5 years. See tables and text in section 4.1.1. Alternative 3 regenerates, by clearcutting, as much mature aspen as possible, given resource concerns and objectives. The majority of the mature aspen that is not being regenerated under Alternative 3 lies within the Iron River IPWA, where no timber harvests of any kind are being proposed (DEIS tables 3.3.1a and 3.3.1b). The remaining mature aspen stands that are not being treated under Alternative 3 are primarily due to poor access or wet soils. This is discussed in DEIS, section 4.1.1. Alternative 5 was developed for the FEIS, and includes some of the aspen stands that were proposed in Alternative 3, resulting in approximately 27% of Goal Area 1 in 1-20 year old aspen.

***CommentLetterID CommentNumberID Comment***

- 6 5 The December 6, 2002 issue of "Wisconsin Outdoor News" had an article by Ray Schofield (Foresters looking for Ways to Improve Aspen Management) that indicated aspen "harvests are exceeding growth by as much as 40 percent in Wisconsin".
  
- 6 6 The market for mature aspen would appear to be good at this time and will probably get better in the future.
  
- 6 7 In my opinion, the benefits of increasing the acreage of 1 to 20 year class aspen far outweigh the reduction in acreage in the 50 year plus age class aspen.

***Response***

The commenter refers to an article in Wisconsin Outdoor News by Ray Schofield in which Andrew David of the University of Minnesota is attributed as saying that "(aspen) harvests exceed growth by as much as 40% in Wisconsin." This is an incorrect figure.

For the entire State of Wisconsin, including all private and public land, the most recent inventory data indicate that average annual aspen removals exceeded average annual aspen net growth during the period from 1983 to 1996 by 11%, that is, removals were 111% of growth. (Schmidt, Thomas L. Wisconsin Forest Statistics, 1996. Table 22. No. Central For. Exp. Sta. Resource Bulletin NC-183. 1997. St. Paul, MN.)

For the Chequamegon portion of the Chequamegon-Nicolet National Forest, average annual aspen removals were 98% of average annual aspen net growth during this same time period. (Haugen, David E., Phillip C. Freeman, and Mark A. Theisen. The Forest Resources of the Chequamegon-Nicolet National Forest. Table 14. No. Central Res. Sta. Resource Bulletin NC-194. 1998. St. Paul, MN.)

comment noted.

Comment noted. See also the response to comment number 4.

***CommentLetterID CommentNumberID Comment***

7

1 "I'm very concerned about the reduction of activities relative to timber harvest management in general but specifically to the big reduction of aspen clear-cutting followed by natural regeneration of same for various age

***Response***

Alternative 3 maintains 29% of the Goal 1 aspen acres in the 1-20 year age class, which very nearly matches the Forest Plan Goal Area 1 prescription emphasis of 30%. Alternatives 2 and 4, at 24% and 20%, respectively, fall somewhat short of this guideline. However, all of the action alternatives come closer to meeting this guideline than Alternative 1 (No Action). Half of the existing 1-20 year-old Goal 1 aspen stands are greater than 15 years old, and will grow out of this class within 5 years. See tables and text in section 4.1.1. Alternative 3 regenerates, by clearcutting, as much mature aspen as possible. The majority of the mature aspen that is not being regenerated under Alternative 3 lies within the Iron River IPWA, where no timber harvests of any kind are being proposed (DEIS tables 3.3.1a and 3.3.1b). The remaining mature aspen stands that are not being treated under Alternative 3 are primarily due to poor access or wet soils. This is discussed in DEIS, section 4.1.1. Alternative 5 was developed for the FEIS, and includes some of the aspen stands that were proposed in Alternative 3, resulting in approximately 27% of Goal Area 1 in 1-20 year old aspen.

7

2 "Maintenance of wildlife-openings and the hunter walking trail system has been neglected."

Effects of openings and opening maintenance were described in the DEIS on pages 60 and 61. The amount of opening maintenance proposed by alternative varies substantially, to respond to the various concerns over openings and maintenance of openings. Alternative 3 however proposes the maintenance of all project area openings outside of the Iron River inventoried proposed wilderness area. The exception to this is openings that have substantially reverted to forest cover, and are no longer economical to maintain. Alternative 3 also proposes some opening construction.

A decision was made during the Cayuga project development to exclude some activities from the proposal, including hunter walking trail maintenance, to limit the scope of the project. No decision was made to abandon hunter walking trails within the project area.

***CommentLetterID CommentNumberID Comment***

- 7 3 "Habitat for deer, ruffed grouse, snowshoe hare and a host of other animals, birds, plants is rapidly disappearing at an alarming rate."
- 7 4 "The various berries that result from forest disturbance are also in decline."
- 7 5 "The Forest Service tradition of high quality habitat and timber harvest management that occurred in the 1950's, 60's, 70's, and 80's needs rejuvenation."
- 7 6 "I can support your decision to choose alternative #2 for implementation. However, if it can be modified to include more acreage for timber harvest and aspen clear cut, I and many other concerned citizens would be very pleased."
- 8 1 "I do support your Alternative 2 plan. There is a lot of mature timber that needs to be harvested before its all on the ground."
- 8 2 "I never was a fan of clear cutting, but there are situations where it is necessary."

***Response***

- There has been a gradual decrease in the aspen type regionally as stated on page 59 of the DEIS (cumulative effects). Within the project area, Alternative 3 would maintain current levels of aspen in the 1-20 year age class, and would involve the most clearcutting of aspen. Alternatives 2 and 4 would involve some aspen loss through conversion, but would still result in an aspen acreage within 1% of the existing condition (DEIS, tables 4.1.1a and b). The value of aspen to various wildlife species and effects of aspen management are discussed in the DEIS (pp. 57-59) and Wildlife specialist report (pp. 9-11, 14, 20, 51).
- Comment noted. The value of berry producing shrubs is discussed in the Wildlife specialist report on pages 12 and 37. The effect of reduced berries (soft mast) is discussed on page 19 of the specialist report.
- Projecting Forest Timber Program goals and objectives are made at the Forest Plan level. Accurate harvest level data for the Chequamegon National Forest for the period 1950 through the mid 1980's (prior to Forest Plan Implementation) is limited. However, the "End-of-Decade Monitoring Report (1986-1996) for the Chequamegon National Forest shows 99.1 % accomplishment of the Plan Projection of the ASQ. From 1997 through 1999 the annual sold volumes were slightly lower than the Plan ASQ. Since 1997 the Chequamegon and Nicolet National Forests reflect an evenflow timber sale sell program of approximately 100 million board feet, (MMBF) annually.
- Comment noted. Alternative 2 was modified (Alternative 5) in the FEIS to include additional aspen stands, that were analyzed under Alternative 3 of the DEIS.
- Comment noted.
- Comment noted.

***CommentLetterID CommentNumberID Comment***

- 8 3 "Replanting. I really like that idea. We need more hard maple and red oak; also why is there no white oak up in this area? If just balsam is going to be planted I don't like that. All you get there is bough cutters raping the trees and 4 wheelers all over the Forest."
- 8 4 "All these roads (old logging) should be off limits to all vehicles. I know a group that shed hunts all winter with snowmobiles and 4 wheelers. They go everywhere...no roads no trails Just go every where the deer are...."
- 8 5 "Look on FR183 #180-30. That old logging road goes through an old pit. Between there and Iron River all the way to the 2nd creek inlet there are mature poplar that should be cut. A lot of it is on the ground already. Nice stuff, shame to go to waste."
- 9 1 "LSRA does not support the selection of alternative 2, which has been proposed by the Forest Service. Of the identified alternatives, we favor alternative 3."

***Response***

The species to be planted include white pine, red pine, hemlock, and red oak. Specific stands and species identified for planting were included as part of Appendix J, Stand Treatment Tables, in the DEIS. The project area is outside of the geographic range for white oak.

Various roads were proposed for decommissioning in all action alternatives (DEIS chp. 2, Alternatives, Road Management sections and Table 2.5a. p.25). All new temporary roads constructed would be closed after management activities are completed. Under the current Forest Plan, all areas of the Chequamegon side of the National Forest are open to use by ATV's, including cross country, except where posted as closed (e.g. Semi-primitive non-motorized areas, wilderness, non-motorized trails, specific roads to protect resources, etc.). The Forest Plan revision will address ATV use and policy.

Compartment 178, stand 25 is the proposed commercial thinning harvest unit that the old logging road (FR 353) runs through. The old blowdown that is scattered through this stand also extends southwest through several other units. This blowdown occurred as a result of a wind storm in May 1998. Some of this blowdown volume will be salvaged through timber harvesting activities proposed in the Alternatives.

Comment noted.

***CommentLetterID CommentNumberID Comment***

- 9 2 "It appears that one of the primary reasons for selecting alternative 2 is the concern by the wildlife specialist about increased fragmentation and the desire to maintain a continuous forest canopy in the project area. The DEIS discusses fragmentation in the analysis. DEIS page 66-67. LSRA does not believe there is any credible scientific evidence of within forest fragmentation. Fragmentation has been scientifically documented as a concern in urban and highly agricultural areas. That concern does not transfer to fragmentation within a forest. Forests that are harvested and regenerated to a forest condition are quite different from fragmentation caused by forest land conversion."
- 9 3 "Forests within the Lake States Region have historically been frequently disturbed by large fires. These fires created a mosaic across the landscape of various forest types and age-classes that can be mimicked by timber management. These practices do not cause a fragmentation of the forest. This forest is naturally fragmented by swamps, lakes and natural openings. Species have adapted to these conditions on the Lake States Forests throughout the years. Fragmentation should not be a factor in the selection of a management

***Response***

There is contradictory evidence related to the concept of fragmentation within extensively forested areas like northern Wisconsin. This is pointed out in the section of the Wildlife Resource Specialist Report (WRSP) that discusses clearcutting and fragmentation (WRSP, pp. 6, 44). Brood parasitism of bird species by cowbirds is not generally thought to be a concern in extensively forested areas, including the Chequamegon-Nicolet. This is pointed out in the DEIS (p. 66) and in the WRSP (p. 7). Nest predation however is considered to be a concern in this area, particularly with ground-nesting birds. Regional and local studies are cited in the WRSP that present evidence of increased nest predation near clearcut edges (Flaspohler et al., 2001; Manolis et al., 2000). Studies are also cited that provide evidence of other edge-related effects within extensively forested areas (Mason, 1992; McRae, 1995; Flaspohler et al., 2001; Manolis et al., 2000).

The specialist report on Landscape Pattern points out a number of differences between clearcuts and areas affected by natural disturbances such as fire and windthrow (pp. 1, 2). Included in the discussion are differences in structural features such as the number of snags and cavity trees, the density of downed woody material, and the complexity of the edge (distinct edge vs. poorly defined edge). There is also a discussion of differences in landscape-scale features such as randomness of placement, and variation in patch size. As pointed out in the specialist report, clearcuts in general tend to be less random in their placement, less variable in size, and have less complex structure. As a result, clearcuts can have different value for wildlife species, and different effects at a local and landscape scale.

*CommentLetterID CommentNumberID Comment*

- 9 4 "The DEIS must contain a broader discussion of forest health issues, with a detailed discussion of the present condition of the project area and the potential for disease and insect outbreaks and wind damage. The Forest Service must recognize its responsibility for actively managing the National Forest, including its legal obligation to provide timber for use by the public."
- 9 5 "In order to manage the forest, the Forest needs to maintain road access. Permanent roads in the National Forest system are beneficial to all visitors to the forest and increase the value of these public lands. In fact , the primary use of the National Forest road system is recreation. Nearly 80% of all the National Forest roads are open to all traffic, including logging, recreation, fire protection, wildlife and fisheries management and many other forms of forest and ecosystem management. In short, road access is needed to provide for multiple use of the forest. LSRA and its member organizations expect that the Forest Service will manage the National Forest so that it is healthy, productive and accessible."

*Response*

Forest health was not identified as an issue in scoping for this project, so was not discussed in detail in the DEIS. See response to letter 1, comment number 9. In July of 1999 two windstorms blew down trees at the Washburn Ranger District on approximately 25,000 acres and in August 2000 approximately 3600 acres of trees were blown down during a storm on the Park Falls Ranger District. More recently approximately 1500 acres of timber was blown down on the Medford Ranger District from a tornado near Gilman, WI. Some of the Washburn blowdown was salvage harvested totalling approximately 32-38 million board feet (MMBF) starting in October 2000. Some of the Park Falls blowdown timber was salvage harvested totalling approximately 23 MMBF starting in August 2002. The Gilman tornado blowdown timber is under-going environmental analysis for salvage harvest in the future.

Comment noted. The Forest Service Transportation Policy adopted in 2000, directed National Forests to conduct a road analysis when it is likely that road management decisions could affect access or produce negative environmental effects. Furthermore every National Forest must have a Forest-wide analysis completed by January 13, 2003 (FSM 7712.15). The Chequamegon-Nicolet National Forest completed their roads analysis in December 2002 which included all Forest Service defined Maintenance Level 3, 4 and 5 roads, drivable by passenger cars. Analysis of lower level, local roads (Maintenance Levels 1 and 2) occurred on a project level basis (Cayuga Roads Analysis January 2002). This analysis supported the decisions to decommission, reconstruct, construct and maintain Maintenance Level 1 and 2 roads within the Cayuga Project Area. The purpose of the roads analysis is to provide information needed for ensuring the transportation system provides safe access and meets the needs of communities and forest users; facilitates the implementation of the Forest Plan; allows for economical and efficient management within likely budget levels; meets current and future resource management objectives; and begins to reverse adverse ecological impacts to the extent practicable. The 44 page Cayuga Road Analysis report is in the project record.

***CommentLetterID CommentNumberID Comment***

- 9 6 "Congress long ago required that National Forests must be managed by the Forest Service for the multiple use of our citizens. The direction to manage these resources for the greatest good over time necessitates a detailed economic and social analysis when determining how to manage the National Forests. The law specifically states that the National Forests must be managed and administered to provide for outdoor recreation and timber. 16 U.S.C. 528. Indeed, timber resources and recreational use, including motorized use, are an important economic asset to the area. They both serve an important function: to retain existing residents and businesses and to attract new investment to the area. The Forest Service must expand its analysis of the economic and social impacts of the project."
- 9 7 "The Chequamegon-Nicolet National Forest has a significant impact on the economy of the local area. The Forest provides timber for the wood products industry and loggers. These industries employ a significant number of people in the area. There are hundreds of jobs created by the federal timber program in the Wisconsin, creating millions of dollars in wages for local residents. In many of the small local communities, the forest products industries and their support businesses are the major employment
- 9 8 "The forest also provides motorized recreational opportunities-not only for local residents, but also for visitors drawn to the area who then purchase goods and services from local businesses. The DEIS contains a brief discussion about the economic impacts of the project on the forest products industry. DEIS page 86. Further, the economic impact on the tourism and recreation industry are
- 9 9 "The comparison of economic impacts weights in favor of alternative 3. The revenue generated by alternative 3 is about 40% greater than the next closest alternative. DEIS p. 87. Payments to the counties are significantly higher under alternative 3. DEIS p. 87. And more important, 71 more jobs are generated by the activity proposed in alternative 3. DEIS p. 87. A review of the economic data favors the selection of alternative 3."

***Response***

The economic and social impacts of the project were discussed in the DEIS, Sections 3.3.12, pp. 46-47 and 4.2.12, pp. 86-87. A social and economic impact analysis was prepared for the FEIS (Appendix B) for the Chequamegon National Forest Land and Resource Management Plan as required by law, regulation and policy. The Cayuga Project Area DEIS is tiered to the Forest Plan and FEIS, (Cayuga DEIS, p. 10).

Comment Noted.

The importance of tourism and recreation was described in Section 3.3.12 Social and Economic (Issue 12) DEIS, pp. 46-47. The information comes from a collaborative study conducted with the Wisconsin DNR Bureau of Forestry and the University of Wisconsin-Madison Extension (Marcoullier and Mace, 1999). The study employed recreational use surveys, analysis of timber inventory data and regional economic modeling.

Comment noted.

***CommentLetterID CommentNumberID Comment***

- 9 10 "The social impact of the programs maintained by the Forest Service must also be addressed in the DEIS. With the exception of a reference to jobs, there is no discussion of the social impact issue. In many of the local communities, generations of families have based their livelihoods on the National Forests. Logging has been a way of life for generations of families living in and around the National Forest."
- 9 11 "There are many residents in the communities and areas surrounding the National Forest whose culture and tradition are based on recreation and employment tied in some way to the National Forest. The National Forest not only provides jobs, but also hunting, fishing, and recreational
- 9 12 "National Forests support a wide range of jobs and opportunities which are an important component of the social environment in the communities. Loss of these jobs and the cultural opportunities would be devastating to the local communities. The National Forest timber program is critical in keeping this social environment intact. Omitting a discussion of the social issues violates NEPA
- 9 13 "Local government also benefits from the federal timber program. The DEIS references the fact that alternative 3 will produce more than 50% greater available funds to local governments as a result of the Cayuga Project (DEIS p. 87), but does not provide detailed information on the impact of this Project on local government. It would also be helpful to discuss the units of government that receive these funds and the resulting tax savings to local citizens. These funds help local schools and communities meet their financial needs. The federal money certainly reduces part of the tax burden on local citizens. As harvest volumes decrease around the country, these lost revenues to small communities become a significant problem for local government."
- 9 14 "The Forest Service uses timber harvest to achieve a broad array of important goals. Timber sales incorporate multiple forest service objectives, including fuels management, insect control, habitat management and reconstruction or construction of roads for long-term access to the forest. Timber harvest is critically important to meeting the broad, multiple-use objectives that Congress set for the National Forests."

***Response***

A FEIS was completed for the Chequamegon National Forest Land and Resource Management Plan as required by law, regulation and policy. The Cayuga Project Area (CPA) DEIS is tiered to the Forest Plan and FEIS, (CPA DEIS, p. 10), where a Social Economic Analysis was completed for the Forest Timber Sale Program. Sections 3.3.12 and 4.2.12 of the Cayuga EIS discuss social and economic

Comment noted.

A FEIS was completed for the Chequamegon National Forest Land and Resource Management Plan as required by law, regulation and policy. The Cayuga Project Area (CPA) DEIS is tiered to the Forest Plan and FEIS, (CPA DEIS, p. 10), where a Social Economic Analysis was completed for the Forest Timber Sale Program. Sections 3.3.12 and 4.2.12 of the Cayuga EIS discuss social and economic

As disclosed in Table 4.2.12b, p.87, CPA DEIS, the amount of dollars returned to the local governments through the 25% fund is calculated by Alternatives. Additional information on economics that was in the Project Record was brought into Sections 3.3.12 and 4.2.12 of the FEIS. The Forest Service makes these payments at the state level and any further disbursement of these dollars is made by the state and the county governments.

Comment noted.

***CommentLetterID CommentNumberID Comment***

- 9 15 "In order to continue timber harvests and many other forest management activities, there must be a sufficient number of trained loggers with state-of-the-art, expensive logging equipment who can perform the forest management activities required in the National Forests. Without loggers, the Forest Service cannot perform its mandated obligations. In order to maintain loggers and their support businesses, the federal forests must provide a stable supply of timber. A stable supply of timber is critical to the economic well-being of businesses that harvest timber and utilize wood products. National Forests should maintain steady, consistent timber programs that harvest at levels equal to the allowable cut in the forest plan. Wide fluctuations in timber availability from federal land can cause significant financial hardships for small loggers. Without a stable harvest level, it becomes increasingly likely that logging operations in the area will fail. Since the Forest Service cannot operate a forest management program without loggers, maintaining a steady and consistent harvest level is in the best interests of the Forest Service."
- 9 16 "In the discussion of alternatives, alternative 3 is discounted because it would decrease habitat for pine marten, pileated woodpecker and brown creeper. DEIS p. 58. However, that statement is inconsistent with information found elsewhere in the DEIS. For example, the Biological Evaluation indicates alternative 3 would have the greatest impact on the pine marten because it included the largest amount of clearcutting. DEIS p. A-33. The clearcutting, however, is only in aspen stands. But, the habitat for pine marten is not aspen, it is old red and white pine and white spruce. DEIS p. A-62. Similarly, the pileated woodpecker habitat in the Forest is sufficient to meet the management goals for the species, with the population trends increasing or stable. DEIS p. A-62. The brown creeper has almost twice as much available habitat as is required to maintain the species. DEIS page A-63. The Forest Service should remove this reason for discounting alternative 3."

***Response***

The "End-of-Decade Monitoring Report (1986-1996) for the Chequamegon National Forest shows 99.1% accomplishment of the Plan Projection of the Allowable Sale Quantity (ASQ). From 1997 through 1999 the annual sold volumes were slightly lower than the Plan ASQ. Since 1997 the Chequamegon and Nicolet National Forests reflect an evenflow timber sale sell program of approximately 100 million board feet, (MMBF) annually. See also the response to letter 1, comment number 7.

The commenter describes habitat for pine marten as being old red and white pine and white spruce, and references p. A-62 of the DEIS for this description. That reference however is for a description of the pine warbler, a Management Indicator Species. Habitat for the pine marten is described on p. A-33 as being extensive areas of mature forest, with structural features such as cavity trees, woody debris, and tip-up mounds. This same section on the pine marten describes why clearcutting can negatively affect the species and its habitat.

One of the purposes of an EIS is to disclose potential effects on resources, including Management Indicator Species such as the pileated woodpecker and brown creeper. Effects on these species or their habitat are possible even if population levels are currently stable, or if there is currently adequate habitat forest-wide. Potential effects on these species need to be considered by the decision maker along with effects on all other resources when choosing the selected alternative or combination of alternatives.

**CommentLetterID CommentNumberID Comment**

- 9 17 "The alternatives in the DEIS should be expanded to include additional timber harvest activities. NEPA requires that the government vigorously explore and objectively evaluate all reasonable alternatives." "For each alternative analyzed, the government must provide sufficient detail to allow reviewers to evaluate the comparative merits of the alternatives. Id. Alternatives that identify more timber for harvest should be evaluated. Additional opportunities should be identified in overstocked hardwood stands and in stands that are overmature. Failure to actively manage these stands may result in an irretrievable loss of resources."
- 9 18 "LSRA believes the cumulative impact analysis conducted in the DEIS meets the requirements of NEPA. Some commentators suggest that the FS must conduct a broad cumulative impact analysis of every possible timber sale within and adjoining the project area. That position is unfounded. NEPA only requires that federal agencies consider the cumulative impacts on the environment of related proposed federal actions. Accordingly, proposed private timber sales and actions by other non-federal agencies are not required to be considered in the analysis. Therefore, if a potential timber sale has not been proposed, it need not be considered in the FS cumulative impact analysis."
- 10 1 "The Wisconsin Audubon Council believes Alternative 4 is superior to the preferred Alternative 2 since Alternative 4 proposes fewer acres for aspen regeneration. The Wisconsin Department of Natural Resources Wisconsin Forests at the Millennium, an Assessment November 2000 states that aspen-birch forest is "still much more common than at the beginning of the Cutover" (p.6). And although preferred Alternative 2 proposes a reduction in aspen cover, it does so with active management rather than allowing a natural conversion."

**Response**

Alternative 3, which proposes to harvest a higher level of hardwood sawtimber and over mature trees, than in Alternative 2, was developed in response to this issue. The Cayuga Project Area DEIS (CPA DEIS), p. 24, Table 2.5a displayed a Summary Comparison of Activities proposed for all Alternatives. Under the heading Proposed Activities "Clearcut mature aspen to maintain aspen component (acres)", Alternative 3 proposed clearcutting approximately twice the acres than proposed in Alternative 2. Also, there are approximately 286 acres more of hardwood selection cuts, thinnings and improvement cuts in Alternative 3 than those proposed in Alternative 2. Alternative 5, a modification of Alternative 2, was added to the FEIS. It includes 13 additional aspen clearcuts that were analyzed in Alternative 3 of the DEIS. Stands of timber not actively managed aren't considered irretrievably lost. Natural forest succession continues to occur, wildlife use the forest, and the forest is available for management. Removing a forest from management by clearing for a powerline right-of-way would be an example of an irretrievable loss (DEIS, p.91).

Comment noted.

Comment noted.

***CommentLetterID CommentNumberID Comment***

10	2	"Note that none of the alternatives 2, 3, and 4 call for as much or more older (40+ years) aspen stands than the No-Action Alternative 1."
10	3	"The reduction in road density proposed with Alternative 4 better addresses the paucity of low-road-density areas in the region. Regrettably, none of the Alternatives improves the situation with regard to forest interior habitat, another condition in short supply in the northern forests of the midwest."
10	4	"Alternative 4 is much preferred with regard to acres with potential for compaction and rutting (118 acres vs. preferred alternative (2), 212 acres) and acres with potential for erosion and displacement (207 acres vs. 379

***Response***

Comment noted. The current Forest Plan for the Chequamegon National Forest in its Standards and Guidelines for the various Management Prescriptions has set the ranges for the aspen percentage composition objectives. The Cayuga Project Area proposal is designed to implement the Forest Plan.

The comment regarding road densities in Alternative 4 is noted.

The comment about forest interior habitat is addressed in several portions of the project record. Section 4.2.4 of the DEIS (pp. 66-68), and pages 6-8 of the Wildlife resources specialist report discuss effects by alternative concerning fragmentation, edge, and interior habitat. The Wildlife Resource Specialist Report (WRSP) on landscape pattern compares effects by alternative on various aspects of landscape pattern, including interior forest (Project Record). The Biological Evaluation (DEIS, pp. A-26 to A-46) describes effects from fragmentation on several species that utilize areas of interior forest. These discussions point out that all of the action alternatives will result in an increase of edge and fragmentation over the short term. Over the long term however, Alternative 4, and to a lesser degree Alternative 2, could result in an increase of forest interior habitat, due to maturing of younger forest stands, conversion of some aspen stands to other types, conversion of upland openings, and decommissioning of some roads.

Comment noted. Note that these are acres with potential for compaction and rutting or erosion and displacement based on the soil type. When sale design features and mitigation measures as identified in Section 4.2.8 and Appendix C (measures S1-S18) of the EIS are followed, impacts to soil would be expected to be few no matter what alternative was chosen.

***CommentLetterID CommentNumberID Comment***

- 10 5 "Issue 12 - (Social and Economic) is limited to timber sales. Yet alternatives 2, 3, and 4 are all very similar with respect to amount of volume generated from timber harvests and payments to counties, at 25% of estimated timber sale receipts. Indeed the range varies much less than the measures of ecological impacts listed above."
  
- 10 6 "The council believes the final plan should actually decrease the amount of forest fragmentation,..."
  
- 10 7 "The council believes the final plan...should rely more on forest succession for conversion of aspen cover to other types..."
  
- 10 8 "The council believes the final plan...should be more aggressive at minimizing the impact of management activities."

