[Go back to main project page]

Nez Perce-Clearwater NFs Forest Plan Revision #44089

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Regards,
The Nez Perce-Clearwater NFs Forest Plan Revision Team

Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

April 20, 2020

Submitted via portal to: http://bit.ly/NezClearFPRComments

Attn: Zach Peterson, Forest Planner
Nez Perce-Clearwater National Forests
903 3rd Street
Kamiah, ID 83536

Re: Nez Perce Tribe's Comments on the Nez Perce-Clearwater National Forests' Draft Revised Forest Plan and Draft Environmental Impact Statement

Dear Mr. Peterson:

The Nez Perce Tribe ("Nez Perce" or "Tribe") appreciates the opportunity to comment on the Nez Perce-Clearwater National Forests' ("Forest" or "agency") Draft Revised Forest Plan ("Plan") and Draft Environmental Impact Statement ("DEIS"). This letter, the appended comments and related attachments, and prior submitted comments collectively represent the comments of the Tribe.

As the agency is aware, the approximately four million acres comprising the Forest are located within the homeland of the Nez Perce people, the *Nimiipuu*. On June 11, 1855, the Tribe reserved by treaty, and the United States secured to the Tribe, rights that the *Nimiipuu* have exercised since time immemorial, including the right to take fish at all usual and accustomed places, and the rights to hunt, gather, pasture, and travel. These were not merely "rights" that impose responsibilities on the United States. For the Nez Perce they were and are a guarantee of our ability to preserve our culture and identity that is inextricably linked to the reserved rights.

As an "early adopter" of the 2012 Planning Rule, the Forest committed to developing a Plan that fully and faithfully reflects the Forest's national direction in managing the Forest based on collaborative decision-making, using the best available science to guide management, mandating consistent and robust monitoring to ensure compliance with agency actions, emphasizing important forest values such as protecting habitat for fish and wildlife, and developing projects that fully take into account a changing climate. Most fundamentally, the Forest committed to developing a Plan that fully reflects the Planning Rule's requirement to protect and preserve resources and values important to the Tribe.

Given that the Tribe's vast treaty territory encompasses millions of acres and numerous National Forests in three regions spanning four states, the Tribe is currently actively engaged in forest plan revision processes for many of these National Forests, including the Wallowa-Whitman, Custer-Gallatin, and Salmon-Challis. The Tribe has also had extensive involvement in this Forest's administrative planning process for nearly a decade. The Tribe submitted scoping comments on November 14, 2014, Alternative Framework comments on May 1, 2018, and Cooperating Agency comments on October 23, 2019. The Tribe has also participated in staff-to-staff meetings and, during the preliminary stages of the planning process, formal consultation. More recently, the Tribe participated as a Cooperator in review of the draft Plan and DEIS prior to its public release on December 20, 2019.

In response to the COVID-19 public health crisis gripping our nation and the world, and following the Tribe's declaration of a public health emergency on the Reservation, the Tribe sent an urgent written request to Forest Service Regions One, Four, and Six on March 25, 2020, requesting the agency to pause its policy, land management revision, and projects so that the Tribe could focus its limited resources on safeguarding the health of its members, families, employees, and surrounding communities. The Tribe specifically requested that the April 20, 2020, Plan and DEIS comment deadline be paused to ensure that the general and tribal public and the Tribe itself has a full and fair opportunity to prepare comments. The Tribe's request was also designed to allow the agency to fulfill its pledge, before COVID-19, to conduct an information session at Nez Perce Tribal headquarters in Lapwai, where a large number of tribal members, employees, and families work and live.

To the Tribe's deep disappointment, this did not happen. In an April 13, 2020, written response from Regional Foresters Leanne Marten, Nora Rasure, and Glenn Casamassa, the Forest Service declined to issue any region-wide changes to comment or objection processes, opting instead to assess the situation on a case-by-case basis. That same day, Forest Supervisor Cheryl Probert, citing a "robust" public planning process and a prior 30-day extension before COVID-19, issued a brief announcement by video posted on the Forest's website of her decision declining to extend the Plan and DEIS comment period beyond April 20.

While the Tribe has appreciated Supervisor Probert's efforts to engage the Tribe on the Plan and DEIS before COVID-19, the Tribe is deeply troubled by her decision declining our request to extend the comment period. The Tribe is confronting an unprecedented threat to the health and welfare of its membership and surrounding communities. The Forest's previous 30-day extension of the comment period occurred before COVID-19 and was eclipsed by the exigencies of the pandemic. Pausing the comment period for the Plan and DEIS would therefore have been a welcome intergovernmental accommodation, and with little or no hardship to the Forest. Extending the comment period would also have allowed the Forest to follow through on its pledge to complete the tribal public meetings in Lapwai so that the agency may engage our communities on the Plan and DEIS and hear our members' unique and valuable perspectives on how the Forest

should manage these sacred ancestral lands in the coming decades. Depriving the *Nimiipuu* of this critical opportunity for engagement neither complies with the robust public process requirements that the agency is obligated to undertake under NEPA, nor reflects the conduct of a responsible federal trustee.

Moving forward, the Tribe feels compelled to reiterate two foundational expectations about the Plan and DEIS that it has consistently voiced throughout its multi-year involvement in this administrative planning process. First, the Tribe expects the Forest to include in the Plan a preferred alternative that reflects foundational improvements in honoring and advancing the Tribe's treaty rights. These rights that the Tribe reserved to itself, and which the United States secured, represent contractual terms agreed to between sovereigns in 1855 and are, under the United States Constitution, the "supreme law of the land." Courts have consistently held that treaty rights cannot be abrogated, modified, diminished, or ignored by the Forest through adoption of a Plan or any other agency action. The National Forest Management Act's planning requirements for developing, amending, and revising land management plans acknowledge the primacy of treaty rights, providing that the agency's planning requirements "do not affect treaty rights." The Tribe, however, is unable to endorse any of the Forest's proposed alternatives in the Plan because none embodies a clear, intentional, and accountable framework for realizing the agency's obligation to protect and honor treaty rights. The Tribe is committed, through continued staff-to-staff and policy coordination between draft and final decisions, to assist the Forest in developing and selecting a preferred alternative aligned with the agency's legal obligations under the Treaty and other applicable federal law to protect and advance the Tribe's treaty rights.

Second, the Tribe expects the Forest to prioritize improving its engagement with the Tribe as a sovereign partner on management opportunities. One important way to advance this goal is by expressly embracing in the Plan the Tribe's well-established role as a co-manager of its Treaty resources. As the Forest is aware, the Tribe has spent substantial time, effort, and resources on the recovery and co-management of Treaty resources on the Forest. The Tribe has expended millions of dollars working with the agency to improve fish habitat and restore fish runs across the Forest and throughout its Treaty territory. The Tribe has also worked with the Forest for years to protect and restore bighorn sheep populations across their native home range on the Forest by preventing disease transmission from domestic sheep.

Although the Tribe is appreciative of these partnerships, the agency, for reasons still unclear to the Tribe, does not fully acknowledge the Tribe in the Plan as a "co-manager" of Treaty resources on the Forest. The Tribe readily shares in the responsibility of stewardship of the natural resources on the Forest. In addition to the extensive fish and bighorn sheep habitat work with the Forest noted above, the Tribe's commitment to the stewardship of the resource across our vast treaty territory is also evident in our longstanding participation and representation in regional intergovernmental bodies co-managing fish in the Columbia and Snake River Basins and bison in the Greater Yellowstone Area. In reality, the Tribe and Forest are, and have been, sovereign partners whose

shared management of the Treaty resources cannot be ignored in fact or in a new Plan. The Plan should therefore reflect this reality and embrace a strong and lasting partnership with the Tribe based on a shared interest in managing the Forest collaboratively, productively, and sustainably by leveraging our respective authorities, responsibilities, expertise, and unique knowledge.

Following a review of the Plan and DEIS, the Tribe is unable to endorse any of the Forest's current alternatives. The Tribe recommends that the Forest instead collaborate with the Tribe to develop a preferred alternative and final Plan that reflect the Tribe's fundamental and longstanding expectations described above, as well as incorporates the Tribe's general and specific comments appended to this letter.

Despite our ongoing challenges and the many tasks ahead, the Tribe values its relationship with the Forest and stands ready to work with the agency in shaping a Plan that is worthy of the Forest's namesake. To accomplish this effort, the Tribe requests further staff-to-staff coordination and formal consultation with the Forest on the Plan and DEIS. The Tribe reserves the right to supplement its comments on the Plan as part of the government-to-government consultation and coordination between the draft and final Plans. The Tribe also expects formal consultation between the Nez Perce Tribal Executive Committee ("NPTEC") and Forest to occur prior to the agency issuing a final decision, consistent with the Tribe's consultation policy, applicable federal statutes, Executive Orders, and Forest Service policies.

Please contact Rachel Edwards, NPTEC Executive Assistant, at (208) 843-2253 to schedule a formal consultation. For other questions, please contact Mike Lopez, Senior Staff Attorney for the Nez Perce Tribe Office of Legal Counsel, at mlopez@nezperce.org.

