

**Letter 4: Idaho Conservation League**

- motorcycle use. Spur roads lead OHV users to dead-end locations where they are more likely to pioneer new unauthorized or illegal routes. Gated roads also have the effect of encouraging OHV users to go around gates to find out what the agency is trying to prevent them from accessing. Higher densities of motorized trails coupled with irresponsible motorized use fragments wildlife habitat and incurs undue wildlife energy expenditures.
- 4-28 Motorized recreation also conflicts with other forms of recreation. These include hiking, mountain biking, scenic and wildlife viewing, primitive hunting, and horseback riding.
- 4-29 OHVs also increase the potential for the spread of noxious weeds and invasive plants. Although the BLM exercises BMPs to inspect and clean equipment before entering the field, the agency cannot reasonably expect users to inspect and clean their own equipment voluntarily.
- 4-30 Lastly, OHVs increase the threat of human-related fire starts. Most off-road vehicles do not have spark arresters. The fact that OHVs lead to soils disturbances, heighten the potential for the spread of noxious weeds, and increase the potential for fires indicates the clear need for a reduction in road densities in the Eastside Township Project area.
- Wildlife
- 4-31 The main concern with wildlife also relates to the number of new roads, temporary roads, and the relative lack of road decommissioning in the Eastside Township project. As the BLM points out in its own analysis, roads in the project area will increase human/wolf interactions and reduce elk security[24] <#\_ftn24> in addition to general wildlife habitat fragmentation. This is just one more reason for additional reductions in road densities in the project area.
- 4-32 With regard to goshawks, the BLM suggests that the guidelines for goshawks in Reynolds et al[25] <#\_ftn25> are not appropriate because habitat conditions are different in the Northern Region compared to the Southwest Region. [26] <#\_ftn26> However, given the absence of any management recommendations for the Northern Region, the BLM should apply the guidelines from Reynolds et al to reduce impacts to goshawks.
- 4-33 There is also a lack of design features in the project to reduce impacts on species that depend upon structural diversity including snags and downed woody debris. The BLM correctly points out that the lack of structural diversity is not conducive to fishers, and the removal of both green and dead trees will reduce black-backed woodpecker habitat. [27] <#\_ftn27> The BLM should impose diameter limits to recruit snags and downed woody debris and implement the Forest Service, Region 1 Snag Protocol for the sake of these and other wildlife species in the project area.

**Letter 4: Idaho Conservation League**

**Comment:** 4-23

**Response:** The range of alternatives was developed in response to the Purpose and Need for the Action and issues identified through scoping. (Refer to Chapters 1 and 2). The use of alternative yarding systems and timing clauses for operations was thoroughly evaluated in developing the alternatives. As displayed in Table 0.1, the amount of helicopter yarding versus other systems is substantial, as is the reduction in proposed temporary roads. Sections 2.2.4, 2.2.5, and 2.2.6 describe the alternatives, including logging methods. Table 2.3.1, items 8, 11 and 15 and page 278, 3.10.3 display the use of timing clauses to reduce or minimize impacts. Helicopter and winter logging have also been addressed in this EIS.

The Federally listed MacFarlane's four-o'clock and Spalding's catchfly do not occur, and no suitable habitat exists for these species within the project area. No logging is proposed to occur in RHCA buffers, which would protect known populations of Case's corydalis and suitable habitats (i.e., riparian). No known populations of Payson's milkvetch are in proposed logging areas. The Project Design Measures Table 2.3.1 includes actions to mitigate impacts to Candystick (item 40) and Idaho Barren strawberry (item 41) as well as addressing noxious weeds (items 33-39). Refer to Section 3.3.4 Threatened, Endangered and Sensitive Plants for additional information.

**Comment:** 4-24

**Response:** Fuels reduction includes reducing the forest canopy as well as decreasing surface fuels, lowering fuel bed depth and increasing fire-resistant species. As described in the Alternatives (2.4.4 - 2.4.6) a variety of treatment methods are proposed. The intent of treatments is to obtain the best results from a silvicultural standpoint, using a variety of treatments to fit the area. Treatments, including irregular shelterwood cuts, would achieve these variations and all action alternatives favor retention of large trees. Appendix D, Table D.4 displays the different treatment types and acreage for each alternative, based on the current size and species composition of the stands. The Treatment maps in Appendix A are illustrative of where the different methods would be applied. Section 3.3.3.2 (pages 70-71) discloses the effects to tree size class distribution which is comparable to the Historic range (see page 250).