***Response***

Based upon the analysis, the economic effects do not appear to be closely related to the biological and physical effects of the proposed action. We see no reason why they should nor why this would be a concern. The commenter didn't identify why they feel it is a concern. The ecological impacts the commenter refers to, specifically (1) acres with potential for compaction and rutting, and (2) acres with potential for erosion and displacement, were discussed in the response to letter 10, comment number 4. The alternatives differ in types, locations and amount of harvest treatment. The timber volumes provided vary 40% between action alternatives (EIS Table 4.2.12a). Economic values vary even more greatly (EIS Table 4.2.12b). In context, this is a greater magnitude of variability than the acres treated or habitat changes. The economic impacts vary more between the different alternatives than do the impacts to soils. The economic analysis (EIS Section 4.2.12), shows Alternative 3 to render a 17% greater return to counties from timber sale receipts, compared to Alternative 2. The variation in economic effects to the local economy could be construed, as being of greater magnitude than the potential ecological effects. Alternative 3 has the largest potential for erosion ( 538 acres, if the mitigation measures that have been identified weren't applied). This is from a project area 32,416 acres in extent. If all of the acres with erosion potential did in fact erode, it would be 1.6% of the area.

Comment noted. See also the response to letter 10, comment 3.

Alternatives 2, 3, 4, and 5 all list acres to be converted from aspen to other species, Cayuga FEIS, Table 4.2.1b, Alternatives 2 and 4 in the DEIS (p. 56) identified the most acres to be converted. Alternatives 1 and 4 had the highest levels of passive conversion (natural succession) DEIS p.61 and 65. Alternative 2 was modified in the FEIS and called Alternative 5. Part of this modification included dropping two aspen conversions.

Comment noted. An extensive list of mitigating measures designed to minimize impacts of management activities was listed in the DEIS, Appendix C, pp. A-4-25. Several new mitigation measures were added to the FEIS, in

***CommentLetterID CommentNumberID Comment***

- |    |   |  |
|----|---|--|
| 11 | 1 | "I am not in favor of any new roads, permanent roads of any kind including ATV and Snowmobile trails."   |
| 11 | 2 | "I do feel logging is helpful to the forest."  |
| 11 | 3 | "To the east of our property are a lot of red oaks. I would hate to see them harvested. That area looks like it would be select cut, save the oaks that tree is not that plentiful."   |
| 11 | 4 | "Please keep me informed on the final EIS and record of decision."   |
| 12 | 1 | "This project area is one of a few locations on the CNF which supports a documented reproducing population of American marten." "All accommodations possible should be taken to foster and enhance the abundance of marten due to its status as an Anishinaae (Ojibwe) clan animal, a Wisconsin endangered species, and a Forest Sensitive species, Some suggestions include: a. maintaining a continuous forest canopy (>80% crown cover), b. providing maternal den trees (e.g., live trees >50cm at diameter at breast height, with openings to dens), c. providing large amounts of coarse woody debris, especially logs, plus large amounts of fine woody debris (<1 cm diameter)." |

***Response***

- Comment noted. There are no new permanent roads or trails proposed in any of the alternatives. The temporary roads that are proposed would be decommissioned when the timber sales are closed.
- Comment noted.
- The area referred to appears to be stand 157-4. There would be potential for removal of some scattered oak, but the goal is to promote both the retention and development of individual trees larger than 24 inches in diameter, including red oak, basswood, ash, and yellow birch. There is the potential to remove some scattered red oak within the stand prescription to meet the marking guidelines, however, the majority of the red oak would be retained.
- Comment noted. Anyone who comments on a Draft EIS automatically receives the Final EIS and Record of Decision (ROD).
- Comment noted. All action alternatives incorporate standards and guidelines that provide for maintenance of structural features such as dead and downed logs, and cavity and den trees. In addition, Alternative 4 (DEIS) and Alternative 5 (FEIS) incorporate modified silvicultural prescriptions developed for Forest Plan revision for Management Area 2B (uneven-aged northern hardwood: interior forest). These would include providing features such as larger average tree diameter, large diameter reserve trees, unharvested salvage areas, and reduced fragmentation (DEIS, pp. A-13 and A-14). These prescriptions would apply to the portion of the project area generally north of FR 184.

***CommentLetterID CommentNumberID Comment***

12

2 "Given the potential impacts as stated in Section 6.4 Appendix D-Biological Assessments and Evaluation, and the current marten population dynamics as documented through research conducted by GLIFWC, the Task Force questions the determination stated for Alternatives 2-4, that management actions 'May impact individuals but not likely to cause a trend toward Federal listing or a loss of viability.'  
In other words, specific management activities, such as clearcuts and shelterwood cuts, are likely to contribute to a loss of viability in the marten population in and around the project area. Within the northern portion of the project area, clearcuts and shelterwood cuts could reduce marten reproductive success and viability. Within the southern portion of the project area, clearcuts and shelterwood cuts could restrict future marten dispersal, and thus population viability. Because of the extremely limited number of marten populations in Wisconsin, reproduction and dispersal are the best means by which to ensure sustained population viability. The existence of more established sustainable populations means a greater buffer is offered against impacts caused by natural or man-made disasters (e.g. tornadoes, drought, floods, and fire). Consequently, actions that restrict dispersal could lead to a loss of viability."

12

3 Forest management activities should include the retention of specific paper birch trees to provide bark harvest opportunities for the tribes. Tribal members have expressed an interest in helping CNNF identify these birch trees. Mitigation measure T7, as defined in Section 6.3 Appendix C- Mitigation Measures, should be expanded to include paper birch."

***Response***

Determinations made as part of a project Biological Evaluation need to consider viability at a Forest (planning area) level rather than a project level. The determination concerning marten was a judgement based on communication with other specialists within and outside the Forest Service, current research, and a recent Species Viability Evaluation completed for the Forest Plan revision process. It is recognized that there are concerns over the population dynamics and limited dispersal of the marten in Wisconsin. The population of marten on the Chequamegon land base is the result of a recent reintroduction. It appears that marten in this area have not reached what could be considered a viable population at any time since reintroduction. Factors currently limiting the population are not entirely known but could include predation, competition, and lack of genetic variability, in addition to habitat factors.

The commenter specifically mentioned clearcutting and shelterwood cutting as affecting marten dispersal. These concerns were considered in the development of alternatives. Alternatives 2 and 4 would reduce the overall acreage managed for aspen. There would still be effects from clearcutting, but these alternatives could result in a decrease of the aspen type within the project area, in the future. In addition, Alternatives 2, 4, and 5 would result in a decrease of aspen in the 0-20 year age class compared to the existing condition. The development of Alternative 4 in particular utilized new information, which is required to maintain viability of sensitive species at the planning area level. Even Alternative 3 would only maintain, rather than increase, existing levels of young-age aspen.

For these reasons, an analysis of project related direct, indirect, and cumulative effects did not warrant a determination of "Likely to result in a trend to federal listing or loss of viability" at the Forest level.

Comment noted. Mitigation measure T7, DEIS p. A-13, was expanded to read as follows, "...Emphasize species diversity, especially those species such as yellow birch, paper birch, red/white oak, beech, white pine, or other species which are not well-represented in the stand or on

*CommentLetterID CommentNumberID Comment*

- 12 4 "The Task Force questions the feasibility of cutting aspen to convert the stand to either hardwoods or conifers. Cut aspen will sprout suckers and attract more deer which, in turn, will potentially threaten the survival of the desired tree species, whether naturally established or planted, with increased herbivory. What techniques will be implemented to ensure that herbivory does not prevent the intended stand conversion? Allowing aspen stands to degenerate naturally might, in the long term, produce a more diverse and resilient hardwood or conifer stand. Dead aspen snags and fallen logs provide forest structure and wildlife habitat. In any case, monitoring should be conducted to document the effectiveness and impacts of implemented management activities."
- 12 5 "The maintenance of permanent openings is beyond the range of natural variation thus inconsistent with the notion of ecosystem management. All openings should be temporary in nature and not maintained in permanent
- 12 6 "The DEIS states that leafy spurge is listed by the State of Wisconsin as a noxious plant to be controlled whenever it occurs (Municipal Law 66.96). Consequently, the control of leafy spurge should be proposed for all the alternatives. Invasive exotic plant control should employ the most current and effective methods available and should minimize impacts to associated species."

*Response*

The glossary definitions (Appendix G, FEIS) of "Even-aged Management", "Uneven-aged Management", "Improvement Cut", and "Thinning", were clarified. The glossary term "Shelterwood Cutting" was renamed Shelterwood System and the definition revised. The term "Selection Harvest Cut" was renamed "Selection System" and the definition revised. Definitions for "Removal Cut", "Rotation Age", "Seed Cut" were added to the glossary. The Visual Quality Management portions of DEIS Sections 2.3.2, 2.3.3, and 2.3.4 were revised in the FEIS to explain how the shelterwood system would be used to convert aspen stands. The following reference was added to the literature cited section: Tubbs, Carl H. 1977. Manager's Handbook for Northern Hardwoods in the North Central States. North Central Forest Experiment Station, General Technical Report NC-39. St. Paul, MN. Post-harvest treatments were clarified by editing Sections 2.3.2, p. 18; 2.3.3, p. 20; and 2.3.4, p. 22 of the DEIS. Numbers in Table 4.2.8.2, p. 78, were updated.

Comment noted. The DEIS (pp. 60, 61) discussed the effects of opening maintenance. These concerns were considered in the development of alternatives. In addition to Alternative 1 (no action) Alternative 4 responds to concerns over opening maintenance by allowing all openings to revert to forest cover, with the exception of some administrative sites, and a small amount of maintenance by prescribed fire (five openings). The Wildlife resource specialist report provides more detail on openings and maintenance activities, including estimates of the presence of openings prior to European settlement (pp. 34-39). Studies are cited that suggest various amounts of temporary openings existed, as well as some semi-permanent openings.

Comment noted. The control of leafy spurge was left out of Alternative 3, to provide a range of alternatives and disclosure of effects of implementation of the various activities in each alternative.

***CommentLetterID CommentNumberID Comment***

- 12 7 "Temporary roads increase access to treaty resources, yet also lead to confusion for tribal members when the roads suddenly close. The Task Force requests that these roads be posted with proposed closure dates."
- 12 8 "Modifications to the transportation system must be carefully evaluated with respect to treaty rights. GLIFWC staff can assist with this evaluation."
- 12 9 "The Task Force respectfully requests that the project name be changed to one that is more culturally appropriate. Cayuga is the name of an Eastern tribe that unsuccessfully fought the Anishinaabe. Though the project has been presumably named after the town of Cayuga, it could potentially be construed as legitimizing the presence of the Cayuga tribe within Anishinaabe territory."
- 13 1 As you know the USDA--Forest Service (FS) was an integral partner in the original elk restoration study initiated in the Clam Lake area in 1995. Thanks to the efforts of FS forest administrators and biologists, working in cooperation with university, tribal, local citizens, Rocky Mountain Elk Foundation (RMEF), and department elk interests a Wisconsin extirpated native has returned. This singularly positive and popular program changed from a study project to a management project in June of 2000. At this time the Natural Resources Board (NRB) approved the Department's management plan and environmental assessment for the Clam Lake herd. In so doing the NRB made official the area of the Clam Lake elk range and management policy for herd. The pertinence of the establishment of the elk range to the current FS Cayuga Project is that the entire project occurs within both core and buffer elk ranges (WDNR, 2000:11). The Department's elk management plan thereby provides a basis for the Department's position on various aspects of the Cayuga Project as it pertains to elk.

***Response***

Temporary roads that have a good gravel base for the road bed could be posted with proposed closure dates by the timber sale administrator. In some cases, the timber sale administrator needs to close temporary roads immediately after all logging activity is completed for other resource protection, ie. (sensitive soils, plants and animals). A new mitigation measure, called D-1 was added to the FEIS, that says, "The Timber Sale administrator will post proposed closure dates for temporary roads constructed for access to timber sales."

Comment noted. The Forest Service will continue to consult with the tribes through GLIFWC per the MOU and National Direction.

The project was named after the community nearby. While the name could be changed, the current name would still have to be associated with it since that is how the Forest Service, public, and other agencies are tracking it. The Forest Service will refrain from using the name in any future projects, timber sales, etc. An explanation about how the project got its name was added to the coversheet of the FEIS. Mitigation measure D-2 was added to indicate that no timber sales will have "Cayuga" as part of their

Comment noted.

***CommentLetterID CommentNumberID Comment***

13

2 "Two critical issues influencing elk habitat carrying capacity in the Clam Lake area have varying degrees of management proposed among the 4 alternatives being considered by the FS. These critical issues are aspen and openings management. Aspen has been found to be an extremely important year round food source for the Clam Lake Elk. The University of Wisconsin-Stevens Point researchers found the aspen forest-type along with other forest types with a high occurrence of large-toothed (Populus grandidentata) or quaking aspen (Populus tremuloides) have the highest usage by elk (L. John Schmidt, pers. Comm.). The Department's elk management plan's policy towards aspen management on the elk range is as follows: 'Because much of the designated elk range is owned by the FS, including virtually all of the core range, that agency would have ultimate authority over habitat management projects. The FS is currently revising their 10-15 year forest management plan for the CNF, which is scheduled to be released for public comment in fall of 2000. Timber management alternatives being considered range from maintaining current harvest levels to those that could substantially reduce harvest levels, including aspen clear-cutting (B. Paulson, pers. Comm.). Current management of the CNF-GDD is apparently highly compatible with elk. Reduced aspen management would mean an eventual decrease in aspen cover types. It is therefore possible that the long-term suitability of the CNF-GDD for elk could decline if reduced aspen cutting alternatives are selected for the revised management plan. Although habitat management decisions will be made by the FS, the Department recommends maintaining current levels of aspen in the core range through continued harvest of timber, but without converting other cover types to aspen solely to increase habitat quality for elk. No special habitat management consideration for elk outside of the core range are recommended.'"

***Response***

Comment noted. See also response to letter 13, comment 4.

***CommentLetterID CommentNumberID Comment***

13

3 "Though Alternative 3 of the Cayuga Project DEIS does not comprise the highest acreage of aspen (Alternative 1-the no action alternative has 6,314 ac in Goal Area 1 (GA 1) and 2,732 ac in GA2 compared to 6,119 ac and 2,490, respectively, in Alt. 3), Alt. 3 proposes the highest amount of clearcutting (1,381 ac. compared to 0 ac in Alt 1) and the highest acreage in the 1-20 yr. age class. WDNR elk project staff have observed the highest elk usage in the 1-10 y. age class. Though we would prefer maintenance of the total 6,314 ac in GA1 and 2,732 ac in GA2, Alternative 3 provides the best management alternative for assuring the long term maintenance of the aspen forest type at the best age class management for elk."

***Response***

Comment expressing support for Alternative 3 is noted. Effects of aspen management on elk are discussed in several areas of the project record. The wildlife specialist report discusses effects on elk by alternative (pp. 11, 15, 19, and 26) and aspen management in general (pp. 4-20); the specialist report also discusses cumulative effects of reduction in aspen (p. 45). The DEIS discusses effects on elk by alternative (pp. 55, 57-59) and aspen management in general (Section 4.2.1). The amount of aspen management varies considerably among alternatives, in response to various concerns over aspen management and associated effects. Alternative 3 in particular would maintain the same amount of aspen in the 0-20 year age class as the existing condition.

The commenter refers to the Elk Management Plan and aspen management within the core elk range. A large part of the aspen management in all action alternatives is within the elk core range. The primary area of interior forest management proposed in Alternative 4 is outside of the core range.

13

4 "Another critical management for elk in the Clam Lake area is openings management. Next to aspen, forest openings are the habitat type heavily frequented by elk in the Clam Lake area. Alternative 3 proposes maintenance of 126 acres of upland forest openings (ufos) and creation of 16 acres of ufos. The next highest alternative is Alt. 2 at 85 ac for maintained ufos and no created ufos. Currently less than 1% of the Cayuga Project area is comprised of ufos. The Department recommends the Alternative 3 openings management component. In addition to providing habitat for a wide variety of wildlife species, this level of openings management will also enhance greater public safety by enticing elk away from the opening attraction along STH 77 and CTH 'GG'"

Comments regarding the importance of upland openings to elk, and support for Alternative 3 are noted.

Effects of openings and opening maintenance are described in the DEIS on pages 60 and 61. The amount of opening maintenance proposed by alternative varies substantially, to respond to the various concerns over openings and maintenance of openings. Alternative 3 however proposes the maintenance of all project area openings outside of the Iron River inventoried proposed wilderness area. The exception to this is openings that have substantially reverted to forest cover, and are no longer economical to maintain. Alternative 3 also proposes some opening construction.

***CommentLetterID CommentNumberID Comment***

- 13 5 "Also of interest to elk management is the noxious weed control management recommended in Alt. 2. Three small patches of Leafy Spurge (*Euphorbia esula*), comprising a total of about 1 acre in area has been identified and proposed for management. Leafy spurge causes scours and weakness in most grazing animals (except sheep and goats) and excessive consumption can be fatal (Elpel, 2000:2). Of particular concern is the potential of impact on the infant elk population in the area. Related to the Department's elk management of the Clam Lake herd, it recommends that noxious weed control managing for the removal of these patches of Leafy Spurge be incorporated in the Alternative 3 proposal."
- 13 6 "Unrelated to elk, but related to Department management policy, the Department's Beaver Management Plan (WDNR, 1990:11) recommends Negative Habitat Management within 200 feet of high quality trout streams inhabited by beaver. The Cayuga DEIS proposes conversion of approximately 35 acres of aspen to conifers within 300 feet of 2 Class II trout streams, Brush and McCarthy Creeks. However, the involvement of both McCarthy and Brush Creeks in a proposed conversion from aspen to conifers may have impact on trumpeter swan (*Cygnus buccinator*) nesting in close proximity to both those streams on Edies Creek, documented in the Cayuga DEIS (2002:A-37--A-38). Certainly, endangered species management would likely have priority consideration over beaver impacts on specific trout waters. Though evaluation of impact on the local nesting pair was made in relationship to water quality and local disturbance, a question arises whether loss of beaver ponds in this area due to conversion of aspen to conifer may reduce the ability for this area to support swans due to loss of beaver pond swan nesting and brood habitat. The FS may want to reconsider pursuing aspen conversion if there is a potential that conversion may negatively impact suitability of trumpeter swan nesting and brood habitat in this vicinity. For more detailed input I'll refer this issue to our Bureau of Endangered Resources swan folks."

***Response***

See response to letter 12, comment number 6.

The importance of the Iron River watershed to trumpeter swan nesting and brood rearing is discussed in the Biological Evaluation (DEIS, p. A-38). Included in the discussion are potential effects from management, as well as mitigation measures. Proposed activities to discourage aspen on McCarthy Creek were not considered in the effects analysis due to the location of the stream in a different watershed. Alternatives 2 and 4 propose the conversion of a 22-acre aspen stand near Brush Creek to conifer. There is no beaver control or dam removal occurring or planned for Brush Creek however, so the effects of converting one stand within the stream corridor would have minimal effects on overall beaver activity or swan habitat.

***CommentLetterID CommentNumberID Comment***

- 14 1 "These are my personal comments and are not associated with any group. Generally, I am still concerned that that the project is too large an area to be effectively evaluated through a single EIS and I oppose continuing with this project until a new management plan for the CNNF is
  
- 14 2 "This document does [no]sp provide an actual date whereby comments are due. While it does reference the Federal Register, the FR is not readily accessible to the public. NEPA requires that review documents must be clear and accessible to the broad range of the public to fulfill its legal requirements. This document starts by putting the lack of clarity of the comments-due date as road block in front of the public."

***Response***

Comment noted.

The exact publication date in the Federal Register is usually not known at the time when the DEIS is published. The DEIS is provided to the EPA who files a notice of availability (NOA) with the Federal Register. This is done in accordance with Forest Service Handbook 1909.15 Section 23.4, which states, the review period should be calculated from the day after the EPA's notice of availability appears in the Federal Register. The cover letter for the Cayuga DEIS stated, "To ensure consideration in my decision, comments must be postmarked or received by the end of the comment period. The comment period will end 45 days following the publication date of this notice in the Federal Register. I am anticipating that the notice will be published in early December. Please check the Federal Register for the official date." In addition, the Cayuga DEIS and a copy of the Federal Register notice were posted on the CNNF website. The website address was also included in the above mentioned cover letter.

*CommentLetterID CommentNumberID Comment*

14

3 “The purpose and need are based on the old Forest Plan, including both forest composition objectives, and economic goals. If the objective is vegetative management, why has the project limited itself to only considering commercial harvests”? .....”This does NOT provide for consideration of all reasonable alternatives. In effect, this project makes a planning level decision to KEEP land in production without there actually being a new Forest Plan. In addition the “No Action” alternative dismissed without any clear rational justification. The DEIS implies that the “No Action” alternative does not meet Forest Plan Goals, but it doesn’t even consider the possible benefits to waiting until the new forest plan is finalized before authorizing new management”.

*Response*

The decision that the majority of vegetative management on the CNNF would occur through commercial timber harvest was made in the Forest Plan ROD pages 10, and 32-38 and does not need to be made again at the project level. NEPA does not prescribe any particular range of alternatives, but gives federal agencies discretion to determine appropriate alternatives based upon the purpose of the proposal. NEPA “does not require an agency to examine every conceivable alternative to a project involving the environment, but only those that are reasonable.” Indeed, an EIS need only set forth alternatives sufficient to permit a reasoned choice. There is no requirement to consider alternatives that are impractical or infeasible. NEPA regulations simply require that a range of alternatives be analyzed, 40 CFR 1502.14, 1508.25(b). The no-action alternative (Alternative 1) did provide an alternative with no timber harvest. In reviewing Forest Service decisions similar to this project, courts have found that the range of alternatives may be limited to those alternatives that meet the purpose of the proposed action, see, e.g. Krichbaum v. Kelley, 844 F.Supp. 1107, 1109 (W.D. Va. 1994), affirmed, 61 F. 3d. 900 (4th Cir. 1995) (Forest need not consider a “no logging” alternative that does not meet forest plan goals) Sierra Club v. Robertson, 810 F.Supp. 1021, 1029 (W.D. Ark. 1992), affirmed, 28 F.3d 753(8th Cir. 1994) (NEPA does not require an agency to consider alternatives that do not achieve the purpose of the proposed action). Tiering to the environmental effects disclosure in the EIS for the forest plan is an acceptable method of addressing projects effects, 40 CFR 1508.28, Sierra Club v. Robertson, and 784 F.Supp. 593, 603 (W.D. Ark. 1991). The No Action alternative has not been dismissed. No alternatives were dismissed in the DEIS, rationale for selection occurs in the ROD. Four alternatives were considered in detail in the DEIS (5 alternatives in the FEIS). See also the response to letter 14, comment numbers 4 and 5.

*CommentLetterID CommentNumberID Comment*

14

4 " The DEIS notes that the CNNF is in the process of revising its plan and the desired future conditions and management directions could be changing in the near future. The DEIS points to 40 CFR 1506.1 as a basis for continuing to take action under the old forest plan, but fails to note that the Forest Plan was clearly meant to expire in

*Response*

NFMA, 16 U.S.C. § 1605(f)(5), requires that forest plans "be revised from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every 15 years . . .". The current Chequamegon and Nicolet National Forest Plans were both approved on August 11, 1986.

Under Section 1605(f)(5), the agency is required to have revised each Plan by August 12, 2001. The Chequamegon-Nicolet National Forest is currently preparing a combined revision of both Forest Plans. A notice of intent to revise the plans was published in the Federal Register on 06/27/1996. Since that time, Public Involvement and analysis have proceeded such that alternative actions are being finalized. The anticipated availability date of the Forest Plan Revision DEIS for public comment is April 2003.

There is no express requirement in NFMA, or its regulations, to halt management activities if a Forest has initiated plan revision but cannot meet the statutory timeframe. There is no Agency direction to halt management activities if an approved forest plan exceeds the revision timeframe. No court has ordered the agency to cease management activities because revision was not completed before the statutory timeframe lapsed.

Moreover, Congress does not intend management to cease if the 15-year date for plan revision is not met, as indicated by specific language in the 2002 Interior Appropriations Act:

SEC. 327. REVISION OF FOREST PLANS. Prior to October 1, 2002, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System.

It is evident that this intent has been longstanding, with related language in past appropriation acts:

- 1986 – PL 99-500, Sec 101(h)(title II), Oct 18, 1986, 100 Stat. 1783-242, 1783-268.
- 1986 – PL 99-591, Sec 101(h)(title II), Oct 30, 1986, 100 Stat 3341-242, 3341-268.
- 1987 – PL 100-202, Sec 101(g) (title III, sec 314), Dec 22, 1987, 101 Stat 1329-213, 1329-254.
- 1988 – PL 100-446, title III, Sec 314, Sep 27, 1988, 102 Stat 1825.
- 1989 – PL 101-121, title III, Sec 312, Oct 23, 1989, 103





***CommentLetterID CommentNumberID Comment***

14

8 "The Cayuga DEIS suggests that it can proceed with such activities because the new forest plan is being worked on, and the suggested management activities in the Cayuga do not generally conflict with alternatives proposed in the new plan. Further , they do not clearly outline these alternatives or possible conflicts in the DEIS, but rather hide this analysis in the "project file" which is not readily available to the public given the limited period for comments and participation under NEPA."

***Response***

The compatibility with the Forest Plan Revision analysis was discussed under section 1.4.4.1 of the EIS. An analysis of the compatibility of harvests proposed in this project with Forest Plan Revision alternatives was completed. Each Alternative under Cayuga was compared with all alternatives under the Forest Plan Revision. This analysis displays all harvests including number and type of cut that would create conditions that would be incompatible with the desired future condition under Forest Plan Revision Alternatives. This complete analysis is part of the Project Record (Compatibility with Forest Plan Revision), and was not included as an appendix to the DEIS because of its complexity and inclusion of many maps and spreadsheets.

It is available upon request. The alternative maps for the Forest Plan Revision have been available to the public since July 2002. Each Forest Service Office had copies of these maps for display and sharing with the public. These maps were the basis for this compatibility analysis. In the context of the entire Forest Plan Revision, the ID team analysis (Project File, Forest Plan Revision Analysis) found goal trade-offs from Cayuga actions to be very small and the cumulative tradeoffs at the overall Forest Plan level to be negligible. The scope and scale of vegetation treatments and road access management is well within all of the goals, objectives, standards, and guidelines found in the range of all alternatives considered for Revision. Additionally, the Cayuga action alternatives were developed by considering the new information and conditions used in developing the Plan Revision alternatives. These small trade-offs will have no impact on limiting the range of options for decision-making and alternative choices to revising the Forest Plan.

14

9 "No one really knows which of the new forest plan alternatives will become final, or even if any of the proposed alternatives will be formalized as the new plan. Nor do we know what MIS will be adopted under the new plan. For the Forest to presume to know the outcome of the planning process is arbitrary and capricious."

See response to letter 14, comment numbers 4, 5, and 8.

***CommentLetterID CommentNumberID Comment***

- 14 10 "Furthermore, the public has not yet had a chance to see the details of the new plan, yet alone make comments on these alternatives. Indeed, the USFS started the revision process so long ago that even the scoping comments for the new planning process should be considered out-of-date, due to extensive new research in the field of wildlife field
  
- 14 11 "If the forest service insist of basing its management activity in the Chequamegon on a forest plan that has yet to be released to the public, they are presumptively robbing the public of its right under NEPA and NFMA to participate in the planning process, and on their right to the most current information being used to make decisions about planning and management."
  