Sincerely,

Shannon F. Wheeler
Chairman

NEZ PERCE TRIBE'S COMMENTS ON THE NEZ PERCE-CLEARWATER NATIONAL FORESTS' DRAFT REVISED FOREST PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

April 20, 2020

I. GENERAL COMMENTS

A. The Tribe's Interest in the Plan

Since time immemorial, the Tribe has occupied and used over 13 million acres of land now comprising north-central Idaho, southeast Washington, northeast Oregon, and parts of Montana. Tribal members engaged in fishing, hunting, gathering, and pasturing across their vast aboriginal territory. These activities still play—and will continue to play into the future—a major role in the subsistence, culture, religion, and economy of the Tribe.

The Forest is located entirely within the Tribe's aboriginal territory subject to the rights the Tribe reserved, and the United States secured, in the Treaty of 1855.[1] The Forest is also located within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission,[2] and encompasses areas of cultural and spiritual significance to the Tribe. As a result, the Tribe considers the protection of our treaty-reserved rights, and other rights and interests, to be a paramount obligation of the Forest when implementing projects within the Forest. The Forest has a trust responsibility to ensure that its actions are fully consistent with the 1855 Treaty, executive orders, departmental regulations, and other federal laws implicating the United States' unique relationship with the Tribe.

Treaty tribes, such as the Nez Perce, are recognized as managers of their treaty-reserved resources.[3] As a manager, the Tribe devotes substantial time, effort, and resources to the recovery and co-management of treaty-reserved resources.

As a fiduciary, the United States and all its agencies owe a trust duty to federally recognized tribes to protect their treaty-reserved resources.[4] This trust relationship has been described as "one of the primary cornerstones of Indian law,"[5] and has been compared to the relationship existing under the common law of trusts, with the United States as trustee, the tribes as beneficiaries, and the property and natural resources managed by the United States as the trust corpus.[6]

All executive agencies of the United States are subject to the federal trust responsibility to recognize and uphold treaty-reserved rights. Executive agencies must also protect the habitats and resources on which those rights rest, since the right to take fish and other resources reserved by

[1] Treaty with the Nez Perces, June 11, 1855, 12 Stat. 957.

[2] *Nez Perce Tribe v. United States*, Docket #175, 18 Ind. Cl. Comm. 1.

[3] *United States v. Washington*, 384 F. Supp. 312, 339-40, 403 (W.D. Wash. 1974).

[4] *See United States v. Cherokee Nation of Oklahoma*, 480 U.S. 700, 707 (1987); *United States v. Mitchell*, 463 U.S. 206, 225 (1983); *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942).

[5] Felix Cohen, Handbook of Federal Indian Law 221 (1982).

[6] *See, e.g., Mitchell*, 463 U.S. at 225.

the Tribe presumes the continued existence of the biological conditions necessary to support the treaty-reserved resources.[7]

Forest Service Manual ("FSM") 1563.8b specifically states that the Forest Service "shall administer lands subject to off-reservation treaty rights in a manner that protects Indian tribes' rights and interests in the resources reserved under treaty."[8] Further, FSM 1563.03 directs the Forest Service, among other responsibilities, to "[i]mplement Forest Service programs and activities consistent with and respecting Indian treaty and other reserved rights and fulfilling the Federal Government's legally mandated trust responsibilities with Indian Tribes."[9]

B. The Tribe's Vision of a Preferred Alternative

The Plan's preferred alternative needs to focus on the critical importance of protecting and advancing the Tribe's treaty rights and cultural resources, embracing a broader and more comprehensive government-to-government relationship for the co-management of the Tribe's treaty resources across the Forest, adopting enforceable plan standards (as opposed to guidelines) to maximize agency regulatory consistency and accountability, and using best available scientific information (BASI).

The Tribe also believes the preferred alternative should prioritize ecological health of the Forest based on a holistic integration of Plan components emphasizing the protection and sustainability of treaty-reserved resources in perpetuity. The preferred alternative needs to provide consistent and robust project and landscape monitoring, actively restoring forest health in Management Area ("MA") 3, and actively restoring degraded watersheds and key wildlife habitat conditions as well as, and equally with, forest health restoration. It should include prescriptions on the pace and scale of upland vegetation disturbance and other upland treatments that are known to damage natural stream flows, sedimentation, and summer temperatures. It should also ensure a "no net increase" in permanent roads within watersheds with sediment problems and/or requiring road maintenance and repair within these degraded reaches with sediment concerns. Unfortunately, no single alternative in the Plan and DEIS reflects these tribal management priorities.

C. Partnerships, Broader Engagement, and Co-Management

As the Forest is aware, the Tribe has spent substantial time, effort, and resources on the recovery and co-management of treaty resources on the Forest. The Tribe has expended millions of dollars working with the agency to improve fish habitat and restore fish runs across the Forest and throughout its treaty territory. The Tribe has also collaborated with the Forest to protect and restore bighorn sheep populations across their native home range on the Forest by preventing disease transmission from domestic sheep.

The Tribe is proud of these successes and considers these partnerships with the Forest critical to protecting the Tribe's treaty rights and resources. The Tribe now asks the Forest to embrace a larger vision of our government-to-government relationship by fully acknowledging the Tribe as

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[7] *See Kittitas Reclamation Dist. v. Sunnyside Valley Irr. Dist.*, 763 F.2d 1032 (9th Cir. 1985), *cert. denied*, *Sunnyside Valley Irr. Dist. v. United States*, 474 U.S. 1032 (1985).

[8] FSM Ch. 1560 at 67.

[9] *Id.* at 30.

a co-manager of its treaty resources on the Forest and include in the Plan a broader and more comprehensive framework for collaboration and cooperation across resource disciplines. In addition to committing to pursue greater opportunities for fish and wildlife habitat restoration, this new framework would identify ways in which the Tribe and Forest may further leverage the Tribe's authorities, unique knowledge and expertise to expand its management activities into other management arenas. Using Good Neighbor Authority and shared stewardship authorities, for example, the Tribe can have a greater role in partnering with the Forest to manage forest health in ways that align with the Tribe's vision, priorities, unique values, and knowledge. The Tribe can also use those same authorities to assist the agency with project monitoring – a critical requirement of the 2012 Planning Rule and the Plan.

The Tribe also views this broader engagement framework with the Forest as an opportunity to significantly enhance the Tribe's early engagement on project proposals. Currently, the Tribe's practice is to review agency proposals and offer comments aimed at avoiding or minimizing adverse effects to treaty rights and resources, or cultural resources. Under the new framework, the Tribe would have more opportunities to develop its own project proposals encompassing multiple treaty resource areas on the Forest and work collaboratively with the agency to implement them.

D. Wilderness

The Tribe's prior comments address its position on wilderness designations and management. The Forest should work closely with the Tribe to ensure that existing wilderness management and potential future wilderness designations do not negatively affect the Tribe's treaty-reserved rights and resources, the Tribe's management of those rights and resources, or other applicable rights and interests of the Tribe.

E. National Forest Management Act: The Importance of Standards

A key provision of NFMA is the requirement that all permits, contracts, and other instruments for the use and occupancy of National Forest lands "shall be consistent with" forest plans.[10] A standard is "a mandatory constraint on project and activity decision-making, established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements."[11] A guideline is "a constraint on project and activity decision-making that allows for departure from its terms, so long as the purpose of the guideline is met."[12] The Tribe has consistently advocated for the adoption of binding and enforceable standards in the Plan that maximize regulatory consistency and agency accountability in land management decision-making. The Forest, in contrast, maintains that guidelines lend needed flexibility to forest planning to adapt to scientific uncertainty and changing conditions.

While the 2012 Planning Rule states that compliance with both standards and guidelines is mandatory, there are several compelling reasons why the Forest should hold itself to binding and enforceable standards. First, standards are the only plan component that can provide adequate certainty and binding protections under NFMA. Guidelines are discretionary and flexible, and

[10] 16 U.S.C. § 1604(i).
[11] 36 CFR § 219.7.
[12] *Id*.

do not provide certainty. Even if enforceable, guidelines vest substantial discretion in Forest managers to unilaterally determine the circumstances under which the agency may "deviate" from a guideline while meeting the guideline's purpose. Court are also inclined to defer to the agency in how best to achieve and implement plan components. The Tribe anticipates this deference will continue, affording the agency substantial discretion and flexibility in defending its views on when, why and how a guideline meets its intended purpose.

Second, standards can improve planning efficiency by complimenting the Tribe's treaty rights that the Forest is legally-required to uphold. Standards, appropriately developed in close cooperation with the Tribe, can provide specific and measurable prescriptions for agency personnel that can be consistently applied and independently monitored by the Tribe.

And third, standards impute credibility to the Forest. Standards are better equipped to insulate project development and decision-making from political pressure, differences in management philosophies, agency turnover, and shifting agency priorities. Standards are also judicially reviewable and therefore assist in holding the agency legally accountable for upholding the requirements of NFMA.

In reviewing the Plan, the Tribe is concerned that the Forest has dramatically reduced the number of standards in favor of guidelines. The Tribe requests that the agency revisit this approach and instead adopt specific standards across resource disciplines as identified in the Tribe's comments.

F. Adaptive Management: The Importance of Monitoring

Adaptive management is a central theme of the 2012 Planning Rule for National Forest System Land Management Planning and the organizing principle for Forest Plan development. Interestingly, the Plan does not reference or properly incorporate this important management principle. In order to responsibly manage Forest lands and treaty-reserved resources, Plan components should be written in such a manner that they are verifiable (i.e. implemented as intended and effective in their outcomes). Unfortunately, Plan component verification through monitoring is lacking throughout the Plan.