**Letter 4: Idaho Conservation League**

**Roadless Area Impacts**

4-34

As part of the project proposal for the Eastside Township project the BLM is proposing to construct up to 1.89 miles of road within unroaded lands adjacent to the Meadow Creek Inventoried Roadless Area (IRA) [28] <#\_ftn28> . The BLM should avoid road construction and logging in these unroaded areas in order to maintain the natural integrity and wildlife habitat found there. Although the unroaded lands managed by BLM are under a different jurisdiction than the Meadow Creek IRA, the adjacency of these two areas encompasses a larger, intact area without roads. Road construction and logging in the unroaded areas will do little to meet the purpose and need of the project since the unroaded BLM land and the Meadow Creek IRA are farther from Elk City than other parts of the project area. The BLM should maintain the natural integrity and wildlife values in the unroaded area.

4-35

The inclusion of the cursory analysis of unroaded impacts from the American and Crooked River Project failed to recognize the flaws from that FEIS. As pointed out in our appeal over the American and Crooked River Project, the unroaded areas should have been included in both the 1987 Forest Plan, as well as preliminary documents related to the ongoing Plan Revision.

The analysis found that logging of uninventoried roadless areas does not harm their roadless character. This is contrary to agency history and case law, which firmly declares logging roadless areas (whether inventoried or not) is an irreversible and irretrievable commitment of resources.

The FEIS and ROD for the American and Crooked River Project failed to look at the impacts of logging on future wilderness suitability as required by law. See *California v. Block*.

The decision to log a Roadless area, whether inventoried or not, precludes the area from being added via the ongoing revision of the Forest Plan. The fact that it was erroneously withdrawn from the 1987 Forest Plan is important, yet the plan revision is much more critical.

In *National Audubon Society v. Lyons*, 46 F.3d 1437 (9th Cir. 1993) the court ruled:

'The Audubon Society alleges the Forest Service completely ignored the roadless nature of the timber sales when it prepared the environmental assessments. In its defense, the Forest Service repeats its argument that, under the OWA, it was not required to consider the roadless nature of the four timber sales. We again reject this argument, and we agree with the district court that the decision to harvest timber on a previously undeveloped tract of land is "an irreversible and irretrievable decision" which could have "serious environmental consequences." See *California v. Block*, 690 F.2d 753, 763 (9th Cir. 1982). *National Audubon* at 1448. (Emphasis added).'

In *Kettle Range Conservation Group v. USFS*, 971 F. Supp 480 (DCt. OR, June 17, 1997) the court again held logging in roadless areas, including ones that are uninventoried, is an 'irretrievable commitment of resources.' In

**Letter 4: Idaho Conservation League**

**Comment:** 4-25

**Response:** We agree and have included irregular shelterwood treatments as part of our project. Refer to irregular shelterwood descriptions in Appendix B page B-15.

**Comment:** 4-26

**Response:** Thank you for your comment, we agree with you and described this in the alternatives.

**Comment:** 4-27

**Response:** We are proposing to convert 2.39 miles of existing road to an ATV trail in Alternative D as shown on Table 3.8.3. The road to trail conversion project would reduce the running surface of the roads, allow for reduction of chronic sediment sources (e.g., closing fords, constructing ATV bridges), and restrict full size vehicle use of these roads.

**Comment:** 4-28

**Response:** Thank you for your comment on the Eastside DEIS

**Comment:** 4-29

**Response:** Thank you for your comment. Using BMPs is expected to help reduce the spread of noxious weeds. We will continue public outreach efforts and require all motorized users to stay on existing roads and trails. Off-road vehicle use is not proposed under any of the action alternatives.

**Comment:** 4-30

**Response:** Thank you for your comment. OHVs are currently using the roads that are proposed to be converted to ATV trails. Under all action alternatives, a decrease in road density and motorized routes would occur in the long term (refer to Chapter 2, and Appendix I and J). Also see response 4-27

#### Letter 4: Idaho Conservation League

this case, the logging units were alleged to constitute an uninventoried roadless area next to the Thirteenmile Roadless Area thus violating NEPA. Id at 481. This is similar to the situation in the American and Crooked River and now the Eastside Township Projects.

This finding is not new. In Wyoming Outdoor Coordinating Committee v. Butz, 484 F.2d 1244 (10th Cir. 1973) the 10th Circuit's quote of Sierra Club v. Butz 3 ELR 20071 (N.D. Cal.), allows: 'no timber cutting, road building or acts that would change the wilderness character of such areas.' Under this language, timber cutting (logging) changes roadless and wilderness character.