- 14 12 "The Forest and Rangeland Renewable Resources Planning Act ("RPA") and the National Forest Management Act Amendments ("NFMA") provide unambiguous direction to the Forest Service regarding forest planning duties at the national and local levels. The purpose of these planning requirements is to insure that all site specific decisions made by the Forest Service are consistent with goals, objectives, standards, and guidelines established for the National Forest system as a whole as well as for individual National Forests. Plans completed at the national, regional, forest, and project levels are integrated to provide a consistent framework for achieving these goals and objectives. 36 C.F.R. 219.4. Project level decisions are tiered to forest level decisions that are tiered to regional and national level decisions. Id."

***Response***

- See responses to letter 14, comment numbers 4, 5, and 8.
  
- See the responses to letter 14, comment numbers 4, 5, and 8.
  
- Comment noted.

***CommentLetterID CommentNumberID Comment***

14 13 "In addition, the RPA Program's supporting analyses contained in the RPA Assessments are critical for determining whether or not individual projects authorized by the Forest Service are consistent with resource demands placed on individual National Forests by the American people as a whole taking into consideration the demands placed on forests in all ownerships."... "The RPA requires the Forest Service to develop a Renewable Resources Program at least every five years, and Assessment at least every ten years."... "The NFMA requires each National Forest to revise land and resource management plans at least every 15 years."... "These requirements are reiterated and amplified in forest planning regulations... and the Forest Service handbook at ... . To undertake a proposal like this one when the Chequamegon Plan is outdated and expired is not in compliance with applicable laws and is arbitrary and capricious."

14 14 "The suspension of the Cayuga project is necessary because the goals, objectives, standards, and guidelines contained in the 1986 Nicolet National Forest Plan are no longer defensible in light of significantly changed resource demands by the public, significantly changed environmental and economic conditions, and significant changes in Forest Service management direction".

14 15 "The DEIS discusses using mitigation where TE species are known to exist," or if they are found during project layout and implementation," but it fails to discuss what actual monitoring measure will be used or if a qualified biologist will be available to identify TE species during the project implementation. Further, there is no citation to any papers, reports, studies or any formal documentation of any evidence at all that the mitigation measures work as indicated. Recent case law is clear—the agency must have information, on the record, for the public to verify, which validly documents any findings that so-called mitigation measures eliminate the potential for significant effect. Short of that stringent standard, which is what the public expects and deserves, the agency cannot rely on these conclusory statements."

***Response***

See response to letter 14, comment number 4.

See response to letter 14, comment numbers 4, 5, and 8.

The only federally threatened or endangered (TE) species known to occur or with the potential to occur within the project area are the bald eagle and gray wolf (for a discussion of Canada lynx see response to Comment #13). Extensive monitoring of these species is done on a yearly basis, and is described together with trend information in Appendix H of the EIS (DEIS pp. A-65 to A-67). As far as TES plants are concerned, there are none documented in the project area, so mitigation measures that specifically address known sites are not needed. Monitoring implies that there would be a known site, so again, monitoring that specifically addresses known sites is not needed. See also the response to letter 14, comment 28.

**CommentLetterID CommentNumberID Comment**

- 14 16 "In spite of this evidence that the mitigation measures do not completely compensate for all potential of impact, there is no analysis in the DEIS of the consequences if the mitigation measures fail or if conditions occur which are not predicted, causing them to not function as planned. What are the consequences if sedimentation is not totally controlled? What if rutting and compaction occur. What is the impact of these effects? By not discussing this in the EA, the agency has violated NEPA, and cannot insure the protection of the soil and water as required by NFMA."
- 14 17 "The USFS does note that a mitigation documents is available in the project file, but NEPA dictates that EISs should be transparent documents that fully characterize and analyze the environmental effects of the project in a way that is clear to the public. Given the short timeframe that the public has to comment on the DEIS, the public should not be required to chase down additional documentation to fully understand the effects of the project. Despite these roadblock, I did obtain the mitigation document that was in the project file and it does not provide much more information on the mitigation measures, and clearly does not provide evidence that they will be effective."
- 14 18 "How does that comply with NEPA? NEPA requires that findings and considerations be subject to public scrutiny. This is an important part of the NEPA process. Yet, the BE, where all the important analysis takes place, wasn't sent to the public and wasn't posted on the web. This is a violation of NEPA. The DEIS fails in the transparency test under NEPA by hiding important details and consultations within the project file and through references that are not fully elaborated on as to how that relate to the project."
- 14 19 "The so-called "Environmental" analysis based almost all on Forest Plan Desired Future Condition." These treatment goals are based on outdated Forest Plan."

**Response**

The effects of sedimentation were discussed in the Cayuga DEIS in Section 4.2.6 (Predicted Effects on Water Quality, Introduction section and in the description of Alternative 2).  
The use and effectiveness of Best Management Practices for Water Quality was discussed in the DEIS, Section 3.3.6. The consequences of rutting and compaction were discussed in the DEIS Section 4.2.8 (Predicted Effects on Soils, Introduction section and in the descriptions of Soil Erosion and Displacement, Soil Compaction, and Soil

All mitigations required for minimizing impacts to resources were included in Appendix C of the DEIS. The mitigation document the commentor refers to was a more detailed description of measures taken to protect TES species, and was provided to him in a timely fashion. A discussion regarding the effectiveness of these mitigating measures was added the the Biological Evaluation (FEIS Appendix D).  
NEPA Section 1500.4 (reducing paperwork) provides guidance on limiting the size of Environmental Impact Statements. "Agencies shall reduce excessive paperwork by: a)reducing the length of environmental impact statements, by means such as setting appropriate page limits, ... f) emphasizing the portions of the environmental impact statement that are useful to decisionmakers and the public (Secs. 1502.14 and 1502.15) and reducing emphasis on background material (Sec. 1502.16)". It is not feasible to include all background documentation in the body of the EIS. Information that is kept as part of the Project Record is still available to the public for review.

The BE was in the DEIS as Appendix D-Biological Assessments and Evaluation. The DEIS and Appendices were also posted on the web.

See response to letter 14, comment numbers 4, 5, and 8.

***CommentLetterID CommentNumberID Comment***

- 14 20 "It is convenient that the only study cited in the DEIS on the compatibility of recreation and timber production seems to support the DEISs contention that the proposed timber harvests will not affect recreation. However, even in citing the study, the USFS notes that the "study found that timber production and recreational use of the forests were relatively compatible." Since no other data from the study is presented, the public is left with no real idea as to what "relatively compatible" means, or whether the USFS is making its own conclusions about this study."
- 14 21 "In discussing the economic concerns raised, the USFS fails to note that they were asked to consider the costs to the taxpayer for this project."

***Response***

The conclusions drawn on the compatibility of recreation and timber production were made by the authors of the report, "Forests and Regional Development, Economic impacts of woodland use for recreation and timber in Wisconsin", and not the Forest Service. Authors Dave Marcoullier and Terry Mace have put forward evidence in this report that supports the premise that a more compatible coexistence between recreation and timber management exists on the Forest of Wisconsin. The objectives of their research was to develop measures that assisted in understanding the ability of Wisconsin forests to support multiple uses. More specifically, they set out to quantify characteristics of two primary uses of Wisconsin Forest, 1) recreation, 2) timber production. Their research followed a three phase design that included; 1) recreational use surveys, 2) analysis of timber inventory data, and 3) regional economic modeling using input-output analysis.

The USFS was asked to, "clearly show the taxpayer whether or not the sales end up providing subsidized profits to the contractors and their companies." The DEIS, Section 4.2.12, shows who would benefit, how, and by how much. In addition, 40 CFR 1502.23 states, "...the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative

*CommentLetterID CommentNumberID Comment*

14

22 "The information and analysis for wildlife is incredibly brief and unsubstantiated. The Forest Service manual, at FSM 2600-WILDLIFE, FISH, AND SENSITIVE PLANT, calls for the, "Management of habitat provides for the maintenance of viable populations of existing native and desired non-native, wildlife, fish (36 CFR 219.19), and plant species (USDA Regulation 9500-4) generally well distributed throughout their current geographic range (sec.2620.01). The DEIS mention's pine martin, but doesn't really discuss them. The CEQ regulations require that "(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA."(40 CFR 1200.1 (b)). The Secretary of Agriculture's Policy on Fish and Wildlife (Dept. Reg. 9500-4) direct the USFS to "manage habitats for all native and desired nonnative plants, fish and wildlife species to maintain viable populations of each species; identify and recover threatened and endangered plant and animal species..."and to avoid actions"...which may cause species to become threatened or endangered." In the case of the pine martin, bobcat and some other species that the DEIS covers only in brief, it is the duty of the Forest Service to avoid actions which may cause it to be listed, and which would jeopardize its viability. In looking at these regulations in total, it is clear that the agency must (1)provide sufficient habitat for species to guarantee their viability well distributed across the planning area, (2) they must verify that viability by in-the-field populations counts of either the species or a representative species known as a management indicator species and sensitive species, and (3) they must disclose their plans, the impacts of their plans, and the accurate, up-to-date scientific basis for their findings in documents subject to public scrutiny before they make final decisions on carrying out those plans."

*Response*

The analysis of effects on wildlife was discussed within the DEIS under every issue where wildlife species have the potential to be affected directly, indirectly, or cumulatively.

Effects were also covered in the Biological Evaluation for Regional Forester Sensitive Species (DEIS, Appendix D, pp. A-26 to A-46). Information on Management Indicator Species, including monitoring methods and trend information, was provided in Appendix H (DEIS, pp. A-59 to A-71). In addition, a more detailed analysis of project-related effects on wildlife is provided in the 51 page specialist report on the wildlife resource (part of the project record). Additional information from this report was summarized and added to the FEIS, as Section 4.2.14, Effects on Management Indicator Species (MIS).

The pine marten was discussed in the Biological Evaluation (DEIS, pp. A-33 and A-34). Included in this discussion was the reintroduction background, current range, landscape and site-level habitat needs, and direct, indirect, and cumulative effects. Both site-level and landscape-level impacts of clearcutting are clearly disclosed. After the DEIS was mailed out for public comment, a somewhat misleading section of text was noticed in the beginning of the cumulative effects section (DEIS, p. A-33); this was corrected for the FEIS (Appendix D, p. 13).

The comment regarding USDA policy on avoiding actions that would result in federal listing of species such as pine marten is noted. The Biological Evaluation discusses effects of project activities, describes ways in which habitat is maintained or improved, and determined that project activities would not result in a trend to federal listing or loss of viability.

*CommentLetterID CommentNumberID Comment*

14

23 "The USFWS website makes it clear that the Canada lynx range does include Wisconsin, and specifically covers the CNNF. (See <http://www.r6.fws.gov/endspp/lynx> and [http://www.r6.fws.gov/endspp/lynx/lynx\\_map.pdf](http://www.r6.fws.gov/endspp/lynx/lynx_map.pdf).) The Canada Lynx provides an excellent example of a species that is not properly considered in the DEIS, given the requirements of NEPA, NPMA and the ESA. This species also provides an excellent example of why the forest plan needs to be updated before new projects are considered or implemented. The June 5, 2001 letter from the USFWS, which serves as the only documentation in the DEIS that informal consultation took place as specified under the ESA requirements, does not make it clear why the project will affect federally listed species, but instead it arbitrarily concludes that they will not be affected. Still, the letter itself makes it clear that should "new information become available that indicates listed species or critical habitat may be affected, consultation should be initiated." In a recent Federal Court case (DC District), the judge decided that the USFWS failed to adequately consider the habitat requirements for the lynx in three regions, including the Great Lakes region. As the decision made it clear that the USFWS has not considered the habitat requirements of the lynx in the Great Lakes, the consultation process for the Cayuga project needs to be restarted and the results-specifically the any effects that the project might have on the lynx-must be made available to the public before this project continues. Further, as lynx habitat has not been properly considered for the region, the Forest Plan for the CNNF should be amended (or fully revised) to ensure that lynx viability is considered, before projects based on that plan should proceed. This was done in the Rocky Mountain region, but has yet to be done in the other regions. Again, we see that the forest plan is not simply old and expired, but actually lacking through its failure to consider new information and new legal requirements..."Given this lack proper consideration that the project may have on the lynx, the project should be cancelled, or at a minimum the forest plan and the DEIS need to be amended to incorporate the eventual findings of the USFWS on the habitat needs of the lynx in the region."

*Response*

Potential effects on the lynx and other federally threatened and endangered species will be covered in a Biological Assessment, to be completed for the selected alternative. There is no evidence of a breeding population of lynx on the Forest, although transient individuals have been recorded from time to time. In the Biological Opinion on the effects of National Forest and Bureau of Land Management activities on Canada lynx in the contiguous United States (10/25/2000), the U.S. Fish and Wildlife Service documented that:

- Much of the Great Lakes area is considered marginal habitat for lynx because it is a transitional forest type at the edge of the snowshoe hare range.
- Snow depths that allow a competitive advantage for lynx occur only in limited areas in northeastern Minnesota, extreme northern Wisconsin, and Michigan's Upper Peninsula.
- The historical and current status of lynx in the area is uncertain, with population dynamics probably driven mostly by immigration.
- Using the best information available, it is not possible to determine whether resident populations of lynx exist currently or existed historically in the Great Lakes region (it is recognized that lynx breeding has recently been documented on the Superior National Forest). Past records from Wisconsin and Michigan were most likely transient, dispersing animals.

We are working with the U.S. Fish and Wildlife Service to assure that all requirements of the Endangered Species Act are met, including the preparation of a Biological Assessment for the selected alternative. The completed BA will be presented to the FWS for review and concurrence. A request for formal consultation will be made only if there is a determination that the project "may

***CommentLetterID CommentNumberID Comment***

14

24 "The DEIS completely fails to consider the effects of the project on bobcat or potential bobcat habitat. Without any baseline data from in-the-field studies, any conclusions of no impact based upon a finding that they are not present, when clearly their habitat is, does not comply with NFMA or NEPA. These species could be driven further below viability by this decision, and failure to give this a hard look constitutes a violation of both NEPA and NFMA."

***Response***

Bobcat certainly exist within the project area, however NEPA does not require documentation of effects on every species known to exist within a project area. Effects on bobcat were not specifically discussed because it is not a threatened, endangered, or Regional Forester Sensitive Species, it is not a Management Indicator Species for the Chequamegon, and it is not a species of viability concern. On the contrary, the bobcat is managed by the state of Wisconsin as a game animal, and is routinely hunted and trapped. In spite of this harvest, the population statewide has been stable or increasing in the past 20 years; yearly harvest has ranged from 71-280 animals, with an average of 177 (from Wisconsin Wildlife Survey report, August 2002 issue). Total population has increased the last few years to approximately 2400 animals (unpublished data).

*CommentLetterID CommentNumberID Comment*

14

25 "In addition to the viability requirements, an associated requirement is that the FS is under an affirmative duty to monitor population trends of wildlife to determine the effects of management upon such species. The NFMA statute itself requires that the agency will "insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;" (16 USC 1604 (g)). A further monitoring requirement is set forth in the NFMA regulations, at 26 CFR 219.19(a)(6), which requires that "population trends of the management indicator species will be monitored and relationships to habitat changes determined." There is no mention of water monitoring, or of monitoring of TE species, or of indicator species. This lack of monitoring may be in violation of NEPA (mitigation requirements), NFMA and possible the Forest Plan. A further monitoring requirement is set forth in the NFMA regulations, at 26 CFR 219.19 (a)(6), which requires that "population trends of the management indicator species will be monitored and relationships to habitat changes determined." In addition, the requirements of section 219.19 read, "each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species selected under paragraph (g)(1) of this section, to the degree consistent with overall multiple use objectives of the alternative. What does this say about the Chequamegon monitoring program when there are so many sensitive species that are "Likely to Occur" but have not been verified. It would seem that they has not been sufficient research done to really understand the possible effects on these species."

*Response*

Monitoring methods and trend data are found in Appendix H (DEIS, pp. A-59 to A-71). This includes monitoring information for the bald eagle and gray wolf, the two federally listed species known to occur within the project area, or with potential to occur. Monitoring that has taken place regarding water was discussed in the DEIS, p.39 (FEIS Section 3.3.6).

Recent court decisions have held that CFR 219.9 regulations apply to Forest-wide planning and do not require the Forest Service to conduct site-specific monitoring of MIS in the project area. Additionally, the section of 219.19 referenced by the commenter ("each alternative shall establish objectives for the maintenance and improvement of habitat for management indicator species.....) is a requirement that applies specifically to the "planning area" (National Forest in this case) and not to an individual project area.

The "likely to occur" species the commenter refers to are species listed as Regional Forester Sensitive Species for other Forests. They are not yet documented on this Forest but suitable habitat is present, therefore we need to consider them in the Biological Evaluation. It is likely that there will always be species with unknown status on the Forest, in spite of thousands of acres of survey that are completed every year. This is particularly true for species

***CommentLetterID CommentNumberID Comment***

14 26 "The CVMP DEIS fails to address the problem of excessive deer numbers and fails to reflect the potential for high deer populations to influence spread of disease including but not limited to chronic wasting disease. In fact, the DEIS admits that each of the treatment alternatives would increase habitat suitability for whitetail deer. However, the DEIS fails to provide evidence that increasing habitat suitability does not help maintain artificially high population

14 27 "How can the USFS make a determination about a species like this when they don't know the population numbers or where they may exist? There could only be a few populations in the project area, so disturbing even a single population could impact the viability locally, especially when the surrounding areas may already be disturbed."

***Response***

The issue of deer populations was discussed both in terms of effects of project activities on deer, and effects of deer population on other resources; DEIS: pp. 55, 57, 58 (effects of clearcutting); pp. 60, 61 (effects of upland openings); and Wildlife specialist report: pp. 11, 12, 14, 15, 18, 20 (effects of clearcutting); p. 24 (effects of selection cutting); pp. 37-39 (effects of upland openings); pp. 50, 51 (cumulative effects). Some of these references also discuss the effects of other factors influencing deer populations beyond habitat availability.

The issue of disease, in particular Chronic Wasting Disease, is beyond the scope of the analysis. The spread of disease is affected more by the concentration of deer due to baiting or feeding, which is regulated by the Wisconsin Department of Natural Resources.

It is unlikely that exact population figures or all population locations will ever be known for some species, including invertebrates like Henry's elfin butterfly. Determinations are made on the knowledge available, often supplemented by project related surveys. In the case of the Henry's elfin, project related surveys were not considered necessary due to lack of impacts to host plants or to habitats considered most likely to harbor the species (such

***CommentLetterID CommentNumberID Comment***

14 28 Regarding, spreading woodfern, ginseng, and Braun's..."A determination of no impact doesn't make sense when it is clear from the information presented that there could be and probably will be some impacts. A determination of no significant impacts might make sense here if mitigation where clearly presented, but a No Impact determination would be arbitrary and in violation of NEPA requirements."

***Response***

There are no documented occurrences of any of these species within the project area. The area was thoroughly searched during the 2001 field season with all available habitat for each of these species inventoried and no occurrences documented. In addition to the 2001 field season, portions of the area have been searched during earlier field seasons for other projects or as part of pro-active inventories. There are also no documented occurrences of any known Regional Forester Sensitive (RFSS), Threatened, or Endangered plant species in the Wisconsin Department of Natural Resources Bureau of Endangered Resources "Element Occurrence" database for the project area. Activities associated with the project area include timber management of stands that have moderate habitat suitability for ginseng. Past experience of managed hardwood stands with known populations of this plant on the Argonne Experimental Forest have shown this plant to be resilient to thinning operations (personal observation). Habitat is moderately suitable for Spreading Woodfern and Braun's Holly Fern in 3 stands proposed for individual tree selection. Mitigation measures W16-W19, which are already in place for these stands, would protect any suitable habitat, except that the basal area should be 90 in the Riparian Management Zone. A new mitigation measure (E14) was added to the FEIS, Appendix C, to cover this.

14 29 Regarding Pileated Woodpecker, "It is not clear if this species is declining or increasing in the project area. There is some evidence of surveys on the district, but no evidence that the surveys were actually done in areas that will be actively managed."

Trend data is not available for the project area. Monitoring of this species, and other Management Indicator Species, is done at a Forest level, as required by NFMA.

*CommentLetterID CommentNumberID Comment*

14

30 "We support CNNF efforts to assess impacts to migratory warblers. However, the methods used to determine impacts are highly questionable and lacking in scientific support. The scattered population studies presented for the warbler fail to provide any determination on the long-term trends of the species in the project area. Estimates of potential impacts are thus very compromised and are likely to be misleading at best. The CNNF has an obligation to monitor and assess population trends for these species across the forest and then use these data for effects determinations. The CVMP DEIS fails to make mention of the population trends of these MIS or of other neotropical migratory species. Where are the data from the ongoing breeding bird surveys? Where are the results of studies conducted across the region and across the forest? Failure to provide for migratory species that are declining in population violates NFMA. Furthermore, since these and other species are expected to move out of disturbed areas, assuming that all territories are occupied means any displaced animal will be lost. At the same time, the DEIS does not provide the locations of suitable habitat that could be colonized during disturbance. Where are the remaining high quality habitat blocks that could absorb the organisms what will be displaced by logging? The DEIS does not include this information."

*Response*

The Chequamegon-Nicolet NF has done yearly monitoring of bird species since 1987 (Nicolet) and 1992 (Chequamegon). These yearly surveys, combined with associated research projects, have provided a wealth of information about population trends, habitat associations, and effects of management. This information is specific to the Forest, and has been used extensively in the preparation of the effects analysis. There are many local and regional studies that are cited in the DEIS and Wildlife specialist report that offer a scientific basis for the analysis.

Population trends of Management Indicator Species were discussed in Appendix H of the DEIS (pp. A-59 to A-71) and in the cumulative effects summary of the Wildlife specialist report (pp. 46-51). Predicted population trends of bird species in general are discussed in cumulative effects sections of the DEIS (pp. 59, 60, 67, 68) and in the cumulative effects section of the Wildlife specialist report (pp. 42-46). Section 4.2.14 of the FEIS summarizes the effects on MIS from the wildlife specialist report. None of the alternatives were expected to threaten viability for any MIS within the project area.

Data from the Chequamegon breeding bird survey and from local and regional studies are included in the project record.

The commenter refers to a statement about some animals vacating areas disturbed by logging. This statement is found in a paragraph in the DEIS that discussed direct effects of clearcutting (p. 56). The statement was not meant to imply that individuals leaving an area during a disturbance such as clearcutting would successfully occupy another portion of the project area over the long term. It indicated that most larger adult animals would be able to move to escape the immediate, direct effects of activities such as tree felling. The same paragraph in the DEIS discloses that there could be some direct or indirect

*CommentLetterID CommentNumberID Comment*

14

31 "To mitigate noxious weeds, the DEIS suggests that, "Equipment used for timber harvest, wildlife opening construction or maintenance , or road and rereational trail construction on maintenance should either be documented as coming from an area free of noxious weeds or be cleaned prior to use on National Forest lands. Equipment should have all mud, dirt, and plant parts removed before working in the project area." Unfortunately, the document does not make it clear as to who will make sure this happens or how, and how much such monitoring will cost. In fact, the proposed treatments will exacerbate existing problems and results in conditions that are conducive to the spread of these species. The proposed mitigation measures have not generally succeeded in mitigating the spread of noxious weeds in other projects."

*Response*

The mitigation measures presented in the Draft Cayuga EIS are contained in the "Guide To Noxious Weed Prevention Practices (Version 1.0, July 5, 2001)," a document developed to support USDA Forest Service support of the February 3, 1999 Executive Order on Invasive Species. Development of invasive species prevention practices is further supported by USDA Forest Service policy and strategy. The Forest Service has identified the prevention of introduction and establishment of Invasive plants as an agency objective.

The mitigation measures designed to lessen the likelihood of invasive plant spread included in the draft Cayuga EIS have been successfully used across the western United States by numerous federal and state agencies and are generally regarded as standard operating procedure in these areas. Although relatively new to the upper Midwest, there is no known information showing that these measures will not work here.

Typically in other locations, equipment-cleaning measures are included as part of timber sales contracts and would be administered by appropriate Forest contracting officers. Costs of cleaning equipment are anticipated to be nominal and would simply be part of "doing business" on federal

*CommentLetterID CommentNumberID Comment*

14

32 "The Cayuga DEIS fails to consider adequately the cumulative impacts of reasonably foreseeable actions. This "Cumulative effects analysis" does not consider the effects of the other sales large sales that are being proposed on the CNNF, the extensive sell of and subdivision of private land in the region, or other landscape effects outside of the project area."..."The analysis done here is only part of a true cumulative effects analysis. The DEIS only looks at past, present, and potential future actions in the project area itself. Under NEPA, cumulative effects analysis need to look at the project area within the larger context of what is happening on a landscape level. How, for instance, what will the effects be on the project area of having 5 large sales proposed for the CNNF? How will the combination of these sales affect the species, habitat, and species viability in the project area."

*Response*

The commenter is quite general as to concerns regarding any specific cumulative impacts to a resource that might result from the Cayuga proposal. The EIS considers numerous resources for the potential of cumulative impacts from similar proposals across the forest. The commenter refers generally to "species, habitat, and species viability."

- Species: Species of concern in this EIS were federally listed threatened and endangered (T&E), Regional Forester Sensitive Species (RFSS) and Forest Plan Management Indicator Species. Direct, indirect and cumulative effects to each of these are addressed in the EIS in sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.2.11, 4.2.13 and in Appendices D ( Biological Evaluation) and E (Biological Assessment).

- Habitat: The effects to the range of habitats are based upon the changes to composition of forest communities (EIS sections 4.2.1,4.2.3, 4.2.4, and 4.2.11 ). The interdisciplinary team analyzed the cumulative effect of Cayuga with other foreseeable actions affecting the composition of forest communities across the forest. Because of the small impacts to composition of reasonably foreseeable actions, there would be no substantive change across the forest. For this reason, the responsible official did not identify it as a significant issue to address in detail in the EIS. Disclosure of the analysis is found in the Project Record, Forest Level Analyses, Forest Composition. Private lands are only a small portion of the Forest, and would act little to factor into large changes in habitats across the landscape. Additionally, no evidence was present to indicate large changes to forest composition should be anticipated, nor did the commenter provide any.

- Species Viability: An extensive Species Viability Evaluation (SVE) was completed recently as part of the Forest Plan revision process. This evaluation utilized current scientific information and numerous expert panels to determine viability of species at risk, under different proposed revision alternatives. It includes not only the effects from the Cayuga action, but the condition of the species across the Forest (including non NF lands). As such it is a cumulative effects analysis. Although we are still operating under the current Forest Plan, information gathered as part of the plan revision and SVE process was incorporated in the Cayuga EIS and Biological Evaluation



***CommentLetterID CommentNumberID Comment***

14

33 "The Forest Service manual clearly states at 2621.3: Analysis of Habitat Capability. In analyzing proposed actions, conduct habitat analyses to determine the cumulative effects of each alternative on management indicators selected in the plan or project area. Follow these guidelines for the analyses: 1. Define analysis areas of sufficient size to allow adequate evaluation of the cumulative effects on management indicators. 2. Use models, coefficients, and other components of the Wildlife and Fish Habitat Relationships System (FSM 2603, para. 6) to quantify conditions, trends, and responses of management indicators to each management alternative being considered, and the desired future condition. 3. Include in the analysis all management activities proposed for the current planning period, their interactions and collective effects on the distribution and abundance of habitat in space and time, on vegetation succession, and on natural disturbance regimes."

***Response***

This section of the Forest Service Manual speaks of guidelines, not requirements. The Habitat Relationship System that the commentor refers to in the manual has not been used uniformly across the country, and has been supplanted on this Forest by more recent models, analyses, and information sources.