The Forest must include the Tribe in the development of Plan monitoring questions and associated indicators.[13] To date, however, consultation with the Tribe on the development of the Plan monitoring program has not occurred.

The draft monitoring elements are disproportionately weighted in favor of implementation and inputs and lack essential complementary elements focused on effectiveness and outcomes, particularly with regard to terrestrial ecosystem health and wildlife habitat conditions. As one example among many, FW-DC-TE-04 directs that "[h]abitats provide forage resources . . . for a diversity of native and desirable non-native pollinators." However, the associated monitoring question and indicators for this Desired Future Condition ("DFC") are focused on the number of actions taken by the Forest rather than any actual assessment of forage resources or habitat condition. Plan component monitoring needs to directly relate to that component (in this example,

[13] *Id.* § 219.4 and Forest Service Handbook 1909.12, Ch. 40, § 44.

actual progress towards or away from the DFC) in order to properly inform adaptive management efforts and ensure treaty-reserved resources are sustained.

Relatedly, many draft monitoring criteria do not appropriately match the language of the associated Plan component. Three examples include FW-DC-GS-01 through -03, which direct that specific native species dominate specific habitat types, that plant litter is common and remains on-site, that soil crusts are present, and conifers are generally absent. Monitoring for these DFCs, however, is limited to the role of invasive species. Similarly, FW-DC-WLMU-03 directs that "habitat for wild ungulates provides conditions to meet life history requirements year-round. Vegetation in these habitats are primarily composed of native plants." Monitoring for this DFC, however confusing, is limited to the extent of motorized use within mountain goat habitat and the number of actions that enhance mountain goat habitat. Mountain goats are not the only ungulate in the Forest, and native plant composition is not measured by motorized use or the number of management actions in those areas.

G. Best Available Scientific Information

Use of BASI is a foundational element of responsible resource management and a thematic cornerstone of the 2012 Planning Rule. The Plan acknowledges this early on in the DEIS itself (page 1-21). Unfortunately, direction regarding the importance, role, and use of BASI is absent from the Plan. The Tribe encourages the Forest to acknowledge the importance of BASI in informing the proper management of the Tribe's treaty-reserved resources and describe the ways in which it intends to identify and make use of that information.

To support science-based management, the Tribe recommends that the Final Environmental Impact Statement ("FEIS") and Plan identify a process to ensure that BASI is actively being reviewed and applied by Forest Service staff to projects, such as the establishment of a science advisory board, independent scientific review of the effectiveness of the Forest's plans in meeting plan directions, and/or frequent (every five years) science consistency evaluations to determine whether the Forest's plans are consistent with BASI.

In addition, the Tribe encourages the Forest to more fully acknowledge the importance of traditional ecological knowledge and require its consideration in managing the Tribe's treaty-reserved resources. FW-GL-TT-02 reflects this goal and is appreciated. The Tribe recommends that the Plan incorporate additional direction to involve the Tribe at the earliest stages of project planning and development.

The Tribe requests clarification whether the Forest completed the following analyses that were identified as needs in the 2014 Forest Plan Assessment (2-71, Air, Soil, and Water Resources and Quality):

- Time series analysis of stream temperatures in streams with temperature Total Maximum Daily Load ("TMDL") (as well as all other streams)
- Time series analysis of existing streamflow and sediment load data from Forest gauge stations (correlating changes/differences with rainfall data)
- Summary of restoration projects (by 6th field HUC)

H. Forest Health

The Tribe appreciates the extensive time and effort the Forest has made in developing a range of alternatives with the intent of determining the best plan of action to address concerns related to improving the health and resiliency of the forest. The Plan goal of achieving DFCs as proposed will move the Forest in the right direction. It is anticipated that the plan will attempt to achieve DFCs as soon as practicable given the plan constraints needed to protect and enhance Forest resources other than timber. Any accelerated rate and scale of silvicultural treatments necessary to achieve the DFCs at an earlier point in time will require greater investments in both staff and non-commercial treatments to ensure Plan goals for resources other than timber are effectively implemented and monitored when implementing the Plan. The Plan should prioritize ecological health with a focus on a holistic integration of Plan components to protect treaty-reserved resources. It is not clear how achieving the allowable cut volume target will ensure progress towards DFCs. Removal volumes must be comprised of the proper mix of species and size classes identified as being overstocked rather than the tendency to target more lucrative timber sales due to budgetary limitations. Consideration should be given to monitoring and mapping acres in need of treatment as well as acres that currently meet desired conditions as a measure of meeting plan objectives. Field verification should also occur during project planning and not during implementation to validate assumptions. Priorities should focus on acres treated as opposed to volume harvested.

The Tribe recommends that the Plan target a moderate level of treatment acres through timber harvest, provide higher levels of fuels treatments in proportion, while also including predictive estimates (using statistical confidence) of natural treatment acres based on wildfire history in MA-3. The Tribe also would expect the Plan to include the estimated time horizon for MA-1 and MA-2 to achieve a Natural Range of Variability ("NRV") of all Potential Vegetation Types ("PVT") groups similar to those estimated for MA-3. Passive management is the strategy with fire as the primary change agent for MA-1 and MA-2 so they will be very similar across alternatives. The key is for the Forest to compare these important timelines with the timeline differences of MA-3, as created by the different levels of active management among alternatives.

Finally, the Tribe has concerns with the Forest's ability to fully implement the Plan with limited resources. Progress towards achieving desired future conditions depends on silvicultural treatments that require considerable investment such as reforestation, timber stand improvement, pre-commercial thinning, fuels reduction, weeding and prescribed burning over an extensive area. Realistic funding levels need to be taken into consideration for effective plan implementation. An assessment of the extent the plan depends on favorable timber market conditions and timber revenue to accomplish increased levels of needed treatments would be beneficial to ensuring the plan can be fully implemented.

II. SPECIFIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Chapter 3. Affected Environment and Environmental Consequences

Chapter 3.2.2.1 Water Resources

In Table 3, page 10, there is no TMDL implementation plan for nine watersheds. Idaho Department of Environmental Quality ("IDEQ") develops a TMDL for impaired waters, then land management agencies are responsible for developing TMDL implementation plans. As the primary land management agency, the Forest needs to have a timeline for development of TMDL implementation plans in each TMDL watershed that is lacking one.

Chapter 3.2.2.2 Aquatic Ecosystem and Fisheries

The DEIS mentions substrate data other than PACFISH/ INFISH Biological Opinion. Because of the predominance of the highly erosive Idaho Batholith geology on the Forests, deposited sediment in streams was recognized as a key limiting factor for anadromous salmonids during the previous forest planning efforts.[14] The Forest should identify the Plan components directly measure existing stream substrate conditions and the resulting sediment delivery induced by project activities.

According to the Interior Columbia Basin Ecosystem Management Project framework document, maintaining and restoring the health of riparian and aquatic resources on Forest Service lands are necessary to sustain aquatic and terrestrial species and to provide water of sufficient quality and quantity to support the beneficial uses of those species. The current, more stringent strategies employed by the Northwest Forest Plan, PACFISH and INFISH have been successful at halting timber harvest within the riparian area and preventing damage to aquatic systems. The Tribe supports the No Action Alternative with regard to *Effects of the Forest-Wide Direction on Riparian Areas*. Both PACFISH and INFISH reduce the risk of watershed and riparian and aquatic resources by improving riparian area protections.

Further, the Tribe also supports the retention of the Riparian Habitat Conservation Areas ("RHCA") as established management zones bordering streams, wetlands, and other water features. Currently, the RHCA is classified as not suitable for timber production. However, timber harvest is currently allowed within the RHCA if conducted to achieve objectives for the stream and riparian habitat conservation management areas. PACFISH and INFISH provide detailed standards and guidelines which establish standard widths for the RHCA which are used during Forest project planning.

The current direction in PACFISH specifies four standards and guidelines for grazing. Those standards require modification to any grazing practice that retards or prevents attainment of the Riparian Management Objectives or that are likely to adversely affect listed anadromous fish. The Tribe disagrees that the Forest's proposed Standards and Guidelines listing in alternatives W, X, or Y will do enough to protect aquatic species. Many of the streams within the Forest are identified in the Idaho Recovery Plan as having continued poor riparian condition due to livestock

[14] DEIS 3.2.2.2 at 8.

management practices. Poor riparian conditions include having reduced habitat quality, reduced streambank stability, decreased water quality, and very little shade. Further, the DEIS references monitoring as a method of observing proper implementation of livestock grazing which leads to improved stream condition. The Monitoring Plan listed as Appendix 3 in the Plan does not list any Plan components for monitoring livestock grazing on the Forest.

As stated in the DEIS, Alternatives W, X, Y, and Z would rename and redefine riparian widths instead of keeping them the same. RHCAs would replace Riparian Management Zones ("RMZ") and be delineated during the project layout analysis. The DEIS also changes the widths descriptions of the RMZs. Under the action alternatives, the RMZ section of the Aquatic Ecosystem plan components lists qualifiers on total widths of buffers on each stream in the Forest. The DEIS also allows for timber harvest within the RMZ, which is specific to the Aquatic Ecosystem plan. The DEIS refers to the standard FW-STD-RMZ-01 which allows for vegetation management in the RMZ for the purposes of restoring or enhancing riparian, fish, and aquatic resources. Further, the FW-STD-RMZ-01, as listed in Appendix 3 monitoring components, is unclear and lacks information which would lend support to this transition from PACFISH/INFISH to the DEIS proposed alternatives.