All cases are applicable here. The Forest and BLM fail to recognize, as case law requires, that logging Roadless areas are an irretrievable commitment of resources. This is in direct contradiction to the court findings and past agency policy.

Furthermore, the agency itself has found that logging (including helicopter logging) alters Roadless areas and wilderness character. On the Payette and Boise National Forest, salvage sales as a result of the salvage rider, which included helicopter logging, the agency concluded that the Roadless area would be negatively affected by helicopter logging under similar circumstances.

On the Middle Fork Timber Sale on the Nez Perce National Forest, the FEIS concluded logging (much of which was helicopter logging) results in irreversible and irretrievable commitments of resources. (Middle Fork FEIS, page 3-94, October 1997, Moose Creek Ranger District, Nez Perce National Forest).

There is no analysis on the shape of the area. There is no quantification of the impacts (no chart or map are included in FEIS) to Roadless areas in terms of integrity, size, naturalness, wildness, or other roadless values. How long will the impacts last from project (clearcuts, temporary roads, versus other kind of logging proposed for the area).

In essence, the cumulative effects analysis does not enlighten us on the impacts to Roadless areas because it is based upon an erroneous assumption that there are no irretrievable and irreversible commitments of resources. As such, there is no analysis to the impacts on Roadless areas.

California v. Block 690 F.2d 753 (9th Cir. 1982) laid out specific requirements for analysis of Roadless areas. Idaho Conservation League v. Mumma, 956 F.2d 1508 (9th Cir. 1992) made those applicable to site-specific analysis. In summary, they are:

- a) Comprehensive descriptions of Roadless areas including the areas' unique characteristics: landmarks, rare and endangered species;
- b) Assessment of wilderness value: tourism, sales of wilderness oriented recreational equipment, conservation of wildlife and flora populations, soil conservation and stability, watershed protection, clean air and water;
- c) Discussion of impact of Nonwilderness designations upon each area's wilderness characteristics and values: primary and secondary impacts, methods of mitigation, and environmental damage;
- d) Consideration of the effect of development on future opportunities for wilderness classification: the effect upon the benchmark characteristics identified in the Wilderness Act; and
- e) An attempt to balance economic benefits of Nonwilderness designation for an area against the consequent environmental loss.

Both the American and Crooked River Project FEIS and Rod, and now the

#### Letter 4: Idaho Conservation League

##### Comment 4:31

**Response:** The ability to decrease existing roads is extremely limited due to the limited BLM landownership, low amount of BLM roads in subwatersheds, and ingress and egress needs of adjacent landowners. Implementation of any of the action alternatives would reduce road densities in the long term. It is acknowledged that short term (1 – 3 years) increase in road densities would occur from action alternatives and use of temporary roads. However, public road closure actions would restrict public motorized use of these temporary roads (and will be made a design feature for the project). Long term reduction in elk security is slightly lower than existing conditions, and is primarily attributed to opening up of timber stands and size of the units and not an increase in motorized vehicle routes. The gray wolf population has steadily increased and no land use restrictions are required (see pages 200 and 201) due to wolf recovery. Page 201, states, "Watershed restoration actions, and post-harvest slash treatments are not expected to negatively impact wolves, elk or their habitats considerably regardless of alternative."

##### Comment: 4-32

**Response:** There is a conservation strategy for Idaho (Patala et al. 1995) that is being used for the Eastside Project. See page 212, regarding specific goshawk management guidance and analysis of such. No additional mitigation is deemed necessary to maintain goshawk viability in the project and analysis area, because suitable habitat is 205 percent of historical amounts in the American River watershed (USDA-FS, 1998b).

##### Comment: 4-33

**Response:** We will implement the snag management guidance in the BLM Chief Joseph MFP (1981), as amended, and the North Idaho Timber Management EIS. All action alternatives include a variety of treatments that include snag retention and recruitment. The project treats approximately 40% of the area and retains structure (not clear cuts). There will be approximately 1,907 acres untreated with increasing numbers of snags and down woody debris.

Also see response to comment 4-24.

**Letter 4: Idaho Conservation League**

Eastside Township DEIS are inadequate in this analysis.

The above noted court cases require an analysis of the impacts on the areas wilderness characteristics and suitability.