*CommentLetterID CommentNumberID Comment*

14

34 "The [cumulative effects] analysis that is done suggests that past timber harvesting HAS resulted in stream and wetlands sedimentation, the introduction of exotics and non native diseases, the loss of plants and animals, a decline in habitat that provides food and cover. The DEIS doesn't really show how these new sales will be different than past logging which created these significant impact."

*Response*

It is assumed that the reference to past logging impacts the commenter is referring to comes from references to past logging, pre-dating the establishment of the National Forest.

These historic practices completely cleared landscapes of any trees, dammed rivers to drive logs down them and resulted in huge slash fires. Current timber management practices do not resemble these types of practices. All CNNF projects adhere to all applicable Environmental laws as well as Forest Service policy, Forest Plan standards and guidelines and Best Management Practices. In addition, project specific design features and mitigation measures were developed for this project to minimize or eliminate adverse impacts to resources. Specifically, design features and mitigation measures to minimize sedimentation were included in the DEIS Section 4.2.8 and in Appendix C, measures S1, S12, W1-W43. Non-native species mitigations are N1-N6 in Appendix C. Sensitive species mitigations were included in the DEIS, Appendix C, measures E1-E13, in Appendix D, pg. A-45, and in the Project Record. Much sediment entered streams during historic times, especially during log drives down the various rivers, although some has entered streams in recent times and may continue to do so until sites are repaired. The forest has made a great effort in working with various town jurisdictions to re-design both roads and culverts to keep sedimentation to a minimum (10% Project File). Historically, some, not all, exotic species also entered the Chequamegon area prior to the time the Chequamegon was designated a National Forest.

14

35 "The "cumulative effects" section also notes that there are major actions on non-federal land "potentially affecting wildlife and other resources" but it does not discuss the effects that these projects are likely to have on forest structure, species numbers or species habitat. The cumulative effects analysis in the Cayuga project DEIS is not sufficient to satisfy NEPA."...

The cumulative effects section that the commenter refers to was part of the Northwest Howell DEIS, not Cayuga.

***CommentLetterID CommentNumberID Comment***

- 14 36 "At one the document suggest that, "These mitigation measures are also included in the summary of project area mitigation measures listed in Appendix C and the Record of Decision." Has a ROD already been written for this project? This would imply that the USFS has already made a predetermination about this project before allowing and considering public input. If this is the case, it would be a clear violation of NEPA, NFMA and the APA."
- 14 37 "This document does not make it clear why are 1997 figures from the CNNF TSPIRS report are appropriate to 2002. Nor does this analysis does not attempt [sic] make clear why the "Quick Silver" Forestry Investment Analysis program is the appropriate method for this analysis. For the very limited figures that it does provide, it fails to provide any breakdown or explanation. Without the breakdown, the public has no real idea of the costs and benefits of the projects, nor can they check to see if the figures were calculated and used correctly. Again, the USFS is hiding the meat and potatoes of the analysis from the public. This analysis does not satisfy NEPA."
- 14 38 "The cumulative effects part of the economic analysis is merely a summary. It does not take into account the overall forest products industry in the area, the effects of the other large projects in the region, or the effects of the other large projects in the region, or the effects of these large sales on the taxpayers."

***Response***

We were not able to find any reference to the ROD in the Cayuga DEIS. A ROD has not been written for this project. The team considered all the comments received and used many of them to clarify and improve the analysis, consider modifications to the alternatives, and to develop a more thorough and organized FEIS. The ROD will be developed after the DEIS public comment period and after considering the comments received on and clarifications made to the DEIS. The ROD will be circulated with the

The detailed description of the criteria and assumptions used in the economic analysis are disclosed in the Project Record, Economics Section. Additional information from the Project Record was brought into the Economic Sections (3.3.12 and 4.2.12) of the FEIS to help clarify economic analysis variables. The EIS provides the results of this analysis relevant to public concerns raised during the analysis (EIS, Sections 1.4.3.12, 3.2.12, and 4.2.12). The commentor does not identify an issue, but seems instead to question the methods used. The 1997 TSPIRS figures were used to estimate the number of jobs represented by the timber produced in each alternative, and the value of National Forest timber to the local economy. These numbers are based upon a standard socio-economic formula used by the Forest Service over more than a decade of reporting such estimates. 1997 was the last year a public TSPIRS report was published. The jobs and economic values represented by local timber have been relatively stable over the last few years. We determined 1997 figures were still valid as they varied less than 2% from more recent, unpublished values. The Quicksilver economic spreadsheet is based upon forest-experienced costs and recent, actual (2002) lumber prices. It is a widely used program in the region and is based upon commonly used, industry accepted accounting principles. A reference documenting the basis of this program was provided in the EIS in Section 4.2.12.

The cumulative effects section was expanded in the FEIS to include a discussion of the results of the analysis. See also responses to letter number 1, comment numbers 3 and

***CommentLetterID CommentNumberID Comment***

- 14 39 "The Forest Plan states that all areas must be surveyed for heritage resources before any activity that may disturb them. To this effect, the DEIS simply states: "Ground disturbing activities such as road construction, closures, road decommissioning, trail construction ,wildlife and fish habitat improvement activities, and timber harvest activities have been reviewed for heritage resource survey needs." However, the heritage sites are not identified even in a general way so that the public can understand the potential effects of the project on these sites. The DEIS also briefly discusses mitigation, but provides no information on the effectiveness of these mitigation measures."
- 15 1 "In evaluating the document some of the project objectives can be interpreted as being in conflict. For example, Objective #1 on maintaining the aspen component appears to be in conflict with Objective #8, modification of management practices adjacent to the McCarthy Lake and Cedars RNAs, and Objective #3, promoting a contiguous canopy of hardwood to meet wildlife objectives where

***Response***

A thorough heritage resource survey was completed. Information on any sites identified is kept confidential for their protection. A portion of the Heritage Resource report that was in the Project Record, has been moved into the FEIS, Section 1.4.4.9 Heritage Resources, and Appendix C, Mitigation Measures (H1-H5). See also responses to letter 23, comments 3 and 4.

It is difficult to avoid conflicts between different issues and objectives in a project of this scope. Different alternatives were developed in part to provide varying levels of response to these conflicting issues and

***CommentLetterID CommentNumberID Comment***

15

2 "Early Successional Species: Inventory data indicates a clear transitional trend from pioneer species such as aspen and jack pine, to mid and later successional species. This is true across all of the State's public ownerships at varying degrees. This fits nicely into efforts to provide large blocks of longer-lived species for diversity, structure and habitat for interior forest dwelling species. Concerns have been raised by our endangered resources staff on the indirect impacts of producing abundant browse for deer, hare and elk that may also browse on ecologically important, sensitive species such as hemlock and white cedar. This trend indicates a decline in suitable habitat for many of the State's game species (e.g. ruffed grouse, deer, snowshoe hare, woodcock) as well as a number of non-game species (elk, beaver, various songbirds) Maintenance of early successional species, primarily aspen and jack pine, is of regional importance both ecologically and economically. The entire Cayuga Project area lies within the core or buffer of the elk range. The Department's Ek Management Plan recommends "maintaining current levels of aspen in the core range through continued harvest of timber, but without converting other cover types to aspen solely to increase habitat quality for elk". This issue of aspen maintenance is a tradeoff and one in which the Department must make decisions on the broader scale impacts of individual projects."

15

3 "The wildlife openings program has been a mainstay of the Department's management efforts for several years. Their benefit to early successional wildlife species such as white-tailed deer is well documented. Our wildlife staff indicate that next to aspen, the local elk herd utilizes openings more than any other habitat type. The presence of openings may be helpful in deterring the elk from using the rights-of-way and creating a hazard along STH 77 and CTH "GG" In areas where the emphasis is on large block, forest interior species, openings may be more of a detriment. Some data has shown that the chief benefactors of these openings are primarily the relatively small group of game species associated with "edge" habitat. The Department continues to reevaluate the appropriateness of openings, particularly in the planning process for some of our larger State Forests."

***Response***

Comment noted. The effects of early successional management on different wildlife species is covered in the DEIS in section 4.2.1 (pp. 54-60), and in the Wildlife specialist report sections on clearcutting (pp. 4-20) and cumulative effects (pp. 42-51).

Comment noted. The amount of opening maintenance varies considerably among alternatives in part to respond to these concerns.

***CommentLetterID CommentNumberID Comment***

15

4 "The Department's Beaver Management Plan recommends discouraging beaver habitat within 200 feet of high quality trout streams. In the Cayuga project the recommendations extend to 300 feet along McCarthy and Brush creeks. We are generally supportive of these efforts to slow runoff, decrease sedimentation and improve the fish habitat. However, our Trumpeter Swan Recovery Coordinator (Sumner Matteson) notes that there has been trumpeter swan activity within the project area since 1997. In that year, a total of six birds were released on district water bodies as part of a larger effort to reintroduce the swan to northern Wisconsin. One of the release sites was on the Iron River, just north of McCarthy Lake. A pair has nested each year during 1999 -2002 on a large beaver pond on Edies Creek, producing 11 cygnets. Late in the summer, these birds move from Edies Creek south and spend time along the Iron River and McCarthy Lake. Given the status of the recovery effort the Department would like to see maintenance of the afore-mentioned series of beaver ponds for the nesting habitat they provide."

***Response***

The importance of the Iron River watershed to trumpeter swan nesting and brood rearing is discussed in the Biological Evaluation (DEIS, p. A-38). Included in the discussion are potential effects from management, as well as mitigation measures. Proposed activities to discourage aspen on McCarthy Creek were not considered in the effects analysis due to the location of the stream in a different watershed. Alternatives 2 and 4 propose the conversion of a 22-acre aspen stand near Brush Creek to conifer. There is no beaver control or dam removal occurring or planned for Brush Creek however, so the effects of converting one stand within the stream corridor would have minimal effects on overall beaver activity or swan habitat.

15

5 "Invasive exotic species have developed into one of the Department's primary environmental concerns. In addition to displacing native vegetation and habitats, it has proven to be detrimental to many grazing animals. Of particular concern is the potential impact to the infant elk population in the area. We are certainly supportive of any efforts to control leafy spurge or any of the other exotics in this project. I am aware of discussions on the potential use of herbicides towards this effort in the upcoming Forest plan revision. The selected alternative for this project should include control of the leafy spurge patches."

Comment noted.

15

6 "Given the scope of this project, the time and effort devoted to the ecological aspects of this project dwarf the attention afforded these issues. The Department is very aware of the significance tourism and timber harvesting on public lands has on the local and state economies. Local units of government depend on the PILT (payment in lieu of taxes) and 25% payments from federal forests."

Comment noted.

***CommentLetterID CommentNumberID Comment***

- 15 7 "While the mitigation factors addressed many of the concerns for endangered and threatened species, Botrychium mormo (little goblin moonwort) is known to inhabit the area adjacent to the project area. We would encourage Forest Service staff to be alert for new colonies of this endangered species and to mitigate management activities accordingly. This tiny fern prefers mature second-growth to old-growth hardwood forests, silt-capped drumlins, and is usually found in areas where hemlock is a forest component. Newly discovered threats to this species, including exotic earthworms, make maintenance and protection of any existing colonies particularly important. Contact our Endangered Resources staff for further information on this species."
- 15 8 "Of the selected alternatives, the Department is of the opinion that Alternative 3 represents the alternative most closely aligned to our management goals. We would recommend some modifications to that alternative however. The reasons for selecting #3 are summarized below."..."The department would request the following modifications to Alternative #3: 1. Incorporate treatment of the leafy spurge patches into this alternative. This is a necessity regardless of the alternative selected. 2. Provide for maintenance of nesting habitat (ponds) for trumpeter swans in the area of Edies creek and mitigate any management practices so as not to interrupt breeding activity."
- 16 1 "As indicated on page 88 of the DEIS, the U.S. Forest Service has been in contact with the U.S. Fish and Wildlife Service concerning the project. Under separate cover, the Fish and Wildlife Service will be providing additional comments to the Forest Service concerning federally threatened and endangered species as part of on-going informal consultation. Page 88 of the DEIS provides a very brief discussion regarding potential effects on threatened and endangered species, but a list of federally listed or proposed species is not provided. This section in the Final EIS should include a list, as well as cross-references to other parts of the EIS in which these species are discussed (bald eagles are discussed on DEIS pages A-9 and A-65 and wolves are discussed on DEIS pages 37, 69 and 70, and A-66 and 67)."

***Response***

Comment noted. While TES species analysis and surveys detected no populations of or potential habitat for this species within the project area, field personnel are always on the lookout for TES species during timber sale layout, design, and marking.

Comment noted. The removal of leafy spurge was left out of this alternative to provide a range of alternatives and disclosure of effects of implementation of the various proposals of each alternative. Trumpeter swan nesting habitat is addressed under comment number 4.

Federally listed or proposed species were identified in Section 4.2.13 of the FEIS. A completed Biological Assessment for the selected alternative was sent to the Fish and Wildlife Service for review and concurrence, and was included with the FEIS as Appendix E. It includes a detailed effects analysis on federally listed or proposed

***CommentLetterID CommentNumberID Comment***

***Response***

17	1	"Cayuga project alternative #2 is a good choice = page 52 4.1.11 - In stream and tag alder work - McCarthy Creek - good project. Also page 53 4.1.13 - Brush Creek Aspen harvested - beaver control."	Comments noted.
18	1	"I think it is a sad reflection of the current situation in our national forest program when the Chequamegon-Nicolet Forest is one of the largest producers of harvested timber products. As a nation of over consumers we are not making the best use of the renewable resources that we have in our national forests."	Comment noted.
18	2	"There is an area of "inventoried potential wilderness" in the Cayuga project that is approximately 8500 acres in size. I was informed that there 7 or 8 other areas in the Chequamegon-Nicolet National Forest that are also considered inventoried potential wilderness. These areas vary in size, but most are equal to or smaller than the area in the Cayuga project. While these areas are under consideration for wilderness designation, no timber harvesting is occurring. It was brought to my attention that the porcess for wilderness designation will take several years. This seems to be a great deal of land that is set aside in the forest for a long period of time with no known outcome of the drawn out process for designation."	Comment noted. The inventory noted is a part of the Forest Plan Revision process, and cannot be addressed at this level of planning.

*CommentLetterID CommentNumberID Comment*

- 18 3 "The goal of reduction in the young aspen cover type is one that I find perplexing. The national forest, not unlike the county forest, needs to be managed for a variety of users. It is also important to provide a diversity of habitats for wildlife. It is well known that young aspen stands provide desirable seasonal habitat for ruffed grouse and they also provide a valuable food source for white-tailed deer. With the reintroduction of elk to the area of the Cayuga project, the young aspen stands are also an important food source to the elk herd. The Ashland County Forest located near the Cayuga project area does not contain a substantial amount of aspen cover type. In fact, only 15% of the 40,003 acres of Ashland County Forest is made up of the aspen cover type. The aspen cover type plays an important role in the area both in terms of forest diversity and in wildlife habitat."
- 18 4 "In the area of aspen harvest; I think that there needs to be some clarification in the methods that will be used for aspen shelterwood harvest. The publication indicates that this method will be used in several areas."
- 18 5 "As Ashland County Snowmobile Trail Coordinator, I would like to support the proposed 1 acre parking area, along with the proposed .4 mile trail relocation along trail 8. The parking area is much needed in terms of providing a safe place for vehicles to park off from roadways that provide access to emergency vehicles. The proposed .4 mile trail relocation would move the current trail off from a roadway that is used by other vehicular traffic. Relocation of snowmobile trails off from shared roadways is a priority in Ashland County. Again, this is a safety issue."
- 18 6 "As I pointed out at our meeting, the Cedars Research Natural Area is not easily defined on the map of the Cayuga project area. I will not mention my other type or editing comments in written form, as they have already been noted by your staff."

*Response*

The amount of aspen clearcutting and the overall amount of aspen on the landscape has been a contentious issue both at a Forest Plan level and at the project level. Many concerns have been expressed over declining amounts of the aspen type, and over a desire to reduce aspen acreage even more. The project area alternatives were developed in part to respond to these concerns.

The commenter mentions the value of young-age aspen to species such as white-tailed deer, ruffed grouse, and elk. Other commenters have express concern about aspen management in terms of fragmentation and loss of habitat for species such as pine marten and migratory songbirds. Some have commented on a desire to maintain high deer populations, while others have expressed concern over the effect of high deer populations on other resources such as understory vegetation.

These sometimes conflicting effects and impacts of aspen management are summarized in the DEIS in section 4.2.1 (pp. 54-60) and are discussed in more detail in the section of the Wildlife specialist report on clearcutting (pp. 4-20).

This method was clarified in the FEIS. See response to letter 12, comment number 4.

Comment noted.

Comment noted. The maps have been updated and clarified. The FEIS has been re-edited for format, grammatical, and other errors that were overlooked in the

***CommentLetterID CommentNumberID Comment***

- 19 1 "I can do no better than Leigh Haynie's written comments of 4-27-2000, I therefore re-submit all she has written with myself being a co-signer, regarding the Draft Environmental Impact Statement."
- 19 2 "SWAN strongly opposes the Chequamegon-Nicolet National Forest's flaunting of the National Forest Management Act and the implementing regulations by moving forward with major timber sales after the LRMP has
- 19 3 "If the Chequamegon-Nicolet National Forest intends to proceed with these major timber projects (McCaslin, Hoffman-Sailor, and Sunken Moose), then it must revise the LRMP or do an EIS on how these projects will effectively limit the Forest Service's alternatives in the
- 19 4 "SWAN understands that each of these projects will proceed under an EIS, but there is no EIS on the impacts these projects will have on the Chequamegon-Nicolet National Forest cumulatively. For example, cumulatively, these sales will exceed the ASQ for the
- 19 5 "SWAN encourages the Great Divide district to provide the science to support the contention that shelterwood - seed tree management is appropriate in the prescribed areas."

***Response***

- Comment noted. The comments that Leigh had written follow (letter 19, comment numbers 2-37) with responses to how they were handled in the DEIS.
- See response to letter 14, comment number 4.
- See response to letter 14, comment number 4.
- A FEIS was completed for the CNNF Land and Resource Management Plans, as required by law, regulation, and policy. The Cayuga project area (CPA) as well as the other project proposals the commenter refers to, are all tied to the Forest Plan and FEIS (CPA DEIS, p. 10), where a Social Economic Analysis was completed for the Forest Timber Sale Program. This importance is also discussed in the CPA DEIS, p. 47, Section 3.3.12. Further analysis at the Forest level scale was conducted and documented in "A Report on the Socioeconomic Roundtable Convened by the CNNF, completed in 1995". The "End-of-Decade Monitoring Report (1986-1996) for the Chequamegon National Forest shows 99.1% accomplishment of the Plan Projection of the Allowable Sale Quantity (ASQ). From 1997 through 1999 the annual sold volumes were slightly lower than the Plan ASQ. Since 1997 the Chequamegon and Nicolet National Forests reflect an evenflow timber sale sell program of approximately 100 million board feet, (MMBF) annually. See also the response to letter 19, comment 28.
- The appropriateness of the shelterwood system has been addressed in response to letter 12, comment number 4.

***CommentLetterID CommentNumberID Comment***

19

6 "Likewise, SWAN encourages the Great Divide district to provide science to support the contention that the clearcutting is the optimum method of management in prescribed areas. Please note the Forest Service already acknowledges the negative effects of clearcutting on Pine Marten, Spruce Grouse, Three-toed woodpecker, and other sensitive species. (LRMP p. IV-84). "

***Response***

Optimality of a specific treatment activity is not only based upon least environmental impacts, but also on its ability to best accomplish the purpose and need. Our analysis identifies tradeoffs from clearcutting that are both beneficial and adverse. Where used, we have determined that clearcutting best accomplishes our desired outcome. Optimality and Appropriateness of harvest methods, including clearcutting, were discussed in the DEIS, page 91. For each site where the clearcutting method was prescribed, it was compared to other silvicultural options by a certified silviculturist and determined to be the best method to achieve resource objectives (Project Record, Vegetation Section, Silvicultural Diagnosis Matrix ). Considerable science supports the Forest Plan standards for applying clearcutting. Monitoring and field observations by the district Silviculturist support the success of these standards. Recent research on aspen clearcutting was considered in the analysis of this project (e.g. Cleland, et al. 2000. Ecology and Management of Aspen: A Lake States Perspective. General Technical Report RMRS).

19

7 Please be sure to explain the justification for the MIS and reference the 1997 study by NRRI and any internal studies and documentation of analysis of the current list of MIS.

It is generally recognized that there are differing viewpoints in regard to the Management Indicator Species (MIS) concept in general, and with many of the species selected as MIS for the 1986 Forest Plan. Until a revised Forest Plan is approved however, we are required to analyze effects on the current list of MIS.

The NRRI study (referenced in the comment) critiqued all of the bird species selected as MIS for the current Plan, and concluded that most species chosen were not abundant enough to allow meaningful statistical changes in their populations. It also concluded that few species could be truly associated with specific habitat types, casting doubt on the ability of a few species to serve as indicators for the well-being of many other species (Neimi et al., 1997).

Documentation concerning selection of the MIS list for the current Plan is incorporated by reference in the DEIS in Appendix H (p. A-59). Documentation of MIS selection for project analysis is found in the Wildlife resource specialist report (pp. 2, 3).



***CommentLetterID CommentNumberID Comment***

- 19 8 "Please be sure to consider impacts to the Cerulean Warbler."
- 19 9 "SWAN is puzzled at the prescription of even-aged management adjacent to an RNA when there is little difference between shelterwood and clearcutting (a practice the Forest Service acknowledges increases the deer population). Please explain why the aspen cannot be left alone."
- 19 10 "Best Management Practices do NOT satisfy NEPA because there is no site-specific data on these standards or rigorous examination of their efficacy. "

***Response***

The Cerulean Warbler was discussed in the Biological Evaluation, page A-38 of the DEIS.

Our proposed alternatives are designed to provide a balance between goals that sometimes conflict with each other.

Alternative 3 regenerates three aspen stands adjacent to the McCarthy Lakes and Cedars RNA, in order to best meet the Forest Plan DFC for the amount of aspen cover type in Goal Area 1. Alternative 4, on the other hand, does not regenerate any aspen stands adjacent to the RNA. Alternative 4 is meant to enhance the value of the RNA, but it does so at the cost of only minimally meeting the Forest Plan DFC for the amount of aspen in Goal Area 1. Alternative 2 strikes a balance between Alternatives 3 and 4 in this regard.

Stands 166-7 and 166-12, adjacent to the RNA, would be shelterwood cut under Alternative 2. Neither of these would resemble a clearcut. Stand 166-7 is an aspen stand receiving a modified shelterwood harvest, as described in section 2.3.2, where the residual stand density will be as high as in a typical thinning. This is to encourage northern hardwoods, and discourage aspen sprouting. Stand 166-12 is a birch stand that would be opened up enough to allow successful underplanting of white pine. In both of these stands, the removal cut would be deferred, that is, the overstory would be left as nurse trees for the new stand. The intent in both cases is to favor long-lived species in the

There is in fact much site specific data available that show that Best Management Practices are effective in minimizing impacts to water quality. Timber sales have been monitored for several years, on the Chequamegon-Nicolet National Forest, including the Great Divide Ranger District and throughout Wisconsin. References to such data were made in the DEIS, pages 39, 72, and 82, and are a part of the Project Record, References Section.

***CommentLetterID CommentNumberID Comment***

- 19 11 "Please be sure to provide the Biological Opinion to the public on this project. Extensive cutting in a concentrated area may affect listed species, such as the Gray Wolf, Bald Eagle, and Canada Lynx. Please be sure to reference "Progress Report of Wolf Populaton Monitoring in Wisconsin for the Period April-September 2000, by Adraon P. Wydeven, Jane E. Wiedenhoef, Ronald N. Schultz, Richard P. Thiel, Bruce K. Kohn, Paul W. Keenlance, and Wayne H. Hall Jr. Wisconsin Department of Natural
- 19 12 "Please do not ignore the fact the Wisconsin DNR is working to decrease the population of deer. The fact the Forest Service fails to amend the LRMP to reflect the fact that the DNR has a target population range of approximately 1,000,000 deer is arbitrary and capricious; the fact the Forest Service continues to perpetuate a cutting program to encourage the growth of the deer population violates the LRMP. The deer population has increased since 1986; perpetuating aspen and clearcutting to adhere to a LMRP that fails to incorporate the significant impacts of deer overpopulation is a violation of NEPA and NFMA. "
- 19 13 "SWAN vehemently opposes the construction of any new roads or trails including relocation. "
- 19 14 "While it is commendable the Great Divide District intends to proceed with the Roads analysis in accordance with the new Transportation Policy, this is simply what is required by regulation. Proceeding with 14 miles of road construction BEFORE conducting your roads analysis is arbitrary and capricious."
- 19 15 "SWAN requests the Great Divide to provide documentation that the road density in Management Area 192 does not exceed 1.6 miles of road per square mile. "

***Response***

A Biological Assessment (BA) was prepared for the selected alternative, prior to issuance of the Record of Decision. The BA considered potential effects on all federally listed species known to occur in the project area, or with potential to occur. A Biological Opinion was not requested from the U.S. Fish and Wildlife Service because there was not a determination that the project "may affect" one or more of the listed species. The BA utilized and referenced the most current wolf population data from Wydeven et al.

Potential effects on white-tailed deer, a Management Indicator Species, are discussed in the Wildlife specialist report on pages 11-12, 14, 18, and 20. As stated in these references, the quantity of aspen and other favored habitat is only one of several important factors that can influence deer population levels. It is worth noting that in the past 20 years the deer population in northern Wisconsin has increased overall, at the same time that overall aspen acreage has decreased (information available as part of the project record).

Timber harvest proposed in the Cayuga project is consistent with current Forest Plan direction and not in violation as stated by the commenter (DEIS, Need for Action, p. 6). The issues of Forest Plan revision and/or amendment are beyond the scope of this project analysis. See responses to Letter 14, comments 4 and 5. Comment noted.

The Roads Analysis for the Cayuga Project EIS was completed on December 12, 2001 and revised on March 15, 2002. The recommendations that resulted from this analysis were used to develop the alternatives and proposed actions. A copy of the Roads Analysis is in the

Of the total 65,741 acres within MA 192, only 433 acres are located within the Cayuga Project Area boundaries. Within this 433 acres there will be approximately .52 miles of road decommissioning. Therefore, there will be no net increase in open road density within MA 192 as a result of any management activities from the Cayuga Project Proposals.

***CommentLetterID CommentNumberID Comment***

- 19 16 "The Canada Lynx is listed as a protected wild animal by the state of Wisconsin. The Forest Service acknowledges that arterial/collector road construction negatively impacts Canada Lynx. (LRMP p. IV-84). "
- 19 17 "SWAN opposes any road construction or reconstruction and encourages the Forest Service to identify those roads suitable for obliteration."
- 19 18 "SWAN supports the proposal to restrict motorized use on Forest Road 1333, but SWAN supports more road closures not more road building. "
- 19 19 SWAN contends it is the presence of so many "temporary" roads and corridors that contribute to the poor habitat and lynx suitability.
- 19 20 "SWAN opposes the use of snowmobile trails for logging or skid trails unless they are part of the road atlas. "

***Response***

- Comments regarding effects of road construction and the presence of roads on lynx are noted. A Biological Assessment was prepared for the selected alternative for federally listed species, including the lynx, and was included with the FEIS as Appendix E.
- Roads suitable for obliteration were identified during the Roads Analysis process. The recommendations resulting from the Cayuga Roads Analysis were used for Alternative development and identification of proposed actions.
- Comment noted.
- Comments regarding effects of road construction and the presence of roads on lynx are noted. A Biological Assessment was prepared for the selected alternative for federally listed species, including the lynx, and was included with the FEIS as Appendix E.
- Comment noted. Within the Cayuga Project Area, where the snowmobile trails are used for access into harvest units, these trails are part of the inventoried road system.