The Tribe previously commented on Appendix A of the Nez Perce National Forest Plan and the Clearwater National Forest Plan and the direction of the court settlement. Appendix A stipulations were to effectively improve habitat for fish. As stated in the DEIS, the Aquatic Ecosystem plan components are meant to replace not only the Clearwater Forest Plan lawsuit, but also PACFISH, INFISH, and the provisions set forth in the 1995 and 1998 Biological Opinions. The Tribe is concerned that these components will not be effective enough in accounting for the measurement of sediment or replacing the requirements of initiating an upward trend in habitat carrying capacity in degraded watersheds.

The 1998 PACFISH and INFISH Biological Opinions required all streams within the range of ESA-listed steelhead trout to be considered a KEY or PRIORITY watershed. As a result, nearly all Category 4 riparian habitat conservation areas are established at 100 feet.

Chapters 3.2.3 Wildlife

The Tribe appreciates that the DEIS includes a thorough discussion of wildlife species and habitats that occur across the Forest. However, environmental consequences were inconsistently presented and discussed throughout the DEIS making it difficult to understand the effects for each alternative and MA. Consequences of the Plan were not assessed by alternative or MA for the following: aquatic, wetland, water, and riparian habitats; broad-leaved habitats; burned, diseased, and insect infested forest habitats; forest understory habitats; ecotone, forest edge, or forest mosaics; non-forested or early seral terrestrial habitats; habitat generalists; resource habitats; and substrate habitats. The Tribe is disappointed that the Forest did not include insects in the DEIS. And, other than for a few species, the effects analysis process does not seem sensitive to the proposed actions. Conclusions drawn from most analyses at the species level, including for Species of Conservation Concern ("SCC"), are largely qualitative and do not detail specific effects by alternative or MA. Overall, the Tribe is concerned about impacts to wildlife species and their habitats under the action alternatives, and the Plan components may not provide conditions suitable for long-term persistence of some species as a result.

The Tribe is concerned that the vegetation models predict declines in open forest habitat types with open mature stands in warm, dry PVT having a strong decrease under all alternatives, which is a trend against the long-term persistence of ponderosa-associated species.[15] The DEIS discloses that these declines are an unexpected result as the Plan components were designed to increase the amount of open forest within the warm, dry PVT. The DEIS further states that Plan components, actions, and modeled activities may need to be adjusted for these habitats between the DEIS and FEIS.[16] If this is the case, the Tribe requests that the Forest identify and analyze these adjustments in the FEIS.

Chapter 3.2.3.2 in the DEIS states that the Ecosystem Research Group evaluated landscape patch and pattern for the Forest.[17] Appendix B in the DEIS shows patch size results by PVT for early successional stages but fails to discuss the results clearly or incorporate them into the DEIS analyses and Plan components.[18] The Tribe requests that the Forest update the FEIS and incorporate any implications from all pattern and patch analyses into the Plan.

Recommending one alternative over the other is difficult given the very limited implications generated from the effects analysis. The Plan and DEIS rely heavily on coarse filter plan components to provide adequate habitat for most species over the life of the Plan, potentially influencing the effects analysis. Furthermore, Table 7 in the DEIS[19] showing relative benefit to people is not explained and is therefore misleading when evaluating effects of the alternatives. Environmental consequences of the proposed actions are buried in the DEIS and are not well connected. For example, the DEIS for big game explains that Alternatives W and X provide the highest benefit and achieve DCs at a much faster rate than Y and Z due to high timber outputs (i.e. forage created by harvest); however, the DEIS fails to evaluate the level of anticipated harvest in W and X required by a similar increase in the transportation system needed to access and support the harvest. The DEIS did not properly look at these connected actions and effects for species.

The Plan and DEIS also fail to clearly identify the environmental consequences of the recommended wilderness and recreation opportunity spectrum on wildlife and plant species and their habitats. The overview of the alternatives table in the DEIS[20] does not provide enough details about recommended wilderness boundaries and uses inconsistent with the Wilderness Act for each alternative and is therefore misleading. This is true for effects on mountain goats, wolverine, and grizzly bears. The Forest needs to present at the forefront of the DEIS that over-the-snow travel and mechanized travel would be allowed under Alternative X and Y in areas that were previously recommended wilderness. Existing recommended wilderness (Hoodoo, Mallard-Larkin, and Selway) would be open to mechanized and over-the-snow travel under Alternative X, and boundary changes to existing recommended wilderness under Alternative Y would also open areas previously closed to mechanized and over-the-snow travel. These connected actions and their impacts to species intolerant of increased recreation and motorized/mechanized travel under Alternative X, Y, and Z are not adequately analyzed in the DEIS. While the DEIS recognizes that

[15] DEIS 3.2.3.2 at 57.
[16] DEIS 3.2.3.2 at 59.
[17] DEIS 3.2.3.2 at 64.
[18] DEIS Appendix B-21 and B-71.
[19] DEIS 3.2.3.4 at 69, Table 7.
[20] DEIS Executive Summary at 13, Table 2.

allowing these areas to open to motorized over-the-snow travel could potentially expose mountain goats to this disturbance,[21] the Forest does not carry this through to developing Plan components to counter harmful impacts under Alternatives X, Y, and Z and instead relies on coarse filter components and monitoring for unauthorized motorized use only. For grizzly bears, the DEIS concludes that nothing in the plan would preclude the Bitterroot Ecosystem from providing conditions to provide for grizzly bears on the Forest,[22] however, the amount of recommended wilderness, summer recreation opportunity spectrum, and wild and scenic rivers proposed under the action alternatives could influence dispersal and recovery efforts. In lieu of thoroughly analyzing these impacts, the Plan and DEIS rely on the plan components for elk and aquatic and riparian conservation plan components to provide connectivity and forage. Without adequate implementation and monitoring of these components specific to grizzly bears (and other species where the Forest uses these blanket components, e.g. wolverine and mountain goats), the Tribe has difficulty determining whether or not actions preclude recovery and/or long-term persistence on the Forest.

3.4.1 Cultural Resources

This section lists relevant sections of federal historic preservation laws. This section should include the following under the National Historic Preservation Act of 1966 ("NHPA").[23]

NHPA Section 110(a)(2)(D) also requires that "the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and with the private sector."

Analysis Methods and Assumptions. The Tribe is unclear why the Forest feels the need to state that the cultural resource plan components are based upon current federal cultural resource laws, and if laws change in the future, the Plan, "would likely cease to have the necessary relevancy to aid resource management decisions."[24] As this is true for every resource, does the Forest contemplate an alternate scenario where changing federal laws would not affect their analyses or decisions? Or perhaps the Forest is subtly suggesting that the federal cultural resource laws change.

Measurement Indicators: This is an accurate recitation of *Integrity*, which a historic property must retain to be eligible for listing on the National Register of Historic Places ("NRHP"). However, this can only be applied if the resource has been properly evaluated for all four NRHP eligibility criteria for listing. This assumes that the Forest analyzed sites based on all four criteria (A. Event, B. Person, C. Design/Construction, and D. Information Potential).

Historic sites of religious and cultural significance are an eligible property type identified in the NHPA.[25] "In carrying out its responsibilities under section 106, a Federal agency shall consult

[21] DEIS 3.2.3.4 at 44.
[22] DEIS 3.2.3.3 at 90.
[23] 16 U.S.C. § 470.
[24] DEIS 3.4.1 at 7.
[25] NHPA Section 101(d)(6)(A).

with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A)."[26]

Unfortunately, the Forest usually only analyzes most sites only under Criterion D, for their value to archaeologists, and fails to consider their religious or cultural significance to the Tribe. The Forest's precontact archaeological sites (and also many of the historical sites) are the result of the activities of the ancestors of Tribal members, and these sites continue to be used and valued by Tribal members. Integrity of this significant traditional and ongoing use must be considered by the Forest in property evaluations. This is difficult to do when the Tribe is not even notified about newly recorded sites until after the Forest has determined if they are eligible for NRHP listing.

Appendix K

The pagination does not match the titles for most of the Table of Contents.

Regarding Public Drinking Water, the Forest has 14 public water systems using surface water that are on or near forest land and 22 public water systems plus 3 communities deriving groundwater influenced by or on Forest lands. That is virtually every community on or near the Forest. How does that come out to be of "moderate" (Forests to Faucets project) importance? Actions on the Forest will impact these drinking water supplies, which is of paramount concern to the Tribe. How are these Municipal Supply Watersheds and Source Water Protection Areas incorporated into the "tools" and how are they weighted? Threats to groundwater dependent ecosystems on the Forest include road development, road maintenance, contamination of water from chemicals and oil on road surfaces, livestock grazing, and modification of forested vegetation that alters groundwater and surface flows or changes microclimates. These activities need to be reduced or not permitted near water. The 150 foot maximum distance from streams in the Riparian Management Zone is a problem, and therefore, the buffer should be increased to 300 feet.

