



File Code: 1570
Date: November 9, 2021

Dear Chairman Penney:

This letter is in response to your objections filed on the Clear Creek Integrated Restoration Final Supplemental Environmental Impact Statement (SEIS) and draft Record of Decision (ROD) released by Cheryl Probert, Nez Perce-Clearwater National Forest Supervisor. I have read your objections and reviewed the project record. My review was conducted in accordance with the administrative review procedures found at 36 CFR 218, Subparts A and B.

ADMINISTRATIVE REVIEW PROCESS

The regulations provide for a pre-decisional administrative review process of issues raised by objectors and suggested remedies that would resolve the objections. I considered the following issues in my review: National Environmental Policy Act and National Forest Management Act compliance, monitoring, wildlife including Threatened and Endangered Species, fisheries, water, soils, vegetation including old growth, roads/travel management, climate change, roadless areas, and environmental justice.

OBJECTION RESOLUTION MEETING

I conducted a resolution meeting with objectors on September 23, 2021 that was attended by:

- Nez Perce Tribe vice-Chairman Shannon Wheeler, Nez Perce Tribal Executive Committee Member Mr. Ryan Oatman, and other representatives and employees of the Tribe
- Tera King and Eric Crawford of Clearwater Basin Collaborative
- Jeff Juel, Katie Bilodeau, and Gary Macfarlane of Friends of the Clearwater

I listened to concerns about aspects of the proposed action and really appreciate objectors' participation in the meeting and the objection process itself.

RESPONSE TO OBJECTIONS

As specified at 36 CFR 218.11(b), this letter is my response to your objections to the EIS, draft ROD, and project record. Based on a thorough review of objections raised and what I heard at the resolution meeting I am instructing the responsible official to make the following changes.

As agreed with the Nez Perce Tribe (NPT) and with support from other objectors, select Alternative D with the modifications from Alternative C Modified. Additional modifications will also be applied:

- Incorporate the following changes to the proposed action based on discussions with the NPT.
 - Unit 102—Drop an additional 59 acres which overlap with the Tribe's concerns
 - Unit 104—Modify to be an intermediate treatment
 - Unit 128—Drop entire unit
 - Unit 324—Drop entire unit
 - Unit 358—Drop entire unit



- Update the Elk Habitat Effectiveness (EHE) analysis to reflect the new decision and incorporate information from the discussions with the NPT staff regarding the Elk Habitat Effectiveness (EHE) model. Share the updated outputs with the NPT staff and include a discussion in the FEIS of the impacts along the range of numbers.
- Include a discussion on tradeoffs between elk nutrition and security.
- Augment the Monitoring Plan as agreed on with NPT staff and described below.
 - Add temperature monitor to USGS turbidity monitoring site.
 - Add log haul to discussion of expected sediment increases and clarify how log haul effects are accounted for.
 - Clarify how the Geomorphic Road Analysis and Inventory Package (GRAIP) model results will be used. A pre-project GRAIP inventory occurred on system roads within the West Fork Clear Creek drainage and potential delivery locations identified. This information will be used during upcoming field reviews to identify specific road improvement work needed to reduce delivery. The road improvement for the Lost Mule Timber Sale haul roads, as identified in GRAIP, will occur before the sale is implemented and log haul begins. The identified work would be included in the Lost Mule timber sale contract road package. Once road and harvest work is complete, GRAIP inventories will be repeated after the sale to assess the relative reductions in sediment delivery from roads. The pre- and post- GRAIP surveys would also be conducted on 35 miles of system roads in the Brown Springs and Clear Creek Forest Plan prescription watersheds. Staff from the Tribe's Watershed Division will be invited to participate in the identification of needed work and follow-up of road improvements.
 - Include temperature monitoring above and below Lost Mule Timber Sale units on West Fork Clear Creek.
 - Monitor for management related sediment including: 1) PACFISH buffer review of 9 higher risk units to determine if sediment is moving from harvest units to streams (these surveys would occur once per harvest unit in a timeframe where units are accessible and during weather conditions where harvest-generated sediment delivery through PACFISH buffers could reasonably be observed), 2) instream sediment monitoring at 4 sites to assess sediment from log haul on roads, 3) regular road inspections during log haul activities, 4) cross drain culvert effectiveness monitoring, and 5) culvert replacement turbidity monitoring at 3 sites located in designated critical habitat for steelhead.

Additional turbidity monitoring was considered; however, it was determined to be cost prohibitive. The responsible official prefers, and I concur, to maintain a funding balance between data collection and accomplishing work on the ground that aids in the improvement of aquatic habitats and the organisms that inhabit them.

On November 5, 2021 the NPT requested that the responsible official close four roads to all motorized vehicles annually from 8/30 to 12/31, under emergency circumstances, citing "considerable adverse effects" from the project. Based on my review, the project record does not indicate such adverse effects from those specific roads.

The November 5th letter received from the NPT includes other items they would like to work on with the responsible official, Cheryl Probert. I encourage the NPT and Forest Supervisor Probert to work together on the road concerns as well as items submitted on Attachment 2 of the letter, outside of this objection review.

Regarding other issues raised by objectors, my review found that the responsible official provided adequate analysis and acceptable documentation of compliance with applicable law, regulation, and policy.

CONCLUSION

After completing instructions outlined above and receiving concurrence from the U.S. Fish and Wildlife Service, the responsible official may sign the decision notice for this project. My review constitutes the final administrative determination of the United States Department of Agriculture; no further review from any other Forest Service or United States Department of Agriculture official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

KEITH
LANNOM

 Digitally signed by KEITH
LANNOM
Date: 2021.11.09
11:51:17 -07'00'

KEITH LANNOM
Deputy Regional Forester

cc: Cheryl Probert, Martin Mitzkus, Karen Ritland, Zoanne Anderson, Olga Troxel, Pamela Fletcher