*CommentLetterID CommentNumberID Comment*

19

21 "There are numerous studies which indicate the adverse effects of fragmenting the forest on area sensitive, forest interior birds. The overall effects result in decreased reproductive success, which results in long term declines in the population of the species. Building 14 miles of roads in an area already heavily roaded must be analyzed for the significant impacts to species, such as neotropical migratory birds. "

*Response*

There is contradictory evidence related to the concept of fragmentation within extensively forested areas like northern Wisconsin. This is pointed out in the section of the Wildlife Resource Specialist Report (WRSP) that discusses clearcutting and fragmentation (WRSP, pp. 6, 44). Brood parasitism of bird species by cowbirds is not generally thought to be a concern in extensively forested areas, including the Chequamegon-Nicolet. This is pointed out in the DEIS (p. 66) and in the WRSP (p. 7). Nest predation however is considered to be a concern in this area, particularly with ground-nesting birds. Regional and local studies are cited in the WRSP that present evidence of increased nest predation near clearcut edges (Flaspohler et al., 2001; Manolis et al., 2000). Studies are also cited that provide evidence of other edge-related effects within extensively forested areas (Mason, 1992; McRae, 1995; Flaspohler et al., 2001; Manolis et al., 2000). Effects of roads and road corridors on wildlife, including Neotropical migratory birds, are discussed in the Wildlife resource specialist report (pp. 29-34). Some information from the WSRP was brought into the FEIS, in Sections 4.2.2, 4.2.4, 4.2.14, and Appendix D, Biological Evaluation.

19

22 "Please be sure to analyze the impacts from this logging project to the water quality of the Upper Bad River, Marengo River, and West Fork Chippewa River watersheds.

The noted watersheds were considered in the analysis of water quality in the project area (DEIS, p. 37-39 and 71-74, and in the Water Resources Specialist Report, available in the Project Record).

19

23 "Please address the impacts to water quality from logging within the buffer zones of McCarthy Creek. "

Section 4.2.6 of the DEIS addressed potential impacts to water quality from logging as well as other activities proposed in the project area. Expected effects specific to the water quality of McCarthy Creek were discussed on page 73 of the DEIS.

19

24 "SWAN contends the 1986 LRMP is flawed and inadequate in light of new research and science. The LRMP must be amended before any cutting can go forward. "

See response to letter 14, comment numbers 4, 5, and 8.

19

25 "Please elaborate how the Great Divide district has taken into account the historical vegetation of this area and what the soils are capable of producing."

Historical vegetation was briefly summarized on pages 30 and 33 of the DEIS. Detailed information is available in the Project Record, Vegetation Composition section. The potential productivity of the soils was discussed in the DEIS, pages 41-43, 76, and 80-83.

***CommentLetterID CommentNumberID Comment***

- 19 26 "The Forest Service contends that the amount of conifer in Goal Area 1 exceeds the DFC by double; the Forest Service also contends that the amount of northern hardwoods is more than double the DFC in Goal Area 2. Perhaps the DFC and LRMP are flawed in that it did not take into account what the soils in this project area historically and scientifically are capable of maintaining. If so, then the LRMP is flawed and must be revised before
- 19 27 "Please be sure to identify the percentage of permanent upland openings forest-wide and state-wide. "
- 19 28 "Please address the question of the productivity of the Great Divide district. Has the District had to exceed cuts scheduled in the LMRP to meet timber production? How many acres were projected for cuts in the LMRP? How many acres are actually cut?"
- 19 29 "Please be sure to include the amount of old growth in this area."
- 19 30 "The next document must have site-specific mitigation measures and data."

***Response***

The Forest Plan (LRMP) Desired Future Condition (DFC) within Goal Area 1 calls for a range of 10-20% for the conifer component. The amount of conifer component (existing condition) within Goal Area 1 is at 6.5 %. The LRMP, DFC within Goal Area 2 calls for a range of northern hardwoods of 35-75 %. The amount of northern hardwoods (existing condition) is at 38 %, (p.4, Cayuga DEIS). See also the responses to letter 14, comment numbers 4, 5, and

Text was added to Section 3.3.2 of the FEIS to reflect current Forest Plan composition objectives for upland openings, and existing acreage of upland openings Forest-wide. Meaningful figures can not be provided for permanent upland openings statewide. This figure could include areas such as agricultural fields, native prairies and savannahs, or suburban developments, depending on a person's definition of upland openings.

Projections of the acres of harvest method, by decade, are provided in the Forest Plan (page IV-8). A forest-wide assessment of attainment of these harvest projections was made in 2003. Based upon harvest completed to date (Project Record, Forest Plan Section, Projected Harvest Levels), none of these projections have been exceeded. This assessment included extrapolating harvest of planned timber sales through the second decade. Cumulative harvest through the second decade would not exceed the 2-decade projections. Actual and extrapolated estimates of harvest accomplishments were considerably below Forest Plan projections. Therefore, this concern was determined not to be an issue important to the weighing the effects of Cayuga proposed actions.

True old growth has not been identified within the project area. There are some areas that have been identified as having good potential for restoration to old growth or high quality natural communities. These are identified on project maps as "Ecological Reference Areas".

Mitigation measures were identified and listed for each stand or project in the EIS, Appendix C-Mitigation Measures. They were also identified in Chapter 4- Environmental Consequences, in the discussions of each resource requiring them.

***CommentLetterID CommentNumberID Comment***

- 19 31 "Please provide the target BA for even-aged thinning. "
- 19 32 "Why is the Forest Service cutting conifers in one area while underplanting and encouraging conifers in another area. Please address the economic justification for this. "
- 19 33 "Please be sure to address the studies justifying the release of beetles to control leafy spurge. Is the Forest Service introducing a new non-native species to eliminate an existing non-native species?"
- 19 34 "Please provide the amount of timber to be produced by this sale."

***Response***

From the LRMP pp. IV-46-47, Figures IV-2, IV-3, IV-4, the target basal area (BA) for even-aged hardwood thinning is approximately 80 BA.

Forest management includes timber harvest, planting, and a variety of other activities to meet the National Forest Management Act. The Purpose and Need for activities within the Cayuga Project Area were discussed in the DEIS, pages 6-9. Both cutting and underplanting conifers meets the Forest Age and Composition and Silvicultural Need #1 (Thin overly dense stands to enhance health, growth, and vigor (Forest Plan, pp. IV 44-61) and use appropriate harvest methods to best meet resource objectives (e.g. visual quality), ( Forest Plan, pp. IV 38-44) DEIS, p. 6. Regulations (36 CFR 219.27b (3)) state that vegetative manipulation shall not be chosen primarily because they will give the greatest dollar return or the greatest output of timber, although these factors should be considered. Economic factors were disclosed and analyzed in sections 3.3.12 and 4.2.12 of the Cayuga DEIS and FEIS.

The release of flea beetles to control leafy spurge was discussed in the DEIS on page 75. Additional information is available or referenced in the Project Record, Noxious Weeds section. The flea beetle proposed for use within the project area to control leafy spurge has been shown to be host-specific and there is no documented evidence showing it to have an effect on any other species.

The volume of timber to be produced by all alternatives was identified in several sections of the DEIS, including Chapter 2, Alternatives Considered. Alternative 2: 23 million board feet (DEIS, p. 17); Alternative 3: 28 million board feet (DEIS, p. 20); Alternative 4: 20 million board feet (DEIS, p. 22); and Alternative 5: 25 million board feet (FEIS, Section 2.3.5).

***CommentLetterID CommentNumberID Comment***

- 19 35 "Please be sure to provide the number of wildlife to be impacted from this sale. For example, "500 neotropical birds are expected to be displaced from the clearcutting in
- 19 36 "I urge the District to adopt a non-commercial restoration alternative."
- 19 37 "I totally agree with Leigh Hanie's comments. Restore, Preserve, and Protect our Nat. Forests for Nature. They must become places where man is a quiet non-intrusive
- 19 38 "What are the public health and safety projects?"
- 19 39 Commenter liked the idea of the watershed improvement projects, but said they are caused by roads that shouldn't be there in the first place.
- 19 40 Commenter is opposed to the visual quality proposals, and believes that we should let nature take its course regarding visual quality.
- 19 41 "How do you plan to get rid of leafy spurge?"
- 19 42 The commentor brought up the fact that spotted knapweed is showing up all over the place.

***Response***

- Potential population changes from project implementation are provided for Management Indicator Species (Wildlife resource specialist report, pp. 46-51 and FEIS Section 4.2.14). Actual population estimates are given for bird Management Indicator Species in the same section. These estimates are based on a modeling software that utilizes data from the Nicolet Breeding Bird Survey, and involve some limitations in terms of sample sizes and stand age information. They are simply used as one additional source of information, in combination with past trends, habitat
- Comment noted. See also letter 14, comment number 3.
- Comment noted.
- The jack and red pine thinnings proposed in the Day Lake Campground and the proposed parking facility for snowmobile trail users on the south side of FR 1296 (DEIS, p. 18-19.
- Comment noted. The watershed improvement projects are taking place on Traffic Service Level A and B roads. These Forest and Town Roads are double-lane gravel roads that serve a variety of functions including local landowner and school bus routes, access to recreational facilities, access to timber sales, etc.
- Comment noted.
- Alternatives 2, 3, and 5 propose the release of a biological control (flea beetle) (*Aphthona* species) to control three small patches of Leafy Spurge. DEIS, p. 19, 23,27, and 75, and in the FEIS.
- Control of noxious weeds within the Cayuga project area was discussed in the DEIS, p. 39, 75, A-6, and A-7 and in the FEIS, Sections 1.2.3, 2.3, 3.3.7, 4.2.7, and Appendix C, p. 5-6, measures N1-N6). The larger issue of spotted knapweed occurrences needs to be addressed at the Forest level of planning.

***CommentLetterID CommentNumberID Comment***

- 19 43 The commentor is against aspen clearcutting, saying that it promotes more deer and the deer population is already way out of control. He noted that we cannot have aspen clearcuts and less deer than we do now."
- 19 44 "Man is having a huge impact on nature. Snowmobiles and ATV's are out of hand on National Forests. They are allowed to go too many places and have negative impacts on wildlife species such as the lynx, badger, and
- 19 45 "Regarding multiple use, recreational and industrial needs are receiving the majority of attention and quiet, peaceful needs aren't. There is an uneven balance between these opposite needs."
- 19 46 The commentor feels that lynx were in northern Wisconsin at one time, and that if we'd leave things alone they would be here again.
- 19 47 The commentor noted that the songbird population is way down at his feeders this winter, and speculated as to whether it was a result of the clearcutting and other management that we do on the National Forest.
- 20 1 "The U.S. Environmental Protection Agency Region 5 (U.S. EPA) has reviewed the U.S. Forest Service's (USFS) Draft Environmental Impact Statements (EISs) for the Cayuga Project on the Chequamegon-Nicolet National Forest, Wisconsin. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act (CAA)."

***Response***

- Potential effects on white-tailed deer, a Management Indicator Species, are discussed in the Wildlife specialist report on pages 11-12, 14, 18, and 20 and Section 4.2.14 of the FEIS. As stated in these references, the quantity of aspen and other favored habitat is only one of several important factors that can influence deer population levels. It is worth noting that in the past 20 years the deer population in northern Wisconsin has increased overall, at the same time that overall aspen acreage has decreased (information available as part of the project record).
- Comment noted. ATV and snowmobile use is a Forest planning level issue, and is being addressed in the Forest Plan revision. See also response to letter 2, comment number 2.
- Comment noted.
- Lynx and lynx habitat were addressed in the Biological Assessment (BA), which was completed for the selected alternative. The BA was included with the FEIS as Appendix E.
- Many people in northern Wisconsin have noted a reduction in birds at feeders during the winter of 2002-2003. Bird populations in winter in northern Wisconsin are known to be very cyclic, with numbers affected by factors such as natural food availability and climate patterns. Winter finches in particular will shift from their typical wintering grounds into other areas depending on food sources. There is also the possibility that the spread of West Nile virus has impacted overall bird populations. All of these factors are beyond the scope of the project area analysis.
- Comment noted.

<i>CommentLetterID</i>	<i>CommentNumberID</i>	<i>Comment</i>	<i>Response</i>
20	2	"The DEIS includes a no action alternative, and three action alternatives. The USFS presents the Proposed Action, Alternative 2, as best addressing the purpose and need in the project area. Needs include... The Proposed Action is consistent with the existing forest management plan, and would move the forest toward meeting plan objectives. Alternatives 3 and 4 emphasize management of early successional species and closed canopy hardwood forest, and forest fragmentation, respectively."	Comment noted.
20	3	"U.S. EPA has rated the Proposed Action (Alternative 2) LO-Lack of Objections. This rating indicates our review did not identify any potential environmental impacts requiring substantive changes to the Proposed Action. However, U.S. EPA considers Alternative 4 to be environmentally preferable to the Proposed Action because of its emphasis on long-term ecosystem health over the desires of forest resource consumers (e.g. hunters and aspen-oriented industry). The Proposed Action and Alternative 4 share many features, but Alternative 4 includes less clearcutting, fewer wildlife openings, and less encouragement of young aspen, conditions that would lead to more habitat for forest interior species and less habitat for overpopulated species (e.g. deer)."	Comment noted.
20	4	"Please send only two copies of the final EIS to this office at the same time it is officially filed with our Washington, D.C. Office."	Comment noted.

*CommentLetterID CommentNumberID Comment*

21

1 "The Ruffed Grouse Society is disappointed in the District's tentative selection of Alternative 2 as it makes no attempt to attain the Forest Plan DFC goals for aspen in MA 1. The only stated need for action regarding aspen is the "need to increase the amount of young aspen" in goal area 1. The Society, in its 31 May 2001 scoping comments to the project, requested that the District "look at an alternative that actually maintains the levels of aspen in this project area as well as addressing Forest Plan goals". A review of the document shows that this alternative was never considered. Instead, the action alternatives all propose decreases in aspen levels ranging from 437 to 646 acres. The end result appears to be a significant drop of aspen habitat in the project area, a continuing theme occurring throughout the Forest. On page 58, the DEIS states that Alternative 3 "was developed in part to address concerns over a regional decline in the aspen type" yet this alternative reduces aspen levels by 437 acres! The Society has repeatedly brought forward its concern that the Forest is disregarding current Forest Plan goals, especially in MA 1, in site specific projects (ie. 11/6-7/01 Washington Office Review, 7/3/02 Forest Supervisor meeting, 8/8/02 Regional Forester meeting, as well as in numerous comments on project proposals)."

*Response*

The Cayuga Project DEIS interdisciplinary team did consider alternatives that would maintain the level of aspen within Goal Area 1 of the project area at the current existing level of 38%. The No Action Alternative would over the long run show a greater decrease in the aspen percentage whereas Alternatives 2,3 and 4 show only a 1 % decrease from the existing level. The action alternatives were designed to best meet the goals and objectives within the project area. Opportunities to convert hardwood stands to aspen within the project area were limited. Approximately 3,064 acres of aspen are within the Forest Plan Revision Iron River Inventoried Potential Wilderness Area (IPWA) (DEIS, p. 31-32). The decision to defer any management activities within this area, prevented us from considering conversion or aspen management opportunities in that area. Alternative 3 regenerates the most acres of aspen in Goal Area 1 (876 acres) and converts only 195 acres. Alternative 5 in the FEIS is a modification of Alternative 2, where some of the aspen conversions were dropped and some of the stands proposed for aspen management in Alternative 3 were added.

***CommentLetterID CommentNumberID Comment***

- 21
- 2 "Plan direction clearly identifies compositional requirements for MA's. Please document how the proposed project will move aspen levels as a whole (Forestwide) towards the clear direction outlined in the existing Forest Plan. The cumulative effects of all projects that have occurred since the 1986 Plan implementation are expected to show, as the Society has repeatedly stated, that ongoing site-specific decisions or non-action have greatly reduced the ability of the Forest to maintain Plan aspen levels now and into the future. The DEIS only addresses two other ongoing proposals (Sunken Moose and Hoffman-Sailor) in its cumulative analysis (page 60). Both of these projects are in the analysis phase and no decision has been made public at this time. The public is currently aware, however, that the Sunken Moose Project initially proposed the regeneration harvest of three aspen stands totaling only 100 acres while converting another 163 acres away from aspen. This is contrary to the statement in the DEIS that the "Sunken Moose Project would maintain the aspen component within Goal Area 1 at its existing condition". As proposed the Hoffman-Sailor Project would increase the aspen component. However, cumulatively these three projects, Sunken Moose, Hoffman-Sailor and the selection of Alternative 2 in Cayuga) would result in a 490 acre decrease of aspen levels on the landscape."
- 21
- 3 "All action alternatives identify many reasons for converting aspen to long lived species (page 25), yet there is not a single conversion identified in any of the alternatives within the 32,228 acre project area to convert stands to aspen. Opportunities exist in the project area to increase the size of patches of aspen habitat through conversion of adjacent mixed hardwoods to aspen. Several aspen patches in the southern half of the project area (Goal 1 area) are isolated from each other. In early successional landscapes such as this, interstitial pockets of later successional types are as responsible for habitat fragmentation as the inverse scenario mentioned heavily in the DEIS section on fragmentation."

***Response***

Concern about decline in aspen nationally, in the state and on the forest was considered, and was discussed in the EIS (sections 1.2.1 and 4.2.1). The importance of maintaining the aspen community on the forest was considered as a major issue and was analyzed throughout the EIS. The amount of aspen remaining after Cayuga actions would remain within the desired ranges for affected area. Cumulatively, aspen composition across the Forest would also remain within desired ranges for affected Management Areas (considering reasonably foreseeable vegetation management proposals (Sunken-Moose, and Hoffman-Sailor West). These values are disclosed in the EIS in Table 4.1.1a.

The action alternatives were designed to best meet the goals and objectives within the project area. Opportunities to convert hardwood stands to aspen within the project area were limited. Approximately 3,064 acres of aspen are within the Forest Plan Revision Iron River Inventoried Potential Wilderness Area (IPWA) (DEIS, p. 31-32). The decision to defer any management activities within this area, prevented us from considering conversion or aspen management opportunities in that area. Alternative 3 regenerates the most acres of aspen in Goal Area 1 (876 acres) and converts only 195 acres. Alternative 5 in the FEIS is a modification of Alternative 2, where some of the aspen conversions were dropped and some of the stands proposed for aspen management in Alternative 3 were added.

*CommentLetterID CommentNumberID Comment*

21

4 "Most of the predicted effects of the fragmentation issue in the DEIS (pages 66-67) refer to edge effects caused by clearcuts or openings with little reference to other harvest methods, transportation systems or even natural occurring edge habitat. Statements such as "many Neotropical Migrant birds prefer mature closed canopy forests" (page 62) and "continuous canopy of interior forest habitat...would benefit Neotropical birds" (page 63) are gross overstatements. This document fails to look at the complexity of habitats and the various needs of songbirds at different times of the year. For example, Duguay et al (2001) reported that predation pressure differ little between the types of silvicultural treatments studied and between harvested and unharvested stands in large forest blocks. That study demonstrated that forest fragmentation caused by timber harvesting, including clearcutting, had little effect on breeding birds. Rivera et al (1999) found that survival of juvenile wood thrushes was high when they reached "safe havens", that included vegetation attributes that enhanced protection such as dense woody stems, understory vegetation and deciduous saplings. Probst and Thompson (1996) reported that of 187 species of neotropical migratory songbirds that breed in the Midwest, more than half (95) use shrub-sapling or young-forest habitats to some degree during the breeding season. Other neotropical migratory birds (ie. Golden-winged warbler, mourning warbler, chestnut-sided warbler) prefer young forest or shrubland habitat."

*Response*

The section of the DEIS that the commenter refers to includes a discussion of other factors affecting fragmentation, including naturally occurring open wetlands (Cumulative Effects, p. 67). The Wildlife specialist report also includes a discussion of fragmentation in relation to roads and road corridors (pp. 30, 31).

There is contradictory evidence related to the concept of fragmentation within extensively forested areas like northern Wisconsin. This is pointed out in the section of the Wildlife Resource Specialist Report (WRSP) that discusses clearcutting and fragmentation (WRSP, pp. 6, 44). Brood parasitism of bird species by cowbirds is not generally thought to be a concern in extensively forested areas, including the Chequamegon-Nicolet. This is pointed out in the DEIS (p. 66) and in the WRSP (p. 7). Nest predation however is considered to be a concern in this area, particularly with ground-nesting birds. Regional and local studies are cited in the WRSP that present evidence of increased nest predation near clearcut edges (Flaspohler et al., 2001; Manolis et al., 2000). Studies are also cited that provide evidence of other edge-related effects within extensively forested areas (Mason, 1992; McRae, 1995; Flaspohler et al., 2001; Manolis et al., 2000).

*CommentLetterID CommentNumberID Comment*

21 5 "The Society supports the District in its attempt to balance the skewed age-class distribution of aspen in the project area. However, even with these proposed harvests thousands of acres (range of 2984-3783 acres) of mature and over mature aspen will remain. The Society understands that it may be necessary to harvest additional aspen at this time in order to prevent the future ability to regenerate aspen. With that in mind, the Society would recommend that the District consider the harvest of units larger than 40 acres as identified in Alternative 2 if there is significant threat of type conversion if left untreated."

21 6 "The Society supports the maintenance of all existing upland openings within the project area. Alternative 3 comes the closest to meeting this objective. These openings make up only a small proportion of the project area (0.4%) but are important to the biological diversity of the landscape. Some species, such as woodcock and most of the butterfly's found in the Forest, require openings and its related flora, for all or most of their life's needs. Other species utilize openings for feedign, gathering, or utilizing unique habitats that openings produce (ie. Berries)."

21 7 "Alternative 3 proposes the highest amount of clearcut harvests but does not vary greatly in the amount of aspen cover remaining on the landscape when compared to Alternative 2 (209 acre or a two percent difference as shown in Table 2.5b). However, the DEIS effects demonstrate significant biases when comparing these two alternatives. Statements like "structural changes would be substantially (emphasis added) increased" on page 58 are not supported with a two percent difference between alternatives in the aspen cover type."

*Response*

The majority (over 2000 acres) of the mature and overmature aspen stands that would remain uncut following implementation of this project are within the Iron River IPWA (Table 3.3.1b, p. 32). As stated in the original "Purpose and Need" and repeated in section 1.4.4.6 (p. 13), "...no decisions will be made that change the undeveloped character of this area until the evaluation under the Forest Plan Revision process is completed..." Outside of the (IPWA) some of those 50 year old and greater aspen stands are inaccessible due to wetlands, access across private lands or due to their adjacency to other harvest units.

Alternatives 2 and 4 each propose some "big block" aspen management with clearcuts greater than 40 acres in size. This is proposed both to address fragmentation concerns, and to regenerate more aspen than would occur if we kept all clearcuts to a 40-acre maximum, because adhering to the 40-acre limitation would mean only parts of these blocks could be harvested.

Comment noted. Effects of openings and opening maintenance are described in the DEIS on pages 60 and 61. The amount of opening maintenance proposed by alternative varies substantially, to respond to the various concerns over openings and maintenance of openings. Alternative 3 however proposes the maintenance of all project area openings outside of the Iron River inventoried proposed wilderness area. The exception to this is openings that have substantially reverted to forest cover, and are no longer economical to maintain. Alternative 3 also proposes some opening construction.

The commenter objects to a statement on p. 58 of the DEIS describing that "structural changes would be substantially increased" in Alternative 3 compared to Alternative 2. That statement is made in regards to "direct effects on individual animals and populations due to increased disturbance and habitat changes" (DEIS, p. 58). The statement in question is considered justified because Alternative 2 would involve clearcutting and subsequent direct effects on 737 acres, whereas Alternative 3 would involve clearcutting of 1381 acres, an 87% increase over

***CommentLetterID CommentNumberID Comment***

21

8 "Table 2.5b provides a summary comparing the effects of the alternatives and identifies 244 acres with potential for compaction and rutting and 538 acres with potential for erosion and displacement in Alternative 3, far higher than any other alternative. Yet data further in the document does not back up these potential impacts. Documentation on page 42 states "Field monitoring of the soil impact indicators for the Cayuga Project area has shown no long-term impairment of the soil resource from recent activities" while on page 78 it says "Verry found no evidence of accelerated erosion after clear-cutting an aspen stand in Minnesota." And finally on page 79 is a statement, "There would be no short or long-term detrimental soil disturbance effects from erosion on project sites or adjacent areas, when design features and mitigation measures are followed."

***Response***

The potential acres noted would only be subject to compaction, rutting, erosion, or displacement if the design features and mitigation measures that were identified later in the document (DEIS Section 4.2.8 and Appendix C, measures S1-S17) were not implemented. An explanation for how the acreages were generated is in the DEIS, Section 4.2.8, p. 78 and 80.

***CommentLetterID CommentNumberID Comment***

21

9 "The DEIS justifies the conversion of aspen to longer lived species in Objective #6 to "restore the vegetation composition of transition areas between upland and lowlands...through a shelterwood harvest method and underplanting". Historically these are the areas where aspen has been present and in early successional landscapes (Goal 1 areas), these are the locations where it should be emphasized rather than converted."

***Response***

The aspen conversion in question varies by alternative (38 acres in Alternative 2, 58 acres in Alternative 4, and none in Alternative 3 (DEIS, P. 28 and A-73). It is not quite clear what time period the commenter is referring to in terms of "historical". Within the last century, it has indeed become very common to encounter aspen in these upland/lowland transition areas, since much of the long-lived conifer was removed by logging at the turn of the century, and because the intense fires made conditions ripe for invasion by aspen. There is evidence however that prior to large scale logging and fires, these transition areas typically held forests dominated by species such as white pine, hemlock, and upland cedar. Evidence of this comes from original land survey notes, as well as studies of areas such as the Sylvania Wilderness, that escaped the brunt of logging and slash fires (Mladenoff et al, 1993). Indications of this pattern can also be found in the habitat typing as described by Kotar, Kovach, and Locey (1988). A typical pattern as mapped by this process involves a very rich, hardwood dominated habitat type on drumlin tops, gradually grading into zones of lower nutrient levels further downslope, until transitioning into swamp conifer. A typical habitat type adjacent to the swamp is TMC, characterized by hemlock and wild lily-of-the-valley. According to Kotar et al., "This type occurs most commonly in low-lying areas within many of the other types, and as a transition type from lake shores and swamps to uplands" (p. 3-24). The TMC type would also likely include species such as white pine, cedar, white spruce and balsam fir in a successional stage.