Sources for Best management practices ("BMPs") are listed but no information is included on how BMPs are incorporated into the whole process and restoration strategy. Is this a component of the RAS? Where do these BMPs show up as being implemented for each watershed?

III. SPECIFIC COMMENTS ON THE DRAFT REVISED FOREST PLAN

In addition to the following comments on the draft Plan, the Tribe requests that the Forest review and reconsider recommendations provided by the Tribe on the Alternatives Framework submitted on May 1, 2018, and Cooperating Agency copies of the Plan and DEIS submitted on October 23, 2019. These comments will be referenced where appropriate.

Chapter 1.1.2.2 Social and Economic Contributions

This section provides only a passing acknowledgement of traditional economic activities that continue to sustain Tribal members and preserve the culture and community of the Tribe. The

[26] NHPA Section 101(d)(6)(B).

strong emphasis on non-tribal economics in the DEIS suggests that the Forest believes that Tribal economic activities, and Tribal culture, are less important than non-tribal economic activities.

Chapter 1.1.2.3 Cultural and Heritage Values

This section should acknowledge that the Forest is almost entirely within the ceded territory of the Tribe. Instead, this section states that "[f]or millennia, the Nez Perce-Clearwater has been uniquely situated at the crossroads of several American Indian cultural areas, each possessing their own characteristic lifeways, languages, customs, and traditions."[27] By listing several other tribes and emphasizing the activities of nineteenth and twentieth century immigrants, the Forest suggests that it does not really believe that the Tribe has occupied and controlled this region for thousands of years. This could also indicate that the Forest does not accept that the Tribe has a unique role or interest in management of Forest resources.

Chapter 1.3 Management and Geographic Areas

Pilot Knob is a sacred site of utmost importance to the Tribe, but the Forest should not assume that this one site is the most important Traditional Cultural Property. The Forest should also not assume that continuing to recognize the significance of this sacred place allows for the dismissal of historic properties, Tribal values, and ancestral sites in the remainder of the Plan.

The Forest should classify the Lolo Trail as MA1, a Congressionally designated National Historic Landmark.

Chapter 1.4.1.2 Priority Watersheds

This section lists three watersheds that are a priority for maintenance or restoration: Upper Elk Creek, Upper Clear Creek, and Upper Little Slate Creek.[28] The Plan and Appendix 6 state that "[f]uture priority watersheds will be determined throughout the life of this plan."[29] The Tribe recommends that priority watersheds need to be determined during this planning process, as well as reevaluated regularly throughout the life of this Plan. Priority watersheds identified would then require the development of a watershed restoration action plan. A timeline needs to be determined during this planning period in order for priority watersheds to be identified. The Tribe recommends a more thorough evaluation now of the Forest's watersheds using the Watershed Condition Framework (Class 3 identifies impaired watersheds relative to their natural potential condition) as a basis for prioritizing more watersheds for restoration. Priority watersheds are confusing when compared to those chosen for the Watershed Conservation Networks. Please differentiate or rename.

[27] Plan at 11.
[28] Plan at 17.
[29] *Id.*

Chapter 1.4.1.4 Proposed and Possible Actions

There are proposed and possible actions listed in Appendix 4, but there are no proposed actions—only Possible Management Strategy and Approach. Is this going to change? Are the possible actions going to become the proposed? Will there be more than are currently included?

Chapter 2.1 Terrestrial Ecosystems

The planning components in this chapter are occasionally redundant, mislabeled, or overly specific. For example, FW-DC-TE-02 and FW-GDL-BIOPHY-04 are exactly the same. As written, FW-GDL-BIOPHY-04 is not a guideline and should be revised, omitted, or aligned with FW-GDL-TE-01. FW-GDL-TE-01 is overly specific and should be generalized to encompass all species with uncommon habitats as described in FW-DC-TE-02. Thus FW-GDL-BIOPHY-04 is not necessary.

The Tribe recommends that the Forest revise FW-GDL-TE-01 as follows: To conserve species associated with uncommon habitat elements as described in FW-DC-TE-02, activities should not remove or alter the habitat. This should include measures to avoid burn actions during fall and spring when terrestrial mollusks are most active.

In addition to FW-GDL-TE-01, the Forest needs an additional guideline or standard to address critically imperiled or imperiled animal and plant species that occur on the Forest, not just those associated with uncommon habitat elements.

FW-DC-TE-06 and FW-DC-WL-03 are identical DCs. Is there a reason that the Plan lists both of these components?

The Tribe recommends that the Forest identify "desirable non-native pollinators" in FW-DC-TE-04 out of concern that the Plan would allow conflicting conservation and management direction. Threats to the integrity of native plants, especially at-risk plants, are numerous. Some threats are quite obvious such as over-grazing, expansion of agricultural fields, noxious weed invasion, and conversion to extractive uses such as rock quarries, but others are more indirect. For example, while many people view honeybees (*Apis mellifera*) as being relatively benign (or even beneficial), they directly compete for scarce pollen and nectar resources with native pollinators.[30] Commercial-scale apiaries may be especially harmful simply due to the sheer number of honeybees involved. Quantifying impacts of honeybees to native pollinators is difficult, but one estimate calculated that a 40-hive apiary collects the pollen equivalent of four million wild bees over a three month period.[31] Considering that native pollinators within the region have already been significantly impacted from direct habitat loss, habitat fragmentation, and disruption of the timing and availability of resources, honey production operations may be anything but benign.

[30]Geldman, J. and Gonzalez-Varo, J. P. 2018. Conserving honey bees does not help wildlife. Science 359 (6374): 392-393. (and references therein) http://apicoltura.ilari.it/wp-content/uploads/2018/01/392.full .pdf; Henry, M. and Rodet, G. 2018. Controlling the impact of the managed honeybee on wild bees in protected areas. Scientific Reports 8:9308. https://www.nature.com/articles/s41598-018-27591-y?fbclid=IwAR1iq5wzt0li8Qq8_kNjAbbKLqi5mK90pmU9dQrmK5m3j8Z4vmuW3rsmskI.

[31] Cane, J. and Tepedino, V. 2017. Gauging the effect of honey bee pollen collection on native bee communities. Conservation Letters 10(2): 205-210. https://conbio.onlinelibrary.wiley.com/doi/pdf/10.1111/conl.12263.

If the Plan provides direction that supports "desirable non-native pollinators," a risk exists of harming native pollinators (as well as plant and animal communities) in the process, making it impossible to achieve other DCs and conserving rare, endemic terrestrial communities. The DEIS fails to take a hard look at the consequences of this Plan component. The Tribe recommends revising FW-DC-TE-04 to read: Ecological processes create vegetation conditions and patterns across the Forest that are consistent with the natural range of variation. These processes support plant communities composed of a diverse mix of native grass, forb, shrub, and tree species, providing foraging habitat for native pollinator species such as butterflies, bees, and hummingbirds.

MON-TE-01 could help to determine whether or not FW-DC-TE-04 (as revised) is conserving rare, endemic plant communities. However, this monitoring component needs to encompass at-risk species across the Forest, not just those associated with uncommon elements as it currently covers in the Plan (see proceeding comments related to FW-DC-TE-02, revision of FW-GDL-TE-01, and suggested new guideline FW-GDL-TE-02).

Chapter 2.1.2 Biophysical Features

FW-STD-BIOPHY-01 needs a monitoring component to ensure that the features and associated resources identified in FW-DC-BIOPHY-01 through -05 are not altered. Furthermore, because these features provide essential habitat for at-risk wildlife and plant species, burning activities should be avoided during critical life stages of these species. For example, ground-disturbing activities, prescribed burn treatments, pesticide applications, and similar activities should be avoided during those periods of the year when terrestrial mollusks in these areas are active.

Chapter 2.1.3 Forestlands

The Tribe requests that the Forest revisit the Tribe's Alternative Framework comments, pages 2 through 6, and Cooperating Agency comments, pages 18 through 21 to better describe PVT-specific objectives, recast volumes as by-products of progress toward DFCs, and more appropriately incorporate natural rates and patterns of disturbance.

The Plan component FW-DC-FOR-01 should include other hardwoods (e.g., paper birch, cottonwood, alder, etc.) because they are currently near the low end of their NRV and are important ecosystem components. The objectives (FW-OBJ-FOR-01) for aspen and hardwoods should be written to promote hardwoods in both current and potential habitat areas across the Forest. The objectives, furthermore, should not differ by alternative. Retention and/or maintenance of existing stands of hardwoods should be addressed through a new guideline or standard. Furthermore, the Plan needs to provide language that minimizes impacts from herbicide spraying after timber harvest to growth and establishment of hardwoods and other deciduous shrubs important for wildlife habitat.

The Tribe's Cooperating Agency comments addressed the lack of site-specificity for landscape pattern and patch size by PVT across the Forest. The Tribe remains concerned that the desired conditions for landscape pattern and patch size are the same for each PVT within each MA. Please explain why these DCs are the same. The Wildlife Chapter in the DEIS states that the Ecosystem

Research Group evaluated landscape patch and pattern for the Forest.[32] Appendix B in the DEIS shows patch size results by PVT for early successional stages, but fails to discuss the results clearly or incorporate them into plan components.[33] The Tribe requests that the Forest update the FEIS and incorporate any implications from all pattern and patch analyses into the Plan (i.e., use the information to revise the following desired conditions: MA1- and MA2-DC-FOR-06, MA1- and MA2-DC-FOR-07, MA1- and MA2-DC-FOR-08, MA1- and MA2-DC-FOR-05, MA3-DC-FOR-02, MA3-DC-FOR-04, MA3-DC-FOR-06, and MA3-DC-FOR-09).