It is the Forest Service itself that set up the policy of site-specific EISs on development of Roadless area in the agency appeal decisions and subsequent court decisions on the Idaho Panhandle and Flathead National Forests. In the court decision on the IPNF Forest Plan the court concluded a site-specific analysis is where the irreversible and irretrievable decision is made (Idaho Conservation League v. Mumma, 956 F.2d 1508 (9th Cir. 1992))

The above referenced case is the result of a challenge to the forest plan's analysis/evaluation/allocation of Roadless areas. The court determined that it was the site-specific decision, not the forest plan, that analyzed the impacts of development on the Roadless area and was, hence, the background document for a decision on the fate of Roadless areas. Yet here, the FEIS concludes that the value of these lands for wilderness designation won't be considered in this analysis or the ROD.

The action agencies are required to analyze the site-specific impacts to Roadless areas. The American and Crooked River Project FEIS and Eastside Township DEIS defer this decision to a broader planning stage (Forest Plan Revision), yet precludes that, by logging and building roads in these areas. This stands in contrast to what the law requires.

4-36 | Finally, the DEIS fails to identify any unroaded areas adjacent to existing Forest Service roadless areas. As laid out in the 1998 PACFISH Biological Opinion, "Wilderness, unroaded, and large blocks of primitive lands contain most of the best available remaining habitat for steelhead and salmon (Frissell 1993; Thomas et al. 1993; Eastside Forests Scientific Society Panel 1994; Rhodes et al. 1994; and Quigley and Arbelvide 1997)."

**Grazing**

4-37 | The analysis of the existing condition and the impacts from grazing in the Eastside Township DEIS needs to incorporate a more thorough description of how grazing has influenced the American River Watershed. Disclosure and analysis of grazing in the watershed is necessary to adequately describe the cumulative effects and discern whether or not changes in grazing management are necessary. Exclusion of grazing should occur within PACFISH buffers in the project area in order to improve riparian habitat and comply with state water quality standards and TMDLs. Areas where riparian restoration is to take place should be excluded from grazing to facilitate a more rapid recovery and improve salmonid spawning and rearing habitat.

**Cumulative Effects**

4-38 | The BLM did not disclose or analyze the effects of the Sultan Shaft, Sultan 60, Tailings 40, Borowicz 40, East Swale Salvage, Transportation Corridors and any other foreseeable projects in the DEIS (see Table 3.0.1). These projects should be incorporated and analyzed in the cumulative effects analysis in the FEIS for the Eastside Township logging project. Any other

**Letter 4: Idaho Conservation League**

**Comment:** 4-34

**Response:** The 1.89 miles of proposed new road are on the Nez Perce National Forest. These roads would be temporary, comprising less than six acres of disturbance. Much of the areas have not retained high unroaded characteristics due to past activities in the area and are within the community protection area for the Erickson Ridge Subdivision.

The NPNF is currently revising the Land and Resource Management Plan (Forest Plan), and edits to the July 9, 2005 Draft Roadless Area Inventory maps have been completed. The January 2006 Proposal does not include this area in the "Areas Under Consideration for Recommendation as Wilderness (Draft Roadless Inventory)". They are still classified as Generally suitable for timber production, where timber production is a management objective, as delineated in the current Forest Plan

**Comments:** 4-35

**Response:** The areas described are not a part of the West Meadow Creek Inventoried Roadless Area (IRA). The boundaries of the IRA were defined in the Forest Plan and used in this EIS. This is the only official boundary of the IRA and, as such, the areas with unroaded characteristics are not a part of the IRA. IRAs and Areas with Potential Unroaded Characteristics were analyzed in Section 3.8.4.3. Also see responses to comments 4-2 and 4-34.

**Comment:** 4-36

**Response:** See response to comment 4-2. This EIS provides a description and analysis of the areas having possible unroaded characteristics. Refer to Sections 3.8.4.3, pages 266-270. Map 15 in this Final EIS has been updated to show these areas.

#### Letter 4: Idaho Conservation League

projects

[1] <#\_ftnref1> Quigley, T.M., Haynes, R.W., and R.T. Graham. 1996. Integrated scientific assessment for ecosystem management in the interior Columbia Basin and portions of the Klamath and Great Basins. GTR. PNW-GTR-382. Portland, OR. USDA, Forest Service. Pacific Northwest Research Station.

[2] <#\_ftnref2> Lee, D.C., Sedell, J.R., Rieman, B.E., Thurow, R.P., and J.E. Williams. 1997. Broad-scale assessment of aquatic species and habitats. In T.M. Quigley and S.J. Arbelbide. Eds. An assessment of ecosystem components in the interior Columbia Basin and portions of the Klamath and Great Basins. GTR. PNW-GTR-382. Portland, OR. USDA, Forest Service. Pacific Northwest Research Station.

[3] <#\_ftnref3> DEIS, p. 92.

[4] <#\_ftnref4> Ibid, p. 27.