***CommentLetterID CommentNumberID Comment***

21

10 "The DEIS also continues to justify conversions away from aspen near McCarthy Lake and Cedars RNA to reduce effects of deer (Objective #8). However, as the Society stated in its 31 May 2001 response, if aspen clearcuts were critically important to deer, current populations would not be at all time highs in Northern Wisconsin as aspen habitat (and likewise clearcutting) is at its lowest level since the early 1900's. Other factors, including feeding/baiting, a series of mild winters, harvest attitudes, etc. are having a greater effect on local deer populations. In the McCarthy Lake and Cedars RNA, the existing conifer component and its subsequent winter thermal cover are a much bigger reason for deer impacts to the site than existing mature aspen stands. It is doubtful that the conversion of these aspen stands will have any direct impact to the regeneration of cedar in this area. Ironically, it may actually take significant human intervention (silvicultural treatments or fencing) or some substantial natural disturbance event to make conditions favorable for significant cedar regeneration to occur at this site."

21

11 "Conversions away from aspen have also been identified in the DEIS in all alternatives for visual quality objectives (VQO) along County Hwy. GG. These conversions, from 203-297 acres depending on the alternative seem excessive and go beyond Forest Plan VQO guidelines. In addition, they add significantly to the long-term decrease of aspen habitat in the project area."

***Response***

Silvicultural prescriptions near the RNA are not being modified in an attempt to reduce local deer populations. Rather, aspen regeneration is being avoided simply to reduce the attraction to deer in the immediate area, that could result from producing areas of increased browse and other forage. As the commenter notes, deer may still use the lowland conifer in the RNA during severe winters, however the attraction to deer in milder winters may not be as great with the modified prescriptions.

Comment noted. Residual effects of past clearcutting along the visual corridor of highway GG did not provide reasonable opportunities for additional aspen regeneration at this time. The mature aspen in this corridor is continuing to decline (die and blow down – see EIS section 4.2.10). To maintain Visual Quality Objectives, our opportunities at this time were limited to managing the longer-lived components of stands along the visual corridor. These actions will not preclude future aspen management in the area when visual conditions permit. These sites lie within Management Area 2. The composition of aspen in this management area is currently above the desired range (EIS Table 4.1.1a). Aspen remaining following proposed actions would still remain at the high end of the desired range. Therefore, maintaining a mix of tall forest within this visual corridor was given a greater need during alternative design than increasing aspen composition.

***CommentLetterID CommentNumberID Comment***

- 21 12 "The DEIS refers several times to a pre-settlement condition and uses it as a benchmark to compare what currently exists. While no date is given, we believe that this refers to pre-European settlement (mid 1800's)". Historic information can provide helpful insight into what may have existed in the past, but it is inherently imprecise and does not adequately represent the range of change that has evolved over time in response to dynamic disturbance regimes. Reconstruction of presumed "historical" vegetative conditions are inappropriate for use as a foundation of current land management planning. Why choose the mid 1800's? Humans on this landscape have influenced the natural forest for more than 8,000 years."..." Selecting other times in history (as pollen data has illustrated" would show this area dominated by aspen, by spruce/fir and even a period dominated by red or jack pine. Young forests are extremely important to regional biodiversity and have always been".
- 21 13 "The Society would recommend that the Biological Assessment and Evaluation Report on the Northern Goshawk (pages A-35 and A-36) include a reference that the two top prey species of the raptor are snowshoe hare and ruffed grouse, species that are tied directly to young forest habitat. Annual productivity in northeastern Wisconsin goshawks is directly correlated to regional densities of snowshoe hares and ruffed grouse (Erdmann et al. 1998). Obviously, this habitat cohort is essential within the home range of this species and should not be considered "less than optimum habitat".
- 21 14 "Use of the existing condition population estimates for bird MIS (Table 1, page A-71) for ruffed grouse and probably other species is suspect. The estimate of 2,671 breeding pairs on the Chequamegon Forest falls considerably below the Plan goal of 67,178 grouse and would further justify a significant increase in early successional habitat management in the Project area as well as the Forest."

***Response***

Comments noted. We can only rely on various estimates and extrapolation to determine "pre-settlement" vegetation; the estimates become more difficult and coarse the further into the past one goes. It is recognized that there were varying amounts of early successional forest types prior to European settlement, resulting from a combination of natural disturbance, Native American influence, and climatic factors. These estimates of earlier aspen coverage were only used as a comparison for current

Comment noted. There was a statement in the Biological Evaluation (DEIS, p. A-36) that described the importance of regenerating stands to prey species. However, that paragraph was modified in the FEIS to better reflect the need for a variety of forest types and prey species (FEIS, Appendix D, p.16).

Population estimates provided by the NNFBIIRD program are only used as one indication of overall species populations and trends. There are inherent weaknesses in any population modeling program. The NNFBIIRD program utilizes data from the yearly Nicolet Breeding Bird Survey. The program can be particularly weak for species like the ruffed grouse that are not commonly observed during the BBS 10-minute point counts in early June. Wording was added to this section (p. A-71) to more clearly explain the limitations of the population estimates (FEIS, Appendix H,

***CommentLetterID CommentNumberID Comment***

21

15 "The Society is disappointed that the issue of hunting was eliminated from further study because "the proposed management activities would not have adverse impacts to hunters". To the contrary, the intentional conversion of 646 acres away from aspen habitat (Alternative 2) has the potential to reduce the grouse population in the project area by over 250 birds per year. This along with the passive conversion, through nonaction, of thousands of acres of aspen habitat in the Inventoried Potential Wilderness Area will definitely lead to a significant impact to hunters. The ruffed grouse in particular is an extremely popular game bird that draws hunters in the fall from all over the nation to northern Wisconsin, much like the elk draws hunters to the west. The Wisconsin DNR reported that approximately 150,000 people hunted ruffed grouse and woodcock in Wisconsin in the 2001-2002 season. Most of this hunting occurs on public lands in the northern part of the state where the Chequamegon/Nicolet National Forest is located. Hunters are arguably the number one recreational users of the Forest's landbase as a whole. Obviously any significant decrease in ruffed grouse or woodcock populations would create quite an impact in this region and should not be brushed aside. There are no references to the social and economic impacts of these changes to recreational hunting in the DEIS, something that should be important to any decision-maker."

21

16 "The Ruffed Grouse Society remains concerned about the continuing decline in aspen forest communities nationwide, regionally, and on the Forest. During the past 18 years, aspen forests in Wisconsin have declined by 265,000 acres. Since the mid-1960's, the total area of aspen in Michigan, Minnesota and Wisconsin, which contains 80 percent of the aspen in the Eastern US, has decreased by 21 percent (Leatherberry and Spencer 1996). In Wisconsin, private individuals own nearly 9 million acres (57 percent). A majority of these private landowners (54 percent) have not harvested timber and thus have declining opportunities to perpetuate aspen habitats. The Wisconsin National Forests provide one of the last opportunities to maintain early successional landscapes."

***Response***

A more detailed discussion and analysis regarding hunting that was left in the Project Record, in the Wildlife and Recreation Specialist's Reports, was brought into the Recreation Sections in Chapters 3 and 4 of the FEIS (3.3.11 and 4.2.11). The Iron River Roadless Area is being considered for wilderness in the Forest Plan revision effort.

Managing this area at this time could change its character and compromise its consideration for wilderness. In order to protect a full range of decision options in the revision of the forest plan, the Responsible Official decided to limit the scope of current proposed actions to exclude this area. This deferral does not preclude the agency from analysis of future management proposals following revision of the forest plan. The amount of aspen remaining after Cayuga actions would remain within the desired ranges for the affected area, as identified in the Forest Plan, of which a social and economic analysis was completed, and which the Cayuga EIS is tiered to.

Comment noted. Concern about decline in aspen nationally, in the state and on the forest was considered, and was discussed in the EIS (sections 1.2.1 and 4.2.1). The importance of maintaining the aspen community on the forest was considered as a major issue and was analyzed throughout the EIS. The amount of aspen remaining after Cayuga actions would remain within the desired ranges for affected area. Cumulatively, aspen composition across the Forest would also remain within desired ranges for affected Management Areas (considering reasonably foreseeable vegetation management proposals (Sunken-Moose, and Hoffman-Sailor West). These values are disclosed in the EIS in Table 4.1.1a.

***CommentLetterID CommentNumberID Comment***

- 22 1 Members have documented serious resource degradation in the project area and across the forest and region but many of these issues have been ignored in the DEIS or given only cursory verbal treatment. Such treatment of these issues violates the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA) and the Endangered Species Act (ESA).
- 22 2 "First and foremost, with these comments our organizations register strong opposition to continuation with planning and decision-making for the CVMP. This project is based upon an outdated Land and Resource Management Plant (LRMP) and LRMP Environmental Impact Statement (EIS). To make matters worse, a new LRMP for the CNNF will be proposed and adopted in the very near future. Unlike the original Chequamegon Forest plan, the new plan will reflect nearly two decades worth of science that has developed since preparation of the current LRMP and its original EIS."
- 22 3 "Since development of the 1986 LRMP, the Northwoods (including the entire CNNF) has undergone enormous change, most of which has been detrimental to ecosystem stability and ecological status. Over the past 17 years, the science of conservation has progressed to the point whereby failure to incorporate this new information into land management on the CNNF constitutes an egregious affront to sound scientific land management. "
- 22 4 "Furthermore, new information on species viability has not been incorporated into the current plan, particularly information on species such as Canada lynx, pine marten, migratory warblers, goblin fern and others. The current plan does not contain nor reflect the most up-to-date information about rare species, old growth, fragmentation, road density or other important forest issues. Until the CNNF updates it forest plan, it should not undertake any projects that make irretrievable commitments of resources, especially resources utilized by these rare, sensitive species."

***Response***

We have not been made aware of the specifics regarding the resource degradation that the commentor eludes to.

See response to letter 14, comment number 4.

See response to letter 14, comment number 5.

An extensive Species Viability Evaluation (SVE) was completed recently as part of the Forest Plan revision process. This evaluation utilized current scientific information and numerous expert panels to determine viability of species at risk, under different proposed revision alternatives. Although we are still operating under the current Forest Plan, information gathered as part of the plan revision and SVE process was incorporated into the DEIS and Biological Evaluation. See also the responses to letter 14, comments 4 and 5.

***CommentLetterID CommentNumberID Comment***

- |    |   |
|----|---|
| 22 | 5 "The Forest Service undermines its ability to work with the public when it insists on pushing through five large timber sales weeks before a new forest plan will be proposed. Because of the wealth of new conservation science and knowledge, basing the CVMP on an outdated and widely criticized LRMP destroys any pretext that the agency wants to use the most current information in planning and implementation. "  |
| 22 | 6 "The fact that the DEIS for the Cayuga project does not make it clear that the Forest Plan is outdated appears at best to be an oversight, at worst a subtle attempt to divert the public's attention from the fact that it has expired. The DEIS notes that the Forest has "new and additional information" available that is being used in this analysis. However, the DEIS fails to make it clear just what information is being used or how it is being used. The public has a right to know what information is being relied upon in developing the current project. Further, the USFS has been delinquent in its revision of the forest plan (which started over six years ago and has been on "hold" for a number of years). The USFS should be using all of its planning resource to complete that process before it puts irretrievable resources into new commercial timber harvests and other management activities." |

***Response***

See responses to Letter 14, comment numbers 4, 5, and 8.

See responses to letter 14, comments 4, 5, and 8.

*CommentLetterID CommentNumberID Comment*

22

7 "The CNNF cannot simply state that they completed an "analysis of the compatibility of harvests proposed in the project with Forest Plan Revision Alternatives" and expect the public to accept the statement on face value. If such an analysis were done, then this information should be presented in the DEIS so the public can evaluate it. Instead, Forest Service makes it very difficult to access this information by keeping it in the project file. Compliance with the new Forest Plan cannot be determined based only on the suggested alternatives since a final forest plan may be a "combination of alternatives" (CNNF Supervisor Archie at Nov. 4th 2002 meeting with conservationists in Madison, WI). By assuming that the proposed alternatives will be consistent with the final adopted LRMP alternative is to pre-suppose the outcome of this public process. Pushing the CVMP through the pipeline before the new forest plan is adopted makes a decision in principle and application, that a new plan will not call for conservation measures incompatible with the effects of the CVMP on wildlife, wildlands, aquatic resources and other natural resource values."

22

8 "Our organizations call on you to withdraw the Cayuga project on the basis that all new management activities involving timber harvest, road construction or other extractive actions at this time should be deferred until a new plan is adopted (except for cases where public safety or other emergency conditions exist) and a new cumulative effects analysis can be completed. Such a deferral would go a long way towards restoring trust between the Forest Service and the public, a trust that has been seriously damaged by proposal of these sales in the first place. "

*Response*

The Compatibility with Forest Plan Revision analysis was not included as an appendix to the DEIS because of its complexity and inclusion of many maps and spreadsheets.

It was(and is) available upon request. NEPA Section 1500.4 (reducing paperwork) provides guidance on limiting the size of Environmental Impact Statements. "Agencies shall reduce excessive paperwork by: a)reducing the length of environmental impact statements, by means such as setting appropriate page limits, ... f) emphasizing the portions of the environmental impact statement that are useful to decisionmakers and the public (Secs. 1502.14 and 1502.15) and reducing emphasis on background material (Sec. 1502.16)". It is not feasible to include all background documentation in the body of the EIS. Information that is kept as part of the Project Record is still available to the public for review." The alternative maps for the Forest Plan Revision have been available to the public since July 2002.

Each Forest Service Office had copies of these maps for display and sharing with the public. These maps were the basis for this compatibility analysis. See also the response to letter 14, comment number 8.

See response to letter 14, comment number 4.

***CommentLetterID CommentNumberID Comment***

22

9 "An important contribution to the erosion of trust of the public in the CNNF was the failure of the Forest Supervisor to answer adequately the question of why these sales had to be pushed through at such a late date. The CNNF has yet to come up with an answer to this question and none is forthcoming in the CVMP EIS."

***Response***

In the context of the entire Forest Plan revision, the ID Team analysis (Project Record, Forest Plan Revision analysis) found goal trade-offs from Cayuga actions to be very small and the cumulative tradeoffs at the overall Forest Plan level to be negligible. The scope and scale of vegetation treatments and road access management is well within all of the goals, objectives, standards, and guidelines found in the range of alternatives considered for Revision. Additionally, the Cayuga action alternatives were developed by considering the new information and conditions used in developing the Plan Revision alternatives. These small trade-offs will have no impact on limiting the range of options for decision-making and alternative choices to revising the Forest Plan. Since there will be no limiting of the Forest Plan Revision, it was not necessary to postpone these proposed actions.

22

10 "This document does not provide an actual date by which comments are due. While it does reference the Federal Register, The FR is not readily accessible to the public. NEPA requires that review documents must be clear and accessible to the broad range of the public to fulfill its legal requirements. This document starts by putting the lack of clarity of the comments-due date as a roadblock in front of the public."

See response to letter 14, comment number 2.

***CommentLetterID CommentNumberID Comment***

22

11 "The purpose and need are based on the old Forest Plan, including both forest composition objectives, and economic goals. If the objective is vegetative management, why has the project limited itself to only considering commercial harvests? A management option that uses other than commercial harvests has not been considered, even though it was suggested in scoping comments. This means that the DEIS really only has two alternatives under consideration: the no action alternative and minor variations of a commercial harvest alternative. The type of management considered in each of the action alternatives is the same for each unit. The only real variation is in the extent of the final project."

22

12 "In addition, the "No Action" alternative is dismissed without any clear rational justification. The DEIS implies that the "No Action" alternative does not meet Forest Plan Goals, but it doesn't even consider the possible benefits to waiting until the new forest plan is finalized before authorizing new management."

***Response***

NEPA does not prescribe any particular range of alternatives, but gives federal agencies discretion to determine appropriate alternatives based upon the purpose of the proposal. NEPA "does not require an agency to examine every conceivable alternative to a project involving the environment, but only those that are reasonable." Indeed, an EIS need only set forth alternatives sufficient to permit a reasoned choice. There is no requirement to consider alternatives that are impractical or infeasible. NEPA regulations simply require that a range of alternatives be analyzed, 40 CFR 1502.14, 1508.25(b). The no-action alternative (Alternative 1) did provide an alternative with no timber harvest. In reviewing Forest Service decisions similar to this project, courts have found that the range of alternatives may be limited to those alternatives that meet the purpose of the proposed action, see, e.g. Krichbaum v. Kelley, 844 F.Supp. 1107, 1109 (W.D. Va. 1994), affirmed, 61 F. 3d. 900 (4th Cir. 1995) (Forest need not consider a "no logging" alternative that does not meet forest plan goals) Sierra Club v. Robertson, 810 F.Supp. 1021, 1029 (W.D. Ark. 1992), affirmed, 28 F.3d 753(8th Cir. 1994) (NEPA does not require an agency to consider alternatives that do not achieve the purpose of the proposed action). Tiering to the environmental effects disclosure in the EIS for the forest plan is an acceptable method of addressing projects effects, 40 CFR 1508.28, Sierra Club v. Robertson, and 784 F.Supp. 593, 603 (W.D. Ark. 1991).

See response to letter 14, comment number 3.

***CommentLetterID CommentNumberID Comment***

- 22 13 "The requirements of NEPA and regulations implementing it require agencies to consider all reasonable alternatives to an agency action in preparing environmental review documents. NEPA requires agencies to: Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal, which involves unresolved conflicts concerning alternative uses of available resources (42 U.S.C. 4332(2)(E)). This duty to consider reasonable alternatives is independent and of a wider scope than the duty to complete an EIS. See *Sierra Club v. Watkins*, 808 F.Supp. 852, 870 (D.D.C.1991);*Sierra Club v. Alexander*, 484 F. Supp.455 (N.D.N.Y. 1980); see also 36 C.F.R. 219(12)(f)(1)(in forest planning, USFS shall examine alternatives "distributed between the minimum resource potential and the maximum resource potential..."). The CNNF should have included a minimum of two additional alternatives for full consideration: 1)Active Restoration and 2)Passive Restoration. These alternatives should include protections for lands suitable for wilderness designation, restoration of native species and elimination of active aspen management as a component of multiple use management, among other activities. Dedicating large acreages to aspen production ignores the multiple use mandate of the Forest Service."
- 22 14 "We support the Great Divide RD's decision to use photographs in the DEIS for the Cayuga VMP. Photos are useful for providing information to the public and decision-makers and we encourage greater use of visual media in environmental documents. However, we also note that photos cannot substitute for on-the-ground analysis and other information, which is why members of our organizations spend considerable amounts of time visiting current and historic project areas to document conditions."
- 22 15 "We also note the Great Divide RD's decision to fully document existing occurrences of noxious weed species. We strongly support this information being included in the Draft and Final EIS and we encourage the Responsible Official to consider how proposed project activities will exacerbate infestations of noxious weed species."

***Response***

NEPA doesn't specify how many alternatives need to be developed. A No Action and 3 action alternatives were analyzed in the DEIS. Alternative 2 was modified and called Alternative 5 in the FEIS, in response to comments received. The alternatives that were developed in response to comments received on the Proposed Action fall within the bounds of the Cayuga Purpose and Need and the Forest Plan. The C.F.R. the commentor refers to regards Forest Planning not project level analysis. Any passive restoration would be covered by Alternative 1 (No Action). Active restoration is covered by varying degrees by the 4 action alternatives. The Forest Plan Revision Inventoried Potential Wilderness Area was deferred from any management in all alternatives. It is unclear what the commentor has in mind regarding restoration of native species. Elimination of active aspen management would be outside of Forest Plan and Multiple Use Sustained Yield Act direction, of which project level analysis must follow.

Comment noted.

Comment noted.

***CommentLetterID CommentNumberID Comment***

- 22 16 "The purpose and need for the CVMP reflects a bias towards timber production and ignores significant issues including the need to recover populations of the state endangered pine marten, northern goshawk and red-shouldered hawk, the need to contribute to the recovery of the federally endangered timber wolf and Canada lynx and the need to protect Regional Forester's Sensitive Species habitat and viability. These species already have viability concerns in the region but the CVMP proposes nothing that will directly contribute to improvement in
- 22 17 "The purpose and need statement reflects an outdated perspective which ignores the need to restore and protect ecological health in the CNNF. The emphasis on timber harvest and preparation of stands for future harvest violates the multiple use mandate of the forest service and ignores the overwhelming public opinion supporting wildland restoration and roadless area protection. "
- 22 18 "Claims made in this section are based upon artificial need dictated by the outdated Forest Plan. Reliance upon this document for determining the need for aspen regeneration, forest growth and diversity "improvement", maintain wildlife openings, and wood products ignores the scientific information developed since adoption of the 1986 plan. Basing thousands of acres of logging and road construction/reconstruction on these contrived "needs" makes a mockery of the scientific information developed over the past fifteen years and represents a serious breach of the public trust, particularly that which developed after the Scientific Roundtable. "

***Response***

The issues of species viability and recovery of populations are beyond the scope of this proposal (EIS Section 1.5) and have been addressed at a Forest planning level. These issues are part of the current Forest Plan revision process, including the Species Viability Evaluation, preparation of the Biological Evaluation and Biological Assessment, and development of standards and guidelines. The Cayuga project does however, include activities which enhance habitat for threatened, endangered, and sensitive species. Examples include decommissioning of roads, watershed restoration, and underplanting of long-lived conifer species. Measures to protect the viability and recovery of these species are required as part of any actions (EIS Appendix C, pp 1-2). The effects to viability of threatened, endangered, and sensitive species were addressed in the Biological Evaluation (FEIS Appendix D).

The purpose and need statements in the DEIS (p. 6-8) follow Forest Plan direction, and include enhancement of forest health, as well as restoration and protection projects. The project also follows the Multiple Use Sustained Yield Act of 1960, that states the "National Forests are established and administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes (16 USC 528). All of these types of activities are proposed as part of the Cayuga Project. There are wildland restoration projects and no activities were proposed within the Forest Plan Revision Iron River Potential Wilderness Area (IPWA).

See response to letter 14, comment numbers 4, 5, and 8.

***CommentLetterID CommentNumberID Comment***

22 19 "There is a large proposed roadless area that is included as part of the project area, even though there are no proposed management activities within it. This makes the overall road density figures look much smaller than they would if the road density was figured only for areas that will be actively managed as part of the project. The project also only considers just 50% of the boundary road lengths on the border of the project. However, these roads still effect wildlife and other aspects of the environment as "whole" roads. This again reduces the apparent road density for the project, effectively deceiving the public."

22 20 "Our organizations also note that the project area selected for analysis includes a majority of the upper Iron River drainage basin. This ownership pattern provides an opportunity to look at watershed impacts and status on a basin-wide scale. Responding to the project's stated objective of restoring damaged watersheds in the project area; we wonder why the Iron River watershed is not slated for more intensive monitoring. The CNNF should seize the opportunity to monitor and evaluate the Iron River basin in response to proposed logging and road

***Response***

The Iron River Forest Plan Revision Inventoried Potential Wilderness Area (IPWA) is still considered part of the project area even though no decisions will be made that change the undeveloped character of this area until the evaluation under the Forest Plan Revision process is completed in the reasonably foreseeable future. There are approximately 43.5 miles of roads within the IPWA, that were included in the road density calculation for the project area. The open road density for the project as a whole, including the IPWA, is 2.4 miles per square mile. The open road density in the IPWA only is 1.7 miles per square mile.

The consideration of 50% of the boundary road lengths on the border of the project area is standard methodology used by the Forest since the inception of the Forest Plan, (Per Dave Campbell, Forest Transportation Planner). Forest Plan standards for road densities are based upon this methodology.

The majority of the Iron River and its tributaries fall within the Iron River Potential Wilderness Area (IPWA), in which no projects, including logging and temporary road construction, are proposed. The watershed improvement objective was to repair road stream crossings to reduce sedimentation of the affected streams, not to monitor and restore the entire watershed. A broad project such as that would need to be planned at the Forest level, as part of a watershed analysis. The watersheds of the Chequamegon-Nicollet National Forest have been prioritized for analysis based on a number of factors. The Iron River would be analyzed as part of the Upper Bad River watershed. Three of the proposed watershed improvement projects are culvert replacements to tributary streams of the Iron River. In addition, culverts were replaced at 4 Iron River tributary streams crossed by FR 184 several years ago. Monitoring of stream crossing replacements is built into the project design, through data collection, stream and floodplain cross-sections, and establishment of benchmarks.

***CommentLetterID CommentNumberID Comment***

- 22 21 "The DEIS is incomplete since it fails to include maps showing harvest areas logged over the past 30-years. Without this essential piece of spatial information, the public cannot determine the exact extent of logging and other disturbances within the proposed project area. The DEIS does note that, "Records indicate 45 timber sales were sold within the project area as far back as 1973." How large were these sales? How do they fit in with the 5,414 acres proposed for management in this project? Inclusion of a map of the past cuts would clearly show significant disturbance across and surrounding the project area."
- 22 22 "This DEIS is incomplete since it fails to include maps showing harvest areas logged over the past 30-yrs."..."This failure is particularly critical given that the CNNF consistently uses the excuse that individuals of TES species affected by projects will move to undisturbed areas during logging and road construction activities. A proper cumulative effects analysis would not only display past cutting units with the project area, along with proposed units and future planned units, it would identify exactly which adjacent areas would be able to receive displaced
- 22 23 "In addition, a cumulative effects analysis would examine the ability of organisms that will be "displaced" by logging to reach undisturbed forested stands of suitable quality. This information is central to understanding the landscape and regional scale effects caused by the project directly and indirectly."

***Response***

There is no direction that states how many or what type of maps must be included in EIS's. The extent of logging and other disturbances were disclosed in the text of the DEIS, in various sections. Maps of the existing condition and past timber sales, broken out by type, that took place in the past 30 years are available as part of the Project Record, in the Maps section. An existing condition map was added to Appendix A of the FEIS.

There are no requirements for how many or what type of maps should be included in the DEIS. A map showing harvest areas logged over the past 30 years is in the Project Record, which is available for public review upon request. We are not aware of any statements in the DEIS that indicate TES species will move to undisturbed areas during logging and other activities.

The DEIS does contain a statement about some animals (not TES) vacating areas disturbed by logging. This statement was found in a paragraph that discusses direct effects of clearcutting (DEIS, p. 56). The statement was not meant to imply that individuals leaving an area during a disturbance such as clearcutting would successfully occupy another portion of the project area over the long term. It indicated that most larger adult animals would be able to move to escape the immediate, direct effects of activities such as tree felling. The same paragraph in the DEIS discloses that there could be some direct or indirect mortality on other animals from such disturbance.

*CommentLetterID CommentNumberID Comment*

22

24 "In addition, there are no maps that show what vegetative species are in which harvest areas. Also, it is confusing that the color of the RNA's on existing the map are the same as the color for areas that the project plans to 'thin and underplant.'" The CNNF has a responsibility to provide the public with sufficient information to make informed comments on the impacts of a proposed project. The public cannot do this using the information provided to the public in the Cayuga VMP DEIS. We urge the CNNF to extensive spatial information database to develop base maps showing the locations of past, present, and reasonably foreseeable harvest units."

*Response*

The existing Forest Types, as well as the goal Forest Types for each stand in each alternative were identified in the DEIS, Appendix J-Stand Treatment Tables (p. A-74 through A-98). The stand numbers were included on the maps, so that the reader could reference the table for more detailed information such as species. There is no requirement that such information needs to be presented in the form of a map. It is also not practical or cost effective to provide all maps with the DEIS. Such maps were used during the analysis and are in the project record. The similarity of the colors was an oversight. We do make every effort to make maps as clear and understandable as possible. There is a slight difference between the two in that the thin and underplant stands are outlined, while the RNA's are not. There is also no stand number associated with the RNA's, like there is with the thin and underplant units.