The Forest also needs to crosswalk these DFCs with FW-DC-TE-06 and any other Plan component (e.g., FW-DC-WL-03) that addresses landscape pattern, patch size, and wildlife connectivity. While FW-DC-TE-06 and FW-DC-WL-03 acknowledge that patch and pattern vary by PVT, the entire Plan fails to provide this information. As a consequence, the associated monitoring component (MON-TE-03) will do little to inform this DC if landscape pattern and patch are not clearly defined by PVT across the Forest. Without this information, the Forest cannot determine whether or not DCs are being met and the impossibility exists on how to implement an adaptive management framework as intended by the 2012 Planning Rule.

The following DFCs should reference habitat for cavity-nesting wildlife: MA1 and MA2-DC-FOR-09 (Cold PVT), FW-DC-FOR-10 (Cool Moist PVT, all MAs), and FW-DC-FOR-02 (Hot Dry and Warm Dry PVT).

The Tribe recommends Alternative Z (7 live trees/acre, instead of 3) but with a 15" DBH requirement for MA2, where appropriate. The Plan needs to define and distinguish between a harvest unit and a timber sale unit. The Tribe is concerned that this guideline could easily be met through counting live trees outside harvest units alone, resulting in no residual habitat structure within harvest units. The guideline across all alternatives should be edited to read: "[t]rees retained for reasons other than snag recruitment do not count toward this number." Species preferences should be identified for both live tree and snag retention, by PVT group. True firs and lodgepole pine should be at the bottom of the priority list for trees retained for snag recruitment (not all snags are created equal for wildlife).

The associated monitoring component, MON-FOR-05, implies that this guideline is optional. Furthermore, as written, the monitoring would not show how effective the guideline is at providing future snags. The "[n]umber of projects not meeting the guideline and why"[34] is a very poor indicator for this guideline and would provide very little detail to inform an adaptive management process. The Forest should revise both the guideline and monitoring components to focus more on outcome than output.

The Tribe is concerned that MA2- and MA3-GDL-FOR-05 could easily be met through retention of snags outside of harvest units, resulting in no residual habitat structure for cavity-dependent species within harvest units. The Tribe requests that the Forest revise the guideline and measure snag densities across all treatment units.

[32] DEIS 3.2.3.2 at 64.

[33] DEIS Appendix B-21 and B-71.

[34] Plan Appendix 3 at A3-9.

The MA2- and MA3-GDL-FOR-05 guidelines state that "[i]f sufficient snags are not available to meet the numbers below, retain additional live trees ≥15" diameter at breast height."[35] Is this in addition to MA3-GDL-FOR-06 for live tree retention? In the Tribe's Cooperating Agency comment, the Tribe expressed that the minimum snag guidelines are inappropriately low. Are guidelines MA2- and MA3-GDL-FOR-05 and MA3-GDL-FOR-06 interchangeable?

The associated monitoring component, MON-FOR-05, implies that this guideline is optional. Furthermore, as written, the monitoring would not show how effective the guideline is at providing snags. The "[n]umber of acres or percentage of project area meeting snag guidelines"[36] is a very poor indicator for these guidelines and would provide very little detail to inform an adaptive management process. The Forest should revise the guidelines and monitoring components to focus more on outcome than output. The Tribe recommends adding the following monitoring question for snag retention: "Are snags retained and distributed to achieve amounts specified in the snag guideline tables?" The Forest should include an indicator to monitor the number, distribution, and species diversity of snags per 100 acres across the project area to reflect this guideline.

Chapter 2.1.5 Meadows, Grasslands, and Shrublands

In addition to the following comments, please refer to the Tribe's Alternatives Framework comments, page 6, and Cooperator comments, page 21. The introductory narrative should acknowledge special status species (i.e., SCC; Threatened, Endangered, Candidate, and Proposed ("TECP"); and culturally important species). Furthermore, the Tribe requests that the Forest develop additional guidelines and/or standards to avoid impacts to special status species (both plants and animals) within grasslands, meadows, and shrublands, especially for Dasynotus (*Dasynotus daubenmirei*), Pacific dogwood (*Cornus nuttallii*), Douglas clover (*Trifolium douglasii*), sticky goldenweed (*Pyrrocoma hirta* var. *sonchifolia*), and any other special status species not currently identified in the Plan components.

Neither the DEIS nor the Plan provide clear rationale or information behind FW-OBJ-GS-01. The Tribe supports maintenance of meadows and grasslands; however, there is no reference for which to compare the number of acres identified in FW-OBJ-GS-01 (i.e., is 2500 acres every 5 years a high or moderate objective when considering natural range of variation for these systems). There is usually a reason conifers encroach meadows and grasslands (e.g., change in hydrologic function, fire suppression, legacy management actions such as drainage tiles, barriers such as roads or trails, etc.), and unfortunately nothing in the Plan provides an adaptive management framework to inform activities in these areas over time. The Tribe is concerned that simply maintaining these areas via conifer reduction will not restore function and structure necessary for sustainment over time. Actions other than removal of conifers should be considered under FW-OBJ-GS-01.

With respect to monitoring, the entire monitoring plan needs to be reframed within an adaptive management approach and include adaptive management questions for each monitoring component. MON-INV-02 lacks clear definitions for scale (what is a unit?) and for nonnative species (does this include plants, animals, disease, and pathogens?). MON-INV-02 also applies to FW-DC-TE-04 and should be identified in the monitoring plan. MON-MGS-01 needs to include

[35] Plan Appendix 3 at A3-8.

[36] Plan Appendix 3 at A3-8.

outcome indicators to evaluate effectiveness of number, scale, and type of activities to improve riparian shrub composition, and include questions such as: Are riparian shrub communities operating within NRV; and are they providing the structure and function necessary for ecosystem processes to occur within NRV? MON-MGS-02 needs to include meadows and outcome measures. MON-MGS-02 also should be informed through field surveys, not just geospatial information. MON-MGS-03 should be revised to ask "what is the status of at-risk plants" and to include a definition of at-risk plants. Furthermore, MON-MGS-03 fails to determine how well the populations are functioning or how management could be changed to improve conditions for establishment, growth, and recovery. Without such information, the Forest will have difficulty determining whether or not actions are meeting desired conditions.

Chapter 2.1.7 Invasive Species

The Plan should emphasize non-native, invasive insects, pathogens, and disease in the Plan and monitoring components. Also, the Tribe recommends adding a new guideline FW-GDL-INV-04 that protects resources of concern (e.g., federally-listed species, SCCs) when developing and implementing invasive weed treatments.

Chapter 2.2 Aquatic Ecosystems

The stated purpose of Chapter 2.2 is described in terms of ESA-listed fish species, aquatic SCC, and compliance with the Clean Water Act. However, riparian areas support disproportionately diverse communities and populations of wildlife and plant species as well. The conservation and restoration of riparian-associated wildlife and plant species should be explicitly identified as among the purposes and within the scope of this section. This purpose should be used to amend language throughout Chapter 2.2 to explicitly describe wildlife and plant-specific habitat desired conditions, goals, objectives, standards, and guidelines applicable within riparian areas.

Chapter 2.2.1 Water and Aquatic Resources

The objective tables following the desired condition components confuses issues by comparing the potential work done between alternatives. An objective is a concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions.[37]

FW-OBJ-WTR-01. The Tribe recommends the highest number of priority watersheds (20) in the Objectives table and to complete all priority work identified in the watershed restoration action plan according to the Watershed Condition Framework. How is the Watershed Condition Framework tied into the Conservation Watershed Network ("CWN")? These priority watersheds are easily confused with CWN, as mentioned earlier in these comments.

FW-OBJ-WTR-04. Again, priority watershed and CWN watersheds are confusing to the reader and need to be clarified. The Tribe supports the most improvement of soil and watershed conditions to include 5,300 acres.

[37] Draft Plan at 15.

Under the FW-GL-WTR-01, please add a sentence about prevention of new invasive species establishment.

Regarding FW-GL-WTR-02, the Forest builds and maintains partnerships to fund and implement projects that result in improved watershed and stream conditions. The Tribe recommends adding "water quality" as the first improved item in that goal.

FW-STD-WTR-04 should be edited to make clear that the sentence beginning with "Short term adverse effects…" represents a specific exception to the standard itself. This sentence should not be construed as a basis for circumventing other Plan language or federal law regarding adverse effects to wildlife or plant species or their habitats.

Guidelines FW-GDL-WTR-01, -02, and -03 should all be standards. As mentioned earlier, compliance with TMDLs is mandatory. Large wood needs to be recruited into streams and encouraged. Large wood is recognized as a limiting factor in the NOAA Recovery Plan for ESA-listed fish. Screens are a NOAA criterion necessary for recovery.

FW-GDL-WTR-06 should be a Standard rather than a Guideline.

Chapter 2.2.2 Conservation Watershed Network

Please reevaluate the CWN list in Table 14 as the Tribe questions the Hydrologic Unit Code ("HUC") 12 watersheds listed. For example, why are Badger Creek in the Lochsa and Peasley Creek-South Fork Clearwater River not listed? One of the criteria for CWN is critical habitat for steelhead.