[5] <#\_ftnref5> Ibid, p. 89.

[6] <#\_ftnref6> Ibid, pp. 98, 99.

[7] <#\_ftnref7> Ibid, p. 101.

[8] <#\_ftnref8> Ibid, p. 87.

[9] <#\_ftnref9> Ibid, p. 91.

[10] <#\_ftnref10> Ibid, p. 93.

[11] <#\_ftnref11> Ibid, pp. 94, 96.

[12] <#\_ftnref12> Ibid, p. 170.

[13] <#\_ftnref13> NOAA-NMFS. 1995. Biological Opinion on the Land and Resource Management Plans for the Boise, Challis, Nez Perce, Payette, Salmon, Sawtooth, Umatilla, and Wallowa-Whitman National Forests.

[14] <#\_ftnref14> NOAA-NMFS. 2005. Endangered Species Act - Section 7 Consultation Biological and Conference Opinion

Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the American and Crooked Rivers Project, Nez Perce National Forest. Citing Stober et al. 1981; Newcombe and MacDonald 1991; Waters 1995.

[15] <#\_ftnref15> DEIS, p. 114.

[16] <#\_ftnref16> Trombulak, S.C., and C.A. Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. Conservation Biology. 14(1): 18-30.

[17] <#\_ftnref17> DEIS, p.118.

#### Letter 4: Idaho Conservation League

**Comment:** 4-37

**Response:** The issue analyzed in this EIS was the effect the vegetation and fuels project would have on livestock grazing as an authorized use. Effects of livestock grazing within the project area were not identified as a major issue because there are only two grazing allotments on BLM land involving 60 AUMs of use. Grazing impacts to various resources is included in the description of existing conditions and impacts analysis.

Section 3.6.2 (pages 140-154) discloses the existing conditions that include the impacts of grazing as well as other uses. Section 3.12 (page 282) describes the current grazing uses and states that livestock grazing can be limited to avoid conflicts with the project. A design feature that calls for livestock restrictions following restoration activities has been added to Table 2.3.1.

**Comment:** 4-38

**Response:** The projects listed in your comments were categorically excluded from NEPA analysis because the actions are listed as either a Departmental or BLM Categorical Exclusion (CX). CXs are categories of actions that Federal agencies have determined do not have a significant effect on the quality of the human environment, either individually or cumulatively, and for which neither an EA nor an EIS is required (40 CFR 1508.4). Therefore, the projects you mention were not included in Table 3.0.1 which displays projects considered for cumulative impacts analysis. However, they were taken into account in assessing the current situation.

Page 53 identifies these projects as fuel treatment projects which support the overall goal of the Eastside Project. These projects are primarily located in the Little Elk Creek watershed, with the exception of 10 acres located in the Middle American River subwatershed. BLM only proposes to treat 20 acres within the Little Elk watershed. For all of the action alternatives proposed in Little Elk Creek, modeled sediment yield increase is only 0.1 percent.

**Letter 4: Idaho Conservation League**

[18] <#\_ftnref18> Trombulak, S.C., and C.A. Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. Conservation Biology. 14(1): 18-30.

[19] <#\_ftnref19> DEIS, p. 170.

[20] <#\_ftnref20> Megahan, W.F. 1981. Nonpoint source pollution from forestry activities in the western United States:

Results of recent research and research needs. P. 92-151 in Proc. U.S. forestry and water

quality: What course in the 80's? Water Pollution Control Federation. Washington, D.C.

[21] <#\_ftnref21> Trombulak, S.C., and C.A. Frissell. 2000. Review of ecological effects of roads on terrestrial and aquatic communities. Conservation Biology. 14(1): 18-30.

[22] <#\_ftnref22> DEIS, p. 54.

[23] <#\_ftnref23> Ibid, p. 266.

[24] <#\_ftnref24> Ibid, pp. 202, 251.

[25] <#\_ftnref25> Reynolds, R.T., Graham, R.T., Reiser, M.H., Bassett, R.L., Kennedy, P.L., Boyce, D.A. Jr., Goodwin, G., Smith, R., and E.L. Fisher. 1992. Management recommendations for the northern goshawk in the southwestern U.S.. GTR-RM-217. Fort Collins, CO: USDA, Forest Service, Rocky Mountain Forest and Range Experiment Station.

[26] <#\_ftnref26> DEIS, p. 211.

[27] <#\_ftnref27> Ibid, pp. 226, 242.

[28] <#\_ftnref28> Ibid, p. 270.



Eastside Township DEIS.doc

**Letter 4: Idaho Conservation League**