*CommentLetterID CommentNumberID Comment*

22

25 "Alternative 2 proposes, "All temporary roads constructed would be decommissioned following timber harvesting to limit motorized access" (p18). However, the agency does not provide information that suggest that road "decommissioning is effective in limited destructive ORV access or the influx of exotic species, nor does it fully look at the effects that these decommissioned roads have on wildlife. The project also proposes road maintenance work on approximately 22.8 miles needed to access timber sale areas. However, the agency fails to provide the public information on the costs of these maintenance and reconstruction efforts."

*Response*

Effects of Road Decommissioning: Several mitigation measures designed to minimize the spread of noxious weeds were identified in the EIS in Section 4.2.7 and in Appendix C, measures N1 though N6. These mitigation measures have been successfully used across the western United States by numerous federal and state agencies and are generally regarded as standard operating procedure in these areas. Although relatively new to the upper Midwest, there is no known information showing that these measures will not work here. Section 4.2.7 of the DEIS also stated that, the "subsequent growth of trees and closure of the canopy would return managed stands to a state generally unfavorable for habitation by the noxious weeds currently found in the project area". We have found rapid regrowth on closed roads has been effective in preventing motorized use of them. As described in Section 4.2.5 of the DEIS, decommissioned roads blend in with the surrounding landscape, are filled with stump, log, rock, and berm obstacles, and are inaccessible to most vehicles. Effects from decommissioning of roads on wildlife populations are discussed in the DEIS (pp. 69, 70) and in the Wildlife resource specialist report (p. 32), located in the Project Record, Wildlife Section. Effects include temporary impacts from ground disturbance and equipment use, and long term benefits from reduced road densities and reduced public motor vehicle access. Road Decommissioning Costs: Details of road costs are found in the Road Analysis Section of the Project Record. The approximately 22.8 miles of road maintenance identified in alternative 2 occurs primarily on maintenance level (ML) 2 roads. The annual maintenance cost per mile for a ML 2 road is approximately \$480.00 per mile (Cayuga Road Analysis, 2000). The cost of road maintenance would either be collected from the Timber Sale Purchasers through road maintenance deposits, completed with cyclic annual road maintenance dollars, or maintained through the Towns cooperative road maintenance agreements.

***CommentLetterID CommentNumberID Comment***

- 22 26 "The Roads section fails to make the connection between road construction/reconstruction/ use and the spread of noxious weeds into the planning area and its surroundings. Despite the inclusion of a much-needed table documenting the extent of noxious weed infestations in the project area, there is no discussion of the fact that most of the infestations occur along or associated with roads. Why is this? The Cayuga VMP DEIS never makes this connection. Clearly, road construction and reconstruction activities increase the risk of noxious weed infestations and invasions. The Cayuga VMP EIS needs to provide a discussion of this relationship and provide information on why continuing in the project as planned will not further spread these species. Mitigation measures must be shown to be effective since weeds have been increasing throughout the CNNF despite mitigation measures being followed."
- 22 27 "The CNNFs classification of major and minor issues is contradictory and ignores scientific and policy concerns at the state and federal level. It is almost inconceivable that in the section on "Description of Relevant Affected Resources That Are Issues" the DEIS only considers the issue of wildlife openings and not the issue of wildlife generally, nor does it have a subsection on TES species."
- 22 28 "The Cayuga planning area lies in the heart of one of two critical habitat areas for the state endangered pine marten and also provides habitat for an unknown number of lynx, red-shouldered hawks, northern goshawks, Neotropical migratory warblers, and other species needing special conservation management approaches. The proposed project includes large scale logging adjacent to a wilderness study area. This logging will increase the use and disturbance around the Iron River Forest area and will adversely impact the area's suitability for inclusion in the Wilderness system. As occurs throughout the Cayuga DEIS, the Forest Service dismisses concerns over analyses and conclusions with unsupported claims."

***Response***

The connection between road construction/reconstruction/ use and the spread of noxious weeds was discussed in the DEIS, Section 4.2.7 Predicted Effects on Noxious Weeds (pages 75-76.) Mitigation measures designed to reduce the potential spread of noxious weeds as a result of roads were identified in the DEIS, Appendix C, measures N1-N3. (pages A-6 -A-7). They have been developed by and are widely used by USDA Forest Service in other areas and are just coming into use in Region 9. These measures are fully outlined in the 2001 Forest Service document titled "Guide To Noxious Weed Prevention Practices." Past projects rarely if ever included mitigation designed solely to slow and/or stop the spread of invasive plants. See also the response to letter 14, comment number 31.

Issues were not classified as major or minor in the Cayuga DEIS. Wildlife and TES populations and habitat are a major component of several different issues, and are addressed in detail as such, rather than as a separate issue. Examples of major issues that include analysis of effects on wildlife are early successional management, vegetation composition, fragmentation, and roads. TES species were also discussed in detail in Appendices D and E of the EIS and summarized in section 4.2.13.

Effects on sensitive species such as marten and northern goshawk are covered in the Biological Evaluation (FEIS, Appendix D). Effects on federally listed species will be covered in a Biological Assessment for the selected alternative, prior to issuance of the Record of Decision. Effects on wildlife species such as Neotropical migratory birds were covered in the DEIS and in the Wildlife resource specialist report. Relevant sources are cited within the text to support these analyses. The areas adjacent to the proposed Iron River Wilderness area are already roaded and actively managed. There is no indication that proposed actions will affect the existing character or potential for further consideration of it as Wilderness. The commenter does not specifically state which actions will affect which wilderness characteristics. The proposed actions act to decrease adjacent road densities (EIS section 4.2.5) and protect RNA values (EIS section 4.1.9).

*CommentLetterID CommentNumberID Comment*

22

29 "For example, the DEIS dismisses viability as an issue, saying, "Viability of animal populations is best considered at a larger scale than at the project level. Currently the issue of population viability is being analyzed as a part of the Forest Plan Revision process." How can the Forest Service rely on the old forest plan as a basis for these projects if information on species population viability is outdated and over 17 years of new information has yet to be analyzed and incorporated into a new forest plan? Meanwhile, the DEIS admits that MISs will be impacted, but says nothing about the possible effects on the viability."

*Response*

An extensive Species Viability Evaluation (SVE) was completed recently as part of the Forest Plan revision process. This evaluation utilized current scientific information and numerous expert panels to determine viability of species at risk, under different proposed revision alternatives. Although we are still operating under the current Forest Plan, information gathered as part of the plan revision and SVE process was incorporated into the DEIS, in particular the Biological Evaluation and Biological Assessment.

Forest Service planning regulations (36CFR 219.19) refer to management of habitat to maintain viable populations within the "planning area", meaning the Forest as a whole, since that is generally the scale of planning efforts. However, some aspects of viability analysis can be considered applicable to the project level. Management Indicator Species are a tool used to estimate and monitor effects on fish and wildlife populations. The Cayuga environmental impact statement analyzed effects on all MIS that occur within the project area, and did not find reason to predict a loss of viability for any of these species. A summary of effects on MIS is found at Section 4.2.14.

36 CFR 219.9 also states that "In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area". Appendix H of the EIS describes the amount of habitat needed on the Forest to achieve management objectives, the amount available on the Forest, and the amount available for MIS species within the project area. Section 4.2.14 describes potential effects on that habitat from project activities.

Viability determinations were made for Regional Forester



***CommentLetterID CommentNumberID Comment***

- 22 30 "The DEIS states at 4.2.1 Predicted Effects of Early Successional Management (Issue 1): "Another important effect of early successional management is the increase in woody and herbaceous forage. The rapid regeneration of aspen, shrubs, and other hardwood species results in a large volume of woody browse. The increased sunlight also results in a flush of herbaceous growth, compared to what is available in a mature, closed canopy stand. Species that benefit from these changes include deer, elk, and beaver" (p56)." However, after stating this, the DEIS ignores the growing body of scientific data demonstrating deer impacts on plants in northern forests. In fact Professor Don Waller and Tom Rooney, Ph. D., of the University of Wisconsin Madison have demonstrated serious declines in plant diversity across Wisconsin and this information has been personally presented to CNNF Supervisor Anne Archie on November 4, 2002."
- 22 31 "Given the intensity and extent of the proposed logging in vicinity of the planning areas's two RNA's, and the likelihood that prescribed logging will increase deer abundance in the short and medium term in these areas, relegating deer browse issues to a minor issue ignores this serious and growing problem. Again, the appearance is one of a headlong rush to push through costly and destructive timber sales using the minimal level of effort to comply with relevant environmental laws such as NEPA. This type of "NEPA Lite" treatment of serious issues characterizes much of the Cayuga DEIS."
- 22 32 "Without a doubt, road construction, reconstruction and logging will increase damage to browse sensitive species. The failure of the DEIS to account for ongoing plant diversity declines in northern Wisconsin and the CNNF is a major flaw of the document and a violation of NEPA. It is also a violation of NFMA considering that many of the species that will have their primary habitat logged are rare or declining in Wisconsin and in some cases, across the region. The Forest Service has an affirmative responsibility to restore and protect rare species on the national forests; the CVMP DEIS falls far short of fulfilling this responsibility."

***Response***

Effects from deer on other animal and plant species are discussed in the Wildlife resource specialist report (pp. 11-12) in the Project Record. See also the response to letter 14, comment number 26.

It should be noted that there is one RNA within the project area, not two as stated by the commenter. Objective #8 of the DEIS was developed to respond to concerns over potential impacts to the RNA from management activities (Modify forest management practices in adjacent timber types to reduce negative impacts on the conifer swamp and bog within the McCarthy Lake and Cedars Research Natural Area). Vegetation management near the RNA varies by alternative, and includes modifications to reduce the potential for deer herbivory within the RNA.

Decline in native plant diversity was not identified as an issue of concern during the scoping phase of this project. This is an issue that has only recently been identified and it is not yet clear if and how timber management, deer herbivory, exotic earthworm infestations and other factors contribute to these declines. At this time we have no information to suggest the Proposed Action would cause related impacts to decline in native plant understory flora diversity. The commenter failed to provide any supporting evidence information about specific native plant declines related to the Proposed Action. Field inventory of all suitable TES plant habitat within the project area yielded no rare plant sites,

***CommentLetterID CommentNumberID Comment***

22

33 "One of the most serious shortfalls of the DEIS is its failure to address the potential impacts to TES species in a manner that allows for the levels of scrutiny of potential impacts called for in the Endangered Species Act (ESA) and in NEPA. In fact, there is no legitimate mechanisms for systematic analysis of impacts to TES are included in the DEIS, only a listing of potential species occurrences from existing datasets.... Impacts of any project must take a hard look at the potential effects on TES and not merely list the species potentially found in the area. Such a listing alone hardly constitutes use of the best available scientific information available."

***Response***

Impacts to sensitive species are covered in the Biological Evaluation (DEIS, Appendix D). The BE does include a listing of species with known or potential occurrence within the project area. It also discusses items such as habitat associations, risk factors, site-level and landscape-level habitat needs, surveys completed, and references, as well as direct, indirect, and cumulative effects of project activities. A Biological Assessment (BA) was completed prior to issuance of the Record of Decision, and includes similar items for federally listed species, for the selected alternative. The BA is included with the FEIS as Appendix E.

22

34 "The CNNF has failed to provide substantial and up-to-date documentation for assertions regarding wildlife impacts and other natural resource impacts. Instead, the public is asked to swallow specious extrapolations that aren't based on relevant data. This is a violation of NEPA and given the likelihood of damage to the best remaining TES and MIS habitat in the project area by the CVMP, it is likely a violation of NFMA."

A variety of local and regional studies and reports are cited throughout the DEIS, Biological Evaluation, and Wildlife resource specialist report, providing substantial documentation of assertions made within the effects

22

35 "The CNNF has not analyzed adequately the impacts to the state-endangered American marten. The BE fails to include or reference the most up-to-date information regarding pine marten sightings and signs, as well as ongoing pine marten monitoring. Pine marten are found near some of the most extensive cutting units in the Cayuga sale..."The DEIS nor the BE mention the fact that only 19 American marten were detected along 224.3 miles of survey in this time period. That is 50% of the number found the year before (2000-2001) with slightly less intensive monitoring (~15

Information regarding the pine marten is found in the Biological Evaluation (DEIS, Appendix D), including the reintroduction background, current range, landscape and site level habitat needs, current research, and direct, indirect, and cumulative effects. The commenter is correct in noting that recent numbers are down based on the past two years of winter track surveys (Wisconsin Wildlife Surveys, August 2001 and August 2002 editions).

*CommentLetterID CommentNumberID Comment*

22

36 "The BE and DEIS also fail to mention that the CVMP lies in the marten recovery zone, and that marten are found within the zone much more often than outside. Proposed logging will reduce the amount of existing snags and standing woody debris in the cutting units. Selective logging will also significantly reduce the amount of future snags of suitable size developing in the cutting units. Continuing to push marten to marginal habitat by reducing coarse woody debris (CWD), increasing fragmentation and winter activities (e.g. winter logging as mitigation for plant impacts) and improving conditions for coyote will have negative impacts on marten viability in the project area. The proposed logging will reduce the amount of existing snags and standing woody debris in the cutting units. Selective logging will also significantly reduce the amount of future snags of suitable size developing in the cutting units. Logging of old aspen stands will damage suitability for marten and other species needing cavities or cavity substrates (e.g. pileated woodpecker). Forest Service has failed to work to improve habitat conditions and population viability for marten or species needing coarse woody debris, including living and dead snags and bole trees in Wisconsin. Many of the proposed cutting units target undisturbed stands (since initial logging at the turn of the century); these are also the best remaining marten habitat in the area. The Forest Service has an obligation to protect and restore wildlife populations across the planning unit. Logging the best marten habitat in its severely restricted range does not protect marten populations and certainly does not help to restore the species to a semblance of its original numbers, numbers that would put it out of danger of extinction in Wisconsin."

*Response*

The comment regarding the location of the project area within the marten "recovery zone" is noted. Actually, over half of the Great Divide district lies within this zone, which is also termed a "fisher management unit", since it was originally established to protect reintroduced fisher populations.

The Biological Evaluation clearly discloses the effects of timber harvesting on both site level and landscape level habitat features for pine marten. Current Forest Plan standards and guidelines provide for retention of features such as cavity and den trees, as well as areas of old growth. Standards and guidelines specific to marten were not developed as part of the 1986 Plan, likely because marten weren't reintroduced to the Forest until after completion of the Plan. Current Plan standards and guidelines do provide for retention of features such as cavity and den trees, as well as areas of old growth. In addition, Alternatives 2, 4, and 5 incorporate modified silvicultural prescriptions developed for Forest Plan revision for Management Area 2B (uneven-aged northern hardwood: interior forest). These would include providing features such as larger average tree diameter, large diameter reserve trees, unharvested salvage areas, and reduced fragmentation (DEIS, pp. A-13 and A-14). These prescriptions would apply to the portion of the project area generally north of FR 184.

Timber harvest is being proposed in some areas known to harbor marten. The majority of this harvest is hardwood selection cutting however. There are indications that hardwood selection cutting does not impact marten habitat as long as structural features are retained (Wisconsin Pine Marten Recovery Plan; Species Viability Evaluation data; John Gilbert- pers. comm.). A large area of "recently undisturbed" stands within marten range will not be affected by the project, as it is within the Iron River inventoried potential wilderness area. Much of this area consists of overmature aspen stands that are capable of providing

**CommentLetterID CommentNumberID Comment**

- 22 37 "The CNNF has failed to include an analysis of home range size requirements and viable marten populations. The DEIS and BE fails to reflect the importance of standing and down woody debris for marten and other species and fails to recognize the loss of critical stand characteristics following logging in marten habitat. The cumulative effects analysis for the CVMP is flawed with respect to pine marten and other species requiring intact, thermally stable, rich soil northern hardwood stands. Instead, the DEIS and BE ignore marten home range requirements and fail to provide a minimally acceptable cumulative effects analysis for marten impacts. While acknowledging the importance of coarse woody debris as pine martin habitat in the DEIS, the BE and the DEIS fail to provide any data whatsoever on the levels of coarse woody debris in proposed cutting units and the amount of coarse woody debris (particularly CWD suitable for den sites) that remains across previously treated stands. Throughout the CNNF, previously harvested stands nearly always have lower levels of the most important CWD, large standing and falling trees, including root tip up mounds than undisturbed stands (Tyrrell and Crow, 1994). Marten need secure rest sites and denning sites and use stands with greater amounts of CWD then would be expected on a random basis (Gilbert et. Al 1997)."
- 22 38 "Information on pine marten impacts from the Northwest Howell, McCaslin, Hoffman Sailor West and Sunken Mouse VMPs is not included in the cumulative effects analysis for pine marten despite the fact that logging in these sales will impact individuals of this endangered species of Wisconsin. How can the Forest Service conclude that there will not be significant impacts to marten populations from the cumulative effects of these very large timber sales given that these sales will damage marten populations in the core areas of their remaining range in Wisconsin?"

**Response**

The Biological Evaluation clearly describes the importance of structural features to marten, and explains the impacts from clearcutting on the loss of such features. The effects of hardwood selection cutting are less clear. The commenter cites a study by Tyrrell and Crow (1994) as evidence that harvesting results in lower levels of coarse woody debris. That study however did not compare harvested stands with unharvested stands. It assessed structural characteristics of 25 "old growth" stands (ages varied from 177 to 374 years) and simply inferred the changes that a forest stand might undergo as it ages. Comparing these old growth stands to the relatively young (60-80 years old) hardwood stands proposed for management would not be a fair comparison.

From personal experience, it is clear that the structural features remaining in hardwood stands following harvest vary greatly depending on the nature of the stand prior to harvest. Stands that are fairly young, and still recovering from cutting early in the 20th century, typically have limited structural features, and would therefore not contain much structural diversity following harvest. Stands that have more structural features prior to harvest would retain many of these features following harvest. Features typically retained during harvest include snags, cavity and den trees, and large long-lived conifer such as cedar, white pine, and hemlock. In addition, harvest results in a temporary increase in small woody debris, from hardwood

Impacts from the Northwest Howell and McCaslin projects involve a distinctly different marten population than that in the Cayuga project area; as a result these projects were not considered in the cumulative effects analysis. The Hoffman Sailor West and Sunken Moose projects are well outside of the current range of marten in the Chequamegon landbase, and therefore were not included in the cumulative effects analysis.

Comments regarding potential impacts on the marten from project activities, as disclosed in the DEIS (Biological Evaluation) are noted. It should also be noted that the text quoted by the commenter was written to describe effects from clearcutting, not hardwood selection cutting.

*CommentLetterID CommentNumberID Comment*

22

39 "The Cayuga project DEIS also ignores the effects of the severely overcut nature of the project area. Thus, to conclude that logging will displace individuals is to ignore that fact that much of the rest of the area has been logged and habitat suitability there is seriously damaged as well. Logging these cutting units will definitely push the animal towards extinction in the planning area; the Forest Service has an obligation to refrain from logging in pine marten habitat until a full forest-wide cumulative impact assessment can be completed for marten viability. This assessment must consider all data on martin population dynamics and must consider population dynamics and genetic interchange between isolated populations. None of this was done in the Cayuga BE or DEIS and the original forest plan guidelines fail to reflect the majority of conservation science developed since the original plan was adopted."

*Response*

The commenter refers to the project area as "severely overcut". In fact, much of the project area consists of relatively young hardwood stands that are still recovering from the period of clearcutting and fires at the turn of the century. Many of these stands have not been entered for harvest activity since that time. The project area also includes the Iron River inventoried potential wilderness area, which contains large blocks of overmature aspen, that are not proposed for harvest. There were no statements made in the Biological Evaluation about marten being displaced into undisturbed habitat. Effects from project activities on marten habitat and dispersal, especially with Alternative 3, are disclosed in the BE. Evidence was not found however that project implementation would lead to extinction of the marten in the planning area.

A Forest-wide Species Viability Evaluation (SVE) was completed for marten and other species of viability concern, as part of the Forest Plan revision process. It was recognized that the marten has not yet reached a viable population on the Chequamegon since it was reintroduced in the late 1980's. There are concerns over the population dynamics and limited dispersal of marten in Wisconsin. Factors currently limiting the population are not entirely known but could include predation, competition, and lack of genetic variability, as well as habitat factors.

SVE data was incorporated into a draft Biological Evaluation for the Forest Plan revision. The SVE process and revision BE suggested that continuation of current Plan direction could result in continued viability concerns for the marten. It was felt that incorporation of new standards and guidelines and management direction in other revision alternatives could result in improved viability for the species. It should be noted that many of these draft standards and guidelines and changes in management direction were incorporated in the Cayuga Project Alternatives 2, 4 and 5.

***CommentLetterID CommentNumberID Comment***

22 40 "The CVMP fails to work towards recovery of the timber wolf and Canada lynx. The North American range of the lynx currently extends from Alaska, through Canada, and into the northern part of the contiguous United States (65 Fed. Reg. 16052) In the contiguous United States, , the distribution of the lynx is associated with the mixed coniferous/deciduous forest of the eastern U.S.. Forest Service's contention that lynx are rare in the region is not a valid reason to ignore the species' needs according to the Endangered Species Act. By failing to address rare species including lynx and other species in the proposed cutting units (if they were not thought to be present when reviewing stand data, etc.). By this reasoning, the CNNF ignores the rarest and most vulnerable species at risk of extirpation from the project area or extinction. "

22 41 "The CNNF must comply fully with all portions of the recent court decision (Defenders of Wildlife et. al v. Gale Norton et. al. 2002; 00-2996 (GK)). To do so, the CNNF must withdraw the CVMP project from further consideration, prepare a new EIS for a new Forest Plan that actively takes into account lynx conservation (the current one does not do so) and take affirmative actions to restore and protect lynx habitat and habitat security. The CVMP does the contrary and is a violation of the recent court decision.

***Response***

Potential effects on the lynx and other federally threatened and endangered species were covered in a Biological Assessment, which was completed for the selected alternative. There is no evidence of a breeding population of lynx on the Forest, although transient individuals have been recorded from time to time. In the Biological Opinion on the effects of National Forest and Bureau of Land Management activities on Canada lynx in the contiguous United States (10/25/2000), the U.S. Fish and Wildlife Service documented that:

- Much of the Great Lakes area is considered marginal habitat for lynx because it is a transitional forest type at the edge of the snowshoe hare range.
- Snow depths that allow a competitive advantage for lynx occur only in limited areas in northeastern Minnesota, extreme northern Wisconsin, and Michigan's Upper Peninsula.
- The historical and current status of lynx in the area is uncertain, with population dynamics probably driven mostly by immigration.
- Using the best information available, it is not possible to determine whether resident populations of lynx exist currently or existed historically in the Great Lakes region (it is recognized that lynx breeding has recently been documented on the Superior National Forest). Past records from Wisconsin and Michigan were most likely transient, dispersing animals.

There is currently no court direction to withdraw projects such as Cayuga from further consideration. We are working with the U.S. Fish and Wildlife Service to assure that all requirements of the Endangered Species Act are met, including the preparation of a Biological Assessment for the selected alternative.

***CommentLetterID CommentNumberID Comment***

- 22 42 "In a glaring shortcoming, the DEIS completely fails to truly consider the Canada lynx, a species now listed as Federally Threatened. Elevated levels of human access into forests are a significant threat to Canada lynx because they increase the likelihood of lynx encountering people, which may result in displacement of lynx from their habitats and/or possible injuries or deaths by intentional or unintentional shooting, trapping, and vehicle accidents. Human access into Canada lynx habitat in many areas has increased over the last several decades because of increasing human populations and increased construction of roads and trails and the growing popularity of snowmobiles and off-road vehicles (USFWS Proposed Rule, Canadian Lynx, Federal Register: July 8, 1998, Volume 63, Number 130, Part II, Page 36993-37013)."
- 22 43 "In fact, the treatments proposed in the project will damage lynx habitat by increasing fragmentation, decreasing interior habitat, improving road networks, and logging in areas some of the most remote areas on the forest. Lynx have been known to use the NHWVMP area and are confirmed to breed in the Superior NF, even during periods of lower than normal snowfall. The entire CNNF lies within the range of the lynx. In fact, the CNNF provides critical habitat in the region for lynx and critical corridors for lynx dispersal from Minnesota into northern Wisconsin and the Upper Peninsula of Michigan. The extremely cursory treatment of lynx and wolf conservation in the DEIS fails to meet the minimal standards of NEPA, NFMA and the ESA. Furthermore, proposed logging and road construction/reconstruction activities will degrade remote conditions needed by these species."
- 22 44 "Continuation with any of the five timber sales planned for the CNNF (Northwest Howell, Cayuga, McCaslin, Hoffman-Sailor West, Sunken Moose) without full consultation with the Fish and Wildlife Service violates the

***Response***

See response to letter 22, comment number 40.

See response to letter 22, comment number 40.

A Biological Assessment (BA) was prepared for all federally threatened and endangered species known to occur, or with potential to occur in the project area. The completed BA was presented to the FWS for review and concurrence. A request for formal consultation will not be made because there is not a determination that the project "may affect" one or more of the species considered. The BA is included with the FEIS as Appendix E.

**CommentLetterID CommentNumberID Comment**

- 22 45 "Increasing human access into Canada lynx habitat has increased the vulnerability of Canada lynx to both legal and illegal harvest in areas that, historically, were relatively isolated from humans."..."Competition between Canada lynx and other species may be facilitated through alteration of forests by timber harvest or other human activities."..."Additionally, mild weather in some regions for the past decade has improved conditions and habitat for bobcat and coyotes, particularly by minimizing snow depth. Snowmobile trails and roads that are maintained for winter recreation and forest management activities enable coyotes and bobcats to access lynx winter habitat."... "The increased snowmobile use and the increased area in which snowmobiles are used likely diminishes habitat quality for lynx, and also decreases the lynx's competitive advantage in deep snow. This results in an increased threat posed by competitors, as a result of the increase in hard-packed snow trails (USFWS Proposed Rule, Canadian Lynx, Federal Register: July 8, 1998, Volume 63, Number 130, Part II, Page 36993-37013). "
- 22 46 "Mitigation measures proposed in the DEIS and increased use of roads within the project area after logging activities stop is likely to harm lynx and damage lynx habitat. The Forest Service has an obligation to restore and protect both lynx and wolf and have totally failed to do so in the CVMP DEIS. "
- 22 47 "A recent court decision in Washington, D.C. has determined that the decision by the Fish and Wildlife Service to not include the Great Lakes in the range of the lynx was in error. Clearly, the best available science demonstrates the historic use of the Northwoods by Lynx .

**Response**

Comment noted.

Wolves have consistently and successfully occupied the project area for a number of years now, under existing road densities and use. The Cayuga project proposes some temporary road construction (to be decommissioned after use), but no permanent road construction. All action alternatives propose additional decommissioning of existing roads, leading to a long-term decrease in the road density in the project area. This information is presented in the DEIS (pp. 69-70) and was also be discussed in the Biological Assessment (BA) for federally listed species (FEIS, Appendix E).