Watersheds included in the CWN are intended to replace those previously identified as Key or Priority under guidance found in PACFISH and INFISH. Table 14 contains the updated list of HUC12 watersheds proposed to be included as CWNs, in which achievement of desired conditions for aquatic resources is expected to be emphasized, summarized by sub-basin HUC8 and HUC10. These watersheds would replace PACFISH and INFISH priority watersheds.[38]

FW-STD-CWN-02. How will a change in the hydrologic connectivity of the road system and stream channel network be measured? This needs to be clearly defined and explained in order to be executed properly and measured from beginning to end of each project.

Appendix 4 states that FW-MSA-CWN-02 is a *possible* strategy. The use of the Stream Conditions Indicator Assessment during project development and assessment of project effects would provide an assessment of whether projects meet this standard or not.

FW-OBJ-CWN-02. Conservation Watershed Networks are the highest priority for restoration actions for the aquatic environment. The Tribe recommends storm proofing the maximum 20% of roads in CWN prioritized for restoration.

[38] Plan 2.2.2 at 48.

Chapter 2.2.3 Riparian Management Zones

Riparian Management Zones ("RMZ") Category 1 should cover all fish, not just ESA-listed fish.

Category 3 includes wetlands >1 acre; this size likely excludes a large proportion of wetlands from this level of protection. Smaller wetlands can often provide significant ecological value and we recommend that the Category 3 protections be given to all wetlands >0.5 acres, rather than >1.0 acres.

A 300 foot buffer rather than 150 foot for Category 1 would better protect valuable aquatic resources. If the Forest's goal is to prioritize overall watershed condition and health, then a 300 foot buffer would be more reflective of that goal.

FW-GDL-RMZ-01 and -02 should both be Standards because of stream channel conditions, compaction, large woody debris recruitment, water quality, channel stability and morphology, sediment, and invasive species.

FW-GDL-RMZ-10 is the only acknowledgement of an attempt to protect lamprey and mussels, both of which are culturally significant to the Tribe. The Forest probably has one of the more significant populations of Western Pearlshell Mussels in the Pacific Northwest, and conservation of this population should be prioritized.

Chapter 2.2.4 Infrastructure (Aquatics and Riparian)

FW-GDL-ARINF-01 reads "Construction, reconstruction, and maintenance activities of roads, skid trails, temporary roads, and airstrips, should hydrologically disconnect the drainage system from delivering water, sediment, and pollutants to water bodies, except at designated stream crossings, to prevent concentrated water from directly entering streams."[39] Water, sediment, or pollutants must not enter water *especially at stream crossings*. Please reword this guideline to prevent road-related concentrated water from entering streams.

FW-GDL-ARINF-04 should be a standard since many of the Forest's landslides are caused by roads and landslide-prone terrain.

Chapter 2.2.5 Energy and Minerals (Aquatics and Riparian)

FW-STD-ARE&M-01 and -03 need to be amended to include terrestrial wildlife and plants. FW-STD-ARE&M-01 needs to include the word full to address the "full" cost of removing facilities.

Chapters 2.2.6 Livestock Grazing (Aquatics and Riparian) and 5.3 Livestock Grazing

For consistency and effectiveness, Chapters 2.2.6 and 5.3 should be simplified, revised, and rolled into the same chapter. The Tribe requests that the Forest develop implementation and effectiveness monitoring components for Chapter 2.2.6 and 5.3 in the Plan. The Tribe recommends that the Forest revise the Plan components and add the following standards:

[39] Plan 2.2.4 at 58.

New Standard FW-STD-GRZ-01 (to replace FW-STD-ARGR-01 and FW-GDL-GRZ-02): Livestock grazing shall be authorized or reauthorized only when measures are included in the authorization to avoid or mitigate adverse effects to threatened, endangered, and candidate terrestrial and aquatic species' habitats, as well as SCC, at-risk, and culturally important plant and animal species' habitats that may result from grazing practices. Where livestock grazing is not conducive to meeting aquatic and terrestrial desired conditions, grazing practices shall be modified (e.g. accessibility of areas to livestock, length of grazing season, stocking levels, or timing of grazing).

New Standard FW-STD-GRZ-02 (to replace FW-STD-ARGR-02 and FW-GDL-GRZ-01): Areas of livestock trailing, bedding, watering, salting, loading, and other handling or management efforts shall be limited to those areas and times that would not adversely affect aquatic and terrestrial resources, including, but not limited to, federally-listed animal and plant species, SCCs, and culturally important plant and animal species.

FW-STD-ARGR-03. During livestock grazing authorizations, reauthorizations, or updates to annual operating instructions, include measures to prevent trampling of fish redds of federally listed fish species and SCC.

Please keep FW-GDL-ARGR-04 as a guideline or add native fish species to STD-03. To reduce risks to incubating eggs and embryos, measures should be included to prevent tramping of native fish redds, when authorizing or re-authorizing livestock grazing operations, or updating annual operating instructions. Identifying what species of fish eggs and embryos belong to is difficult, so please keep the language general to protect all eggs in the gravel.

NEW Chapter - At-Risk Plant Species

The Plan lacks clear and well-defined components and monitoring for at-risk plant species, such as SCC and federally TECP plant species. Currently, any components dealing with at-risk plants are embedded within other Plan components, creating a challenge to implement and monitor their effectiveness. The Tribe strongly advises that the Forest include an at-risk plant species chapter. For guidance, please review language in the Flathead National Forest Land Management Plan.[40]

The DEIS identifies one federally-listed plant species, *Silene spaldingii* ("Spalding's catchfly") and one candidate plant species, *Pinus albicaulis* ("whitebark pine"). The DEIS also identifies 30 SCC plant species in the Forest. Plan components should include desired conditions, objectives, guidelines, standards, and monitoring for SCC and TECP plant species. These components should not only provide measures to conserve and maintain their habitats, but should also provide measures to avoid and/or minimize adverse impacts.

Two additional threatened plant species, *Howellia aquatilis* ("water howellia") and *Mirabilis macfarlanei* ("Macfarlane's four o'clock"), were included in the analysis but not found on lands administered by the Forest. The Tribe is aware, however, that Macfarlane's four o'clock occurs on lands owned by the Forest along the east side of the Snake River (Pittsburg Landing) but administered by the Wallowa-Whitman National Forest. While the Forest may not have

[40] USDA Flathead National Forest Land Management Plan at 45-46.

administrative duties, the Tribe is aware that the Forest does plan and manage projects in these areas (e.g., Race Cow Vegetation Project) in collaboration with Wallowa-Whitman National Forest. The DEIS makes no mention of these roles or that the potential for future projects on these lands exists. The Forest needs to address and properly evaluate these impacts in the DEIS and incorporate those results in the Plan. The Plan should also clearly identify the Forest's role on lands administered by the Wallowa-Whitman National Forest.

Chapter 2.3 Wildlife

The Tribe requests that the Forest revisit the Tribe's previous Alternatives Framework comments, specifically pages 9 through 13, and the Tribe's previous Cooperating Agency comments, specifically pages 24 through 27. The Tribe recommends that the Forest revise and adopt desired conditions, objectives, standards, and guidelines suggested in those comments. The Tribe is concerned about impacts to wildlife and plants addressed under this Chapter, and that Plan components, without implementation and effectiveness monitoring, may disproportionately provide conditions for long-term persistence.

The Plan component FW-DC-WL-03 is identical to FW-DC-TE-06. The Tribe recommends omitting FW-DC-WL-03, unless there is reasonable justification to retain it. The Forest should use information from the landscape pattern and patch analysis to improve either FW-DC-WL-03 or FW-DC-TE-06.

As mentioned in previously submitted comments, FW-DC-WL-04 and -05 are overly specific. FW-DC-WL-02 already provides programmatic direction for fisher, bighorn sheep, and other species of concern. FW-DC-WL-04 should be rewritten as a guideline or standard.

A new objective (FW-OBJ-WL-01) should be established to complete at least one project per year with the purpose of restoring habitat and/or populations of federally-listed species, SCCs, or at-risk animal and plant species.

The DEIS states that under all alternatives, Plan direction protects aquatic and riparian habitats from many activities and threats that could adversely affect ecological conditions for aquatic wildlife.[41] However, the draft Plan components in Chapter 2.2 do not include wildlife species. For some species, the DEIS relies heavily on protection provided by the aquatic and riparian Plan components, but neither the DEIS nor the Plan detail what these plan components are or how they would protect wildlife in these habitats at either the coarse or fine filter approach. The Tribe requests that the Forest revise the aquatic and riparian Plan components to include wildlife and plant species and that the FEIS identifies and analyzes the specific Plan components.

Plan components for many SCC are currently absent from the Plan. In many cases, these species are precisely the ones for whom "coarse filter" habitat-based plan components are least likely to protect. Species-specific Plan components and monitoring indicators are needed for these species. The Tribe has a number of outstanding questions and concerns regarding the designation and rationale for selection of SCC associated with development of this Plan. Understanding that SCC

[41] DEIS 3.2.3.2 at 32.

were selected at the Regional level, the Tribe will be submitting comments on that topic to the Regional Forest.