Any new information, or requirements pertaining to the recent court decision, were considered in the Biological Assessment (BA), which is included with the FEIS as

***CommentLetterID CommentNumberID Comment***

***Response***

22

48 "The following are general concerns related to lynx recovery and management.

See response to letter 22, comment number 40.

Current management and conservation policies for lynx and their habitat are not adequate to address the threats to lynx survival.

Loss and fragmentation of lynx habitat due to forestry practices, roads, and other human activities and developments is the major factor in the decline of lynx that needs to be addressed.

Past and ongoing forestry practices present a unique threat to lynx

Current silvicultural techniques are often detrimental to lynx

Logging is not an effective substitution for fire and other natural disturbances, because fire and other disturbances will continue to occur, and differences with roading, coarse woody debris, forest structure, and the larger forest mosaic.

Logging and the subsequent increased access into lynx habitat via the associated forest roads may be contributing to fragmentation and enhancing competition from other "generalist" predators

Lynx conservation today requires a larger spatial scale than has been considered under past and current management, where federal protection and even international protection is required.

The CVMP DEIS fails to address these issues in any

22

49 "The CVMP DEIS fails to act proactively to restore habitat suitability for wolf in the project area and throughout the forest. The DEIS and the BE generally ignore the issue of road density as it relates to wolf populations. Road densities are essential factors in determining wolf habitat suitability but the DEIS makes no mention of it in regards to the needs of wolf. Why not? Such an oversight is a

See response to letter 22, comment number 46.



**CommentLetterID CommentNumberID Comment**

22 50 "The DEIS fails to consider the effects of the project on bobcat or potential bobcat habitat."

22 51 "Discussion of impacts to goshawk and red-shouldered hawk are also lacking in site-specific information regarding the success of mitigation measures provided in the DEIS and BE. The CNNF presents no evidence that goshawk and red-shouldered hawks, two species with already low population numbers, are being protected by current mitigation and will be protected over time. For example, there is no evidence presented to support the assertion that no adverse effects are anticipated on this species so long as nest sites are discovered prior to project implementation and mitigation measures can be implemented. What if nest site are not discovered in time? Also, goshawk do not live by nest site alone; they need large areas to forage and red-shouldered hawks are likely to be even more sensitive to logging in their habitat ranges than goshawk. This is in direct contradiction to the contention that red-shouldered hawks can" [fragmented sentence]

22 52 "Furthermore, the DEIS shows basal areas in selectively logged stands to be brought down below 90. Nearly all goshawk nests in the Hiawatha NF are located within stands that have much higher basal areas (>120 or so). What is the basal area of existing stands containing or known to have contained goshawk and/or red-shouldered hawk nests (that were viable over time)? The BE and the DEIS should provide this type of essential information to the public prior to making unfounded assertions of "no effect" on populations despite the deaths of individuals of the

**Response**

Bobcat certainly exist within the project area, however NEPA does not require documentation of effects on every species known to exist within a project area. Effects on bobcat were not specifically discussed because it is not a threatened, endangered, or Regional Forester Sensitive Species, it is not a Management Indicator Species for the Chequamegon, and it is not a species of viability concern. On the contrary, the bobcat is managed by the state of Wisconsin as a game animal, and is routinely hunted and trapped. In spite of this harvest, the population statewide has been stable or increasing in the past 20 years; yearly harvest has ranged from 71-280 animals, with an average of 177 (from Wisconsin Wildlife Survey report, August 2002 issue). Total population has increased the last few years to approximately 2400 animals (Weiland, 2002-p. 5).

There is always the possibility that goshawks or red-shouldered hawks will move into a project area after NEPA analysis and project-related surveys. In the past, nests have been found and reported at various stages of project design and implementation, for example by timber markers, wildlife technicians, and sale administrators. Changes in project design, mitigation, and/or timber sale contracts can and have been made to accommodate the new information.

Documentation is available concerning the effectiveness of mitigation measures for woodland raptor territories. More detail concerning this documentation was provided in the final EIS, in the Biological Evaluation section. More detail was also provided concerning foraging habitat needs.

Information from throughout northern Wisconsin indicates that goshawks will nest in a variety of forest types, ages, and densities, although they seem to nest most often in more mature, closed-canopy types. More information was provided in the Biological Evaluation of the Final EIS (Appendix D), concerning basal area and other features of typical goshawk territories.

**CommentLetterID CommentNumberID Comment**

22

53 "Red-shouldered hawks use large, closed canopy forests as their primary habitat. This has been repeatedly documented. For example, ... " "Another important finding in this study is that red-shouldered hawks nests "were located in larger stands (mean of 194.15 ha)," a finding of area sensitivity they supported with similar findings from other studies.

Alteration of the dense, mature forest habitat clearly has an adverse effect upon the species."... "Another important finding in this study is that red-shouldered hawks nests "were located in larger stands (mean of 194.15 ha)," a finding of area sensitivity they supported with similar findings from other studies. "... "This suggests that selective cutting in woodlots may result in the replacement of red-shouldered hawks by red-tailed hawks. Failure to maintain uncut buffer zones around traditional red-shouldered hawk nest sites may result in the local extirpation of this species." He goes on to find that "Red-tailed hawk incursions were associated with tree densities and crown diameters, suggesting that these incursions were a response to selective logging in woodlots...I believe that selective logging permits territory appropriation by the larger, more aggressive but less maneuverable red-tails, and that cutting for timber or firewood may be ultimately responsible for the decline of Red-shouldered hawks in the Waterloo region." Yet, this information is not discussed at all in the BE or the DEIS.

22

54 "The Cayuga VMP does not improve habitat suitability for the barred owl in the project area. Barred owl populations are declining in the eastern U.S. The CNNF has an affirmative responsibility to protect species occurring on the project area. The Cayuga VMP will damage habitat for

**Response**

Comments regarding red-shouldered hawk habitat features and potential threats are noted. More detail was provided in the Biological Evaluation of the Final EIS (Appendix D), concerning the basal area of nesting areas.

Potential effects from project related activities are summarized in several areas within the DEIS, but are discussed in more detail in the Wildlife resource specialist report. Habitat availability is shown on p. 3; effects from clearcutting are discussed on pp. 5, 12, 17, and 20; effects from hardwood selection cutting are discussed on pp. 21 and 23; effects from shelterwood harvest are discussed on p. 27; cumulative effects are discussed on pp. 49-50. The specialist report discloses that there could be direct and/or long-term indirect effects from project activities.

***CommentLetterID CommentNumberID Comment***

22

55 "The CVMP DEIS fails to address the problem of excessive deer numbers and fails to reflect the potential for high deer populations to influence spread of disease including but not limited to chronic wasting disease.

In fact, the DEIS admits that each of the treatment alternatives would increase habitat suitability for whitetail deer. However, the DEIS fails to provide evidence that increasing habitat suitability does not help maintain artificially high population levels. "

***Response***

The issue of deer populations is discussed both in terms of effects of project activities on deer, and effects of deer population on other resources; DEIS: pp. 55, 57, 58 (effects of clearcutting); pp. 60, 61 (effects of upland openings); and Wildlife specialist report: pp. 11, 12, 14, 15, 18, 20 (effects of clearcutting); p. 24 (effects of selection cutting); pp. 37-39 (effects of upland openings); pp. 50, 51 (cumulative effects). Some of these references also discuss the effects of other factors influencing deer populations beyond habitat availability.

The issue of disease, in particular Chronic Wasting Disease, is beyond the scope of the analysis. The spread of disease is affected more by the concentration of deer due to baiting or feeding, which is regulated by the Wisconsin Department of Natural Resources.

22

56 "The Forest Service also admits that current whitetail deer populations in the project area but fail to take meaningful actions to reduce habitat suitability for this species. Not surprisingly, the only "mitigation" measure for whitetail deer is to conduct a shelterwood harvest of aspen so species that are less desirable to deer will eventually take over the site. This wishful thinking approach to mitigation ignores the improved deer habitat in the logged stand over the short and medium term. It also continues a pattern of emphasizing long-term benefits while minimizing costs at all scales in order to promote timber harvest for nearly every resource issue confronting the CNNF."

See response to Letter 22, comment #55. The commenter is probably referring to Objective #8 (DEIS, p. 9): Modify forest management practices in adjacent timber types to reduce negative impacts on the conifer swamp and bog within the McCarthy Lake and Cedars Research Natural Area. These practices vary by alternative, as displayed on page 29 of the DEIS.

22

57 "Henry's Elfin Butterfly How can the USFS make a determination about a species like this when they don't know the population numbers or where they may exist? There may only be a few populations in the project area, so disturbing even a single population could impact the viability locally, especially when the surrounding areas may already be disturbed."

It is unlikely that exact population figures or all population locations will ever be known for some species, including invertebrates like Henry's elfin butterfly. Determinations are made on the knowledge available, often supplemented by project related surveys. In the case of the Henry's elfin, project related surveys were not considered necessary due to lack of impacts to host plants or to habitats considered most likely to harbor the species (such

***CommentLetterID CommentNumberID Comment***

- 22 58 Regarding, spreading woodfern, ginseng, and Braun's Holly Fern, "A determination of no impact doesn't make sense when it is clear from the information presented that there could be a and probably will be some impacts. A determination of no significant impacts might make sense here if mitigation were clearly presented, but a No Impact determination would be arbitrary and in violation of NEPA requirements."
- 22 59 Regarding Pileated Woodpecker, "It is not clear if this species is declining or increasing in the project area. There is some evidence of surveys on the district, but no evidence that the surveys were actually done in areas that will be actively managed."
- 22 60 "We support CNNF efforts to assess impacts to migratory warblers. However, the methods used to determine impacts are highly questionable and lacking in scientific support. The scattered population studies presented for the warbler fail to provide any determination on the long-term trends of the species in the project area. Estimates of potential impacts are thus very compromised and are likely to be misleading at best. "

***Response***

same as letter number 14, comment number 28.

See letter 14, comment 29. Trend data is not available for the project area. Monitoring of this species, and other Management Indicator Species, is done at a Forest level, as required by NFMA.

Comment noted. The Chequamegon-Nicolet NF has done yearly monitoring of bird species since 1987 (Nicolet) and 1992 (Chequamegon). These yearly surveys, combined with associated research projects, have provided a wealth of information about population trends, habitat associations, and effects of management. This information is specific to the Forest, and has been used extensively in the preparation of the effects analysis. There are many local and regional studies that are cited in the DEIS and Wildlife specialist report that offer a scientific basis for the analysis.

Population trends of Management Indicator Species(MIS) were discussed in Appendix H of the DEIS (pp. A-59 to A-71) and in the cumulative effects summary of the WildlifeResource Specialist Report (WRSP, pp. 46-51). Predicted population trends of bird species in general were discussed in cumulative effects sections of the DEIS (pp. 59, 60, 67, 68) and in the cumulative effects section of the Wildlife specialist report (pp. 42-46). Section 4.2.14 (Effects on MIS) was taken from the WRSP and added to the FEIS.

Data from the Chequamegon breeding bird survey and

*CommentLetterID CommentNumberID Comment*

22

61 "The CNNF has an obligation to monitor and assess population trends for these species across the forest and then use these data for effects determinations. The CVMP DEIS fails to make mention of the population trends of these MIS or of other neotropical migratory species. Where are the data from the ongoing breeding bird surveys? Where are the results of studies conducted across the region and across the forest? Failure to provide for migratory species that are declining in population violates NFMA. Furthermore, since these and other species are expected to move out of disturbed areas, assuming that all territories are occupied means any displaced animal will be lost. At the same time, the DEIS does not provide the locations of suitable habitat that could be colonized during disturbance. Where are the remaining high quality habitat blocks that could absorb the organisms what will be displaced by logging? The DEIS does not include this information."

*Response*

The Chequamegon-Nicolet NF has done yearly monitoring of bird species since 1987 (Nicolet) and 1992 (Chequamegon). These yearly surveys, combined with associated research projects, have provided a wealth of information about population trends, habitat associations, and effects of management. This information is specific to the Forest, and has been used extensively in the preparation of the effects analysis. There are many local and regional studies that are cited in the DEIS and Wildlife specialist report that offer a scientific basis for the analysis.

Population trends of Management Indicator Species are discussed in Appendix H of the DEIS (pp. A-59 to A-71) and in the cumulative effects summary of the Wildlife specialist report (pp. 46-51). Predicted population trends of bird species in general are discussed in cumulative effects sections of the DEIS (pp. 59, 60, 67, 68) and in the cumulative effects section of the Wildlife specialist report (pp. 42-46).

Data from the Chequamegon breeding bird survey and from local and regional studies are included in the project record.

The commenter refers to a statement about some animals vacating areas disturbed by logging. This statement is found in a paragraph in the DEIS that discussed direct effects of clearcutting (p. 56). The statement was not meant to imply that individuals leaving an area during a disturbance such as clearcutting would successfully occupy another portion of the project area over the long term. It indicated that most larger adult animals would be able to move to escape the immediate, direct effects of activities such as tree felling. The same paragraph in the DEIS discloses that there could be some direct or indirect



***CommentLetterID CommentNumberID Comment***

- 22 62 "The DEIS fails to address adequately the issue of exotic invasive species in the project area and the effects the project will have on their spread and/or persistence. The DEIS gives only cursory treatment to this increasing problem. A problem that resulted in an Executive Order and a formation of Wisconsin state committee under the previous administration. The failure to analyze the extent and dynamics of exotic invasive species in the project area violates NFMA since their invasion may impact rare species with viability concerns and NEPA since they are such a significant and growing problem for national forest management. The Forest Service has an affirmative responsibility to protect the CNNF from invasive and exotic species; this has not been done in the DEIS. The CNNF must fully analyze and address this issue."
- 22 63 "To mitigate noxious weeds, the DEIS suggests that, "Equipment used for timber harvest, wildlife opening construction or maintenance, or road and recreational trail construction on maintenance should either be documented as coming from an area free of noxious weeds or be cleaned prior to use on National Forest lands. Equipment should have all mud, dirt, and plant parts removed before working in the project area." Unfortunately, the document does not make it clear as to who will make sure this happens or how, and how much such monitoring will cost. In fact, the proposed treatments will exacerbate existing problems and results in conditions that are conducive to the spread of these species. The proposed mitigation measures have not generally succeeded in mitigating the spread of noxious weeds in other projects."
- 22 64 "The DEIS violates NEPA requirements pertaining to disclosure of mitigation measures. In *Northwest Indian Cemetery Protective Association v. Peterson*, 764 F.2d 581 (9th Circuit 1985), and the court determined that NEPA requires agencies to analyze the mitigation measures in detail [and] explain how effective the measure would be. A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA. The CVMP DEIS refers to verbal communication and informal assessments to determine the effectiveness for wildlife impact mitigation measures, but no data supporting these assertions are provided. "

***Response***

Section 4.2.7. Predicted Effects on Noxious Weeds (Issue 7) page 75 – 76 discloses the effects of road construction and re-construction, logging, and other ground disturbing activities on noxious weeds. Specifically, the Draft EIS states, "Temporary road construction, existing road maintenance, road decommissioning, recreational trail construction, ... Any ground disturbance and/or importation of fill material or gravel associated with these projects could lead to the inadvertent establishment of noxious weeds;" and "Equipment used for timber management would pose a threat as a potential vector of infestation by transporting seeds or rootstock material of non-native invasive plant species..."

Mitigation measures disclosed on pages A-6 to A-7 have been developed by and are widely used by USDA Forest Service in other areas and are just coming into use in Region 9. These measures are fully outlined in the 2001 Forest Service document titled "Guide To Noxious Weed Prevention Practices." Past projects rarely if ever included mitigation designed solely to slow and/or stop the spread of invasive plants. Typically in other locations, equipment-cleaning measures are included as part of timber sales contracts and would be administered by appropriate Forest contracting officers. Costs of cleaning equipment are anticipated to be nominal and would simply be part of "doing business" on federal lands. See also, response to letter 14, comment number 31.

Effectiveness of mitigation measures was discussed in several locations in the DEIS, including sections 4.2.6, and 4.2.8. They were also discussed in the Wildlife Specialist's report, part of which was brought into the the Biological Evaluation of the FEIS, in Appendix D. A discussion of the effectiveness of other mitigation measures was added to the various resource sections in Chapter 4 of the FEIS, where applicable.

**CommentLetterID CommentNumberID Comment**

- 22 65 "The public also has no way of knowing whether all mitigation measures will be successfully applied in the future , and are given no indication as to the effectiveness of the measures in the past.
- For example, Forest Service asserts that snag and CWD guidelines are sufficient to protect habitat for pine marten and insure their viability across the forest. However, the marten has not been able to move outside the original re-introduction zones since re-introduction took place. Failure to provide sufficient CWD for marten in cutting units across the forest and within the NWHVMP area may be a significant cause of marten's failure to re-colonize additional areas around re-introduction sites, particularly in forest county. The CNNF's failure to truly protect and restore the marten since reintroduction is testimony to the failure of the current LRMP and undercuts specious arguments that mitigation measures in the DEIS actually work. Therefore, it is impossible to make an informed decision regarding potential adverse impacts to these valued resources. This is a violation of NEPA. "
- 22 66 "In addition, some mitigation measures for one species may damage habitat suitability for others. For example, winter logging is likely to damage habitat for lynx by compacting snows, creating competitor access to habitat, etc. The DEIS fails to address this issue. "
- 22 67 "Mitigation measures designed to protect very rare plant species in cutting units such as goblin fern and foam flower are unproven and risky.
- There are very few undisturbed forest stands where rich soils with thick organic matter occur under a canopy of mature northern hardwoods provide the right conditions for these species. Changing the microclimate of the stands where these species occur or are suitable for these species will seriously damage populations of these rare plants to the point where viability across large portions of the CNNF will be lost. These rare plant communities are very susceptible to even slight changes in microclimate and other local conditions. Proposed logging in northern hardwood stands will alter the conditions required by these plants. "

**Response**

The citation that the commenter provides is from the Northwest Howell DEIS, not the Cayuga DEIS. In addition, neither the DEIS nor BE assert that snag and CWD guidelines are sufficient in themselves to protect marten habitat and assure viability; other important factors would be maintenance of the northern part of the project area in a large hardwood block (Alternatives 1, 2, 4, and 5); reduction of overall road densities (Alternatives 2-4); and maintenance of the dry-land trapping closure in the marten restoration area (state regulation; followed in all

Issues concerning lynx and lynx habitat were covered in the Biological Assessment (BA), which was completed for the selected alternative prior to issuance of the Record of Decision. The BA is included with the FEIS as Appendix E.

Mitigation measures are developed to address known, on-the-ground resource concerns. Neither of the sensitive plant species mentioned, foamflower (*Tiarella cordifolia*) and goblin fern (*Botrychium mormo*) have been found in the project area. Foamflower is only known from three sites in Wisconsin, all of which are in the states eastern most counties with underlying limestone bedrock, a condition not found in the project area. Goblin fern does have known locations in the general area, although not in the actual project area. Intensive survey for this species in the past, which included field inventory of every upland hardwood stand selected for potential treatment, revealed no actual individual plants or suitable habitat (mesic upland sugar maple with a strong component of basswood) for this species in the project area. Mitigation measures concerning these two species were not included as part of the project because they have not been documented in the project area.

*CommentLetterID CommentNumberID Comment*

22

68 "Mitigation measures proposed in the DEIS and BE do not include mitigation for moisture reduction or solar penetration or temperature fluctuations or out-competition by other herbaceous species following canopy opening. What evidence does the CNNF have to support their contention that these logging and road-building operations will not further threaten the viability of these species with pre-existing viability concerns? The DEIS also does not address declines in native plant species that may occur from deer browsing in these high quality stands (e.g. northern hardwood) slated for selective logging and reductions in basal areas to 80" or below. The proposed harvest of many stands within the NWHVMP will jeopardize the viability of these species across the planning area. This is a violation of NFMA and NEPA."

22

69 "At one [sic] the document suggest that, "These mitigation measures are also included in the summary of project area mitigation measures listed in Appendix C and the Record of Decision." Has a ROD already been written for this project? This would imply that the USFS has already made a predetermination about this project before allowing and considering public input. If this were the case, it would be a clear violation of NEPA, NFMA and the APA. This wording needs to be clarified."

*Response*

At this time we have no information to suggest the Proposed Action would cause related impacts to rare plant species as related to desiccation from solar penetration and temperature fluctuations, or out-competition by other herbaceous species following canopy opening. The commenter failed to provide any supporting evidence or information about specific rare plant declines related to the Proposed Action. Since there are no plants currently listed as Endangered, Threatened, or Regionally rare found in the project area, mitigation measures were not designed to address these concerns.

Deer induced ground flora diversity decline is a problem occurring at regional landscape scales and is more appropriately addressed at the Forest Plan and regional level. While timber harvesting would produce biomass available for deer browse, there is not a direct correlation to herd size. Other conditions including winter severity, DNR population goals and hunting pressure are major factors in deer herd size. The DNR controls the deer herd size in the deer management unit (Unit 6) that includes the project area. The effects of deer herbivory are documented in the specialist report "Effects Analysis Of The Cayuga Project On The Wildlife And Fish Resource", pages 12, 14, 16, and 18. This document is available in the project record.

see response to letter 14, comment number 36.

***CommentLetterID CommentNumberID Comment***

***Response***

22	70	"Repeated remarks dismissing real environmental issues out of hand are found through out the document and hardly constitute a "hard-look" required by NEPA. The CEQ regulations require that, "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." (40 CFR 1500.1(b))."	NEPA regulations have been followed. No decisions were made or actions taken prior to analysis, requests for public and agency comments, further analysis, and public review periods.
22	71	"This document does not make it clear why are 1997 figures from the CNNF TSPIRS report are appropriate to 2002. Nor does this analysis does not attempt make clear why the "Quick Silver" Forestry Investment Analysis program is the appropriate method for this analysis. For the very limited figures that it does provide, it fails to provide any breakdown or explanation. Without the breakdown, the public has no real idea of the costs and benefits of the projects, nor can they check to see if the figures were calculated and used correctly. Again, the USFS is hiding the meat and potatoes of the analysis from the public. This analysis does not satisfy NEPA."	see response to letter 14, comment 37
22	72	"The cumulative effects part of the economic analysis is merely a summery. It does not take into account the overall forest products industry in the area, the effects of the other large projects in the region, or the effects of these large sales on the taxpayers."	See response to letter 14, comment 38.
22	73	"The Forest Plan states that all areas must be surveyed for heritage resources before any activity that may disturb them. To this effect, the DEIS simply states: "Ground disturbing activities such as road construction, closures, road decommissioning, trail construction ,wildlife and fish habitat improvement activities, and timber harvest activities have been reviewed for heritage resource survey needs." However, the heritage sites are not identified even in a general way so that the public can understand the potential effects of the project on these sites. The DEIS also briefly discusses mitigation, but provides no information on the effectiveness of these mitigation measures."	see response to letter 14, comment 39

***CommentLetterID CommentNumberID Comment***

- 22 74 "In conclusion, our organizations oppose any further planning and/or implementation of the CVMP on the aforementioned factors. Continuing with this project will signify to the public that the CNNF is not interested in sound science or compliance with the law. It will also signify that the CNNF is not interested in having a working relationship with the public based upon mutual respect and full, informed discussion. The CVMP DEIS is another example of "NEPA LITE", and constitutes little more than a pro-forma attempt at compliance with applicable laws."
- 22 75 "We call on the CNNF to withdraw this project from consideration at the current time and return to the analysis once a new, updated LRMP is adopted. Moving ahead at this time and making a decision based on the inadequate DEIS and BE will damage habitat for rare and sensitive species and kill individuals from many of those species. "
- 23 1 "Section 1.6 Applicable Regulatory Requirements appears abbreviated, if not incomplete. There are additional laws, regulations and executive orders that are relevant and should be coordinated under NEPA-especially those that identify the different types of historic properties and
- 23 2 "Section 1.6.4 states that consultation with local tribal governments has occurred, when it has not, in the case of the Lac Courte Oreilles Tribe. Please refer to the relevant federal regulations as to what constitutes proper protocol regarding consultation with tribal governments."

***Response***

- Comment noted.
- See responses to letter 14, comment numbers 4, 5, and 8.
- The Forest Service has prepared this Environmental Impact Statement in compliance with NEPA and other relevant federal and state laws and regulations, including those regarding historic properties and cultural resources. In order to eliminate repetitive discussion and documentation, this EIS tiers to the 1986 Chequamegon National Forest Plan, FEIS, and Record of Decision.
- The tribe was in fact consulted several times throughout the analysis process, beginning in October of 2000 (letter in Project Record dated October 23, 2000); and again in April of 2001 (letter in Project Record dated April 21, 2001); in November of 2002 (letter in Project Record dated November 10, 2002); and again in December of 2002 when a meeting was scheduled for January 15, 2003. Section 101(d)(6)(B) of NHPA requires consultation with Indian tribes that attach religious and cultural significance to historic properties (hereinafter "relevant Indian tribes"). The Federal agency must make a reasonable and good faith effort to identify such Indian tribes and invite them to be consulting parties. If such Indian tribes have not been invited by the agency to consult, the tribes may request in writing to be consulting parties and must be considered as such by the agency.

***CommentLetterID CommentNumberID Comment***

23

3 "There is no section of the DEIS that discusses both the nature of cultural resources and historic properties present within the project area, or how they will be considered in the overall plan. This oversight is especially disturbing due to the destructive nature of the work being proposed, hence, a significant potential for adverse effects."

23

4 "There is no mention of the necessity to consider the potential impact this project will have on traditional cultural properties, including certain plants and animals. In addition, this document provides no evidence that previous archaeological surveys of the project area have ever been carried out, and if so, were completed according to federal and state standards - which should include informant interviews with knowledgeable tribal representatives."

***Response***

Heritage (Cultural) Resource surveys were completed for all areas included in the action alternatives. Heritage Resources was briefly discussed in section 1.4.4 Issues eliminated from further study, on pages 12-14 of the DEIS. Further information regarding the heritage resources within the Cayuga Project area was referenced as being in the Project Record, and was provided to the commentor. Additional information from the Project Record was also added to Section 1.4.4 of the FEIS. Heritage Resources were eliminated from further study, because they are avoided and protected from proposed project activities, resulting in no effects. Project Design Features and mitigation measures were identified and referenced to in the DEIS (p. 14) for this protection, but were inadvertently left out. They were added to the FEIS, in Appendix C, measures H1 through H5. See also response to letter 14, comment number 39.

The DEIS (Section 1.4.4.10, p. 14) identified that proposed project activities have been reviewed for heritage survey needs, and that mitigation measures identified in Appendix C would serve to avoid impacts to all known and discovered heritage resource sites. The mitigations were left out of Appendix C, as an oversight, and were added to the FEIS, Appendix C, as measures H-1 through H-5. The requirements of the National Historic Preservation Act, including consultation with tribal governments, was mentioned in the DEIS, Section 1.6.4. The Forest Service has submitted all reports of Phase I cultural resource survey reports to the Wisconsin State Historic Preservation Officer (SHPO), and have received letters of concurrence for all submitted reports on file. All areas that are included in the proposed alternatives have been subjected to cultural resource surveys. Further, SHPO also has retained correspondence regarding our submittals. Information regarding the heritage resources surveys that were conducted and consultations that took place is in the Project Record, Heritage Resources and Tribal Consultation Sections. See also response to letter 14, comment number 39.