The Tribe is pleased that bighorn sheep are a SCC in the Plan. While all action alternatives intend to close the remaining sheep allotment in the planning area, language across these alternatives would not prevent the initiation of new sheep allotments.[42] Without adequate Plan components, effective monitoring, or an emergency response plan in place, the Tribe is concerned that the revised Plan may not provide conditions for long-term persistence.

The Tribe recommends amending FW-DC-WL-05 to also include reference to habitat supporting minimal risk of contact between bighorn sheep and domestic sheep and goats.

New authorizations and permit reauthorizations for domestic goat packing should include provisions to prevent disease transmission between domestic goats and bighorn sheep. The FW-GDL-WL-05 guideline needs to identify provisions, a corresponding monitoring component, and clarify that domestic pack goats should not be allowed in suitable bighorn sheep habitats.

MON-WL-07 (covers FW-DC-WL-05) should be tied to new standards or guidelines for bighorn sheep and FW-DC-WL-02. MON-WL-07 needs to also address threats to bighorn sheep and include implementation and effectiveness measures.

The Tribe requests that the Forest develop and incorporate an emergency response plan that addresses critical situations that could lead to contact between domestic sheep and/or pack goats and bighorn sheep (e.g. domestic sheep scatter events, straying from private lands, etc.). An emergency response plan should be considered an essential element of the Plan associated with bighorn sheep, and its implementation and enforcement should be incorporated explicitly as a standard within the Plan. The Tribe has experience helping to develop such plans to ensure permittees and the Forest respond swiftly and effectively in critical situations.[43] Additional accountability from the Forest is necessary in this area given the extreme risk that such circumstances pose.

The Forest needs to add a new Standard. An emergency response plan shall be implemented whenever necessary to ensure separation between bighorn sheep and domestic sheep or goats. Specific emergency procedures should also be included in annual operating instructions for permitted or contracted use of livestock.

The Plan needs to clearly identify how the components will be implemented and monitored to ensure their effectiveness for species and habitats that do not have specific plan components or where the Plan relies on other components to provide conditions for long-term persistence (e.g., harlequin duck, grizzly bears, wolverine, mountain quail, white-headed woodpecker, American marten, fisher, moose, mountain goats, and at-risk plants).

[42] DEIS 3.2.3.4 at 13.

[43] USDA Forest Service. 2014. Emergency response plan for potential situations regarding bighorn sheep and domestic sheep and goats. Payette National Forest. 2003 Land and Resource Management Plan. 13 p.

Chapter 2.3.1 Multiple Uses Wildlife

The Tribe requests that the Forest revisit the Tribe's previous Cooperating Agency comments, page 26. The introduction should acknowledge the need to balance multiple use wildlife species with ecological constraints, holistic ecosystem health, and the recovery of species of conservation concern. The Tribe is concerned about impacts to wildlife and plants addressed under this Chapter, and that Plan components, without implementation and effectiveness monitoring, may disproportionately provide conditions for long-term persistence of these species.

FW-DC-WLMU-05 should be revised to include fur bearers and upland game, or omitted because similar language is found in FW-DC-WLMU-02 and -03.

FW-GDL-WLMU-03 needs both implementation and effectiveness monitoring components.

MON-WL-09 is too narrowly focused on hunting opportunities and fails to account for the other opportunities listed under FW-DC-WLMU-01, -02, -03, and -05, even those just associated with ungulates. All major facets of these DCs should be directly monitored as extensively and intensively as is proposed under the draft language for big game habitat. This monitoring should account for other factors (beyond habitat) which may be limiting populations or otherwise impacting the multiple uses described under Section 2.3.1, including conflicts between users and those arising from Forest Service actions such as permitted livestock grazing.

Chapter 2.3.2 Multiple Uses Wildlife-Elk

The Tribe appreciates being part of the interagency group that discussed and provided input regarding Plan components for elk. Unfortunately, many technical recommendations from those discussions do not appear to have been incorporated. The Tribe requests that the Forest revisit the Tribe's previous Cooperating Agency comments specific to elk (pages 26-27). The Forest needs to reference the long-term natural range of variation in elk population abundance within the Forest in this section of the Plan, which provides essential context for the elk habitat management components which follow.

In general, the Tribe remains concerned regarding the specificity and prescriptiveness of Section 2.3.2. In some cases, the draft language establishes inappropriately-low habitat stewardship targets (e.g. MA3-DC-ELK-01) such that opportunities to exercise treaty-reserved hunting rights would be few. In other cases, the draft language establishes overly-prescriptive guidance that risks departure from NRV and conflicts with more holistic Plan components (e.g. MA2-DC-ELK-01, MA3-DC-ELK-01, MA3-GDL-ELK-01).

"Motorized access" is used synonymously with "human disturbance" throughout this section. Although motorized activities are often the primary agent of disturbance, this language should be broadened to account for other activities with known impacts to elk habitat use, including mountain biking, hiking, camping, etc.

To resolve the awkward language, terms, and thresholds identified in MA2-DC-ELK-02, MA3-DC-ELK-01, MA2-GDL-ELK-01, and MA3-GDL-ELK-01 regarding habitat patches with minimal human disturbance as well as to ensure treaty-reserved hunting opportunities are sustained across the Forest, the Tribe recommends a new Forest-wide standard (and corresponding

monitoring language): Management activities shall result in no net increase in the extent of human disturbance to elk at the HUC 12 scale.

MA1-DC-ELK-01 includes direction that "[v]egetation is composed of native plants."[44] This should be included as DC language for MA2 and MA3 as well.

The "10 to 15 percent" referenced in MA3-OBJ-ELK-01 needs to be reconciled with the "at least 15 percent" referenced in MA3-DC-ELK-01.

MA3-GDL-ELK-01 contains various terms and phrases that require definition and/or specific monitoring criteria, including "adversely affect elk habitat use," "usable by elk," "increased distances," "improve habitat use on slopes," and "vegetation interspersion."

Chapter 3. Tribal Trust Responsibilities

The Tribe appreciates the Forest including a section on Tribal Trust Responsibilities.

The opening language of Chapter 3 should also be used at the start of Chapter 1.1.2.3 Cultural and Heritage Values: "The *Nimíipuu* (pronounced Ne-Mee-Poo) people aboriginally occupied a territory that encompassed about 13,204,000 acres of land (*Background Information of the Nez Perce Tribe, 1995*), including nearly all land now managed by the Nez Perce-Clearwater."

The Forest should include a full recitation of Article III of the 1855 Treaty. Reference to the 'springs and fountains' and savings clause provisions contained in Article VIII of the 1863 Treaty should also be made.

The Forest should expressly acknowledge that the Forest is located within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission, as referenced in Section I.A above.

The Tribe supports standard FW-STD-TT-01, "Agency actions that are detrimental to the protection and preservation of Native American religious and cultural sites, practices, and treaty rights shall not be authorized." However, please substitute "Native American" with "the Nez Perce Tribe's".

The Forest should include a new forest-wide standard, "The Forest shall collaborate with the Nez Perce Tribe in supporting opportunities for management of treaty and cultural resources across the Forest."

The Forest should include a new forest-wide standard, "The Forest shall ensure coordination and consultation with the Nez Perce Tribe on agency projects or proposed actions that may affect the Nez Perce Tribe's rights or interests."

[44] Plan 2.3.2 at 66.

The objective FW-OBJ-TT-02, "[i]ncrease camas production on 50 acres of camas habitat every 5 years,"[45] is a positive, if very modest goal. However, achieving this "primarily through wildland fire," ignores the serious impact that livestock grazing and forest practices also have on camas.

Chapter 4.1 Cultural Resources

The DCs for FW-DC-CR-01 and FW-DC-CR-02 do not meet the statutory requirements of the NHPA.

The Guidelines for FW-GDL-CR-02 do not meet the spirit of Sections 1 and 2 of the NHPA. The Forest's goal here should be to stop further damage to historic properties at developed and dispersed recreation sites where possible and mitigate the damage to sites after future damages are curtailed. The proposed guideline to resolve/mitigate the adverse effects presumes that damage will continue at the sites.

Chapter 4.5 Public Information, Interpretation, and Education

The FW-GL-ED-01 plan component that "[p]artnerships with federal and non-federal entities help achieve desired conditions and improve overall resource management. Partnerships and collaborative processes within the local communities fosters relationships that help accomplish projects in the communities' and Nez Perce-Clearwater's shared interest and provide hands-on educational opportunities"[46] should include Nez Perce Tribe specifically.

Chapter 5.1 Timber

The Forest needs to clarify the exception in FW-STD-TBR-05, "[t]his standard applies forest-wide to new harvest proposals on National Forest System lands only and need not consider existing recently created openings on National Forest System, adjacent private, or other agency lands"[47] with respect to direct, indirect, and cumulative effects in project-level NEPA analyses.

To avoid adverse effects to terrestrial and aquatic ecosystems and species, especially those associated with burned, diseased, and insect-infested forest habitats, standards and/or guidelines should be developed for sanitation and salvage activities across the Forest. FW-STD-TBR-07 should include sideboards that protect terrestrial and aquatic habitats. FW-STD-TBR-11 needs to adhere to snag retention and coarse woody debris guidelines. The Tribe recommends a new timber Standard to protect severely burned soils during salvage activities that is tied to MON-SOIL-06.

Appendix 3 Monitoring Plan

The Monitoring Plan needs to include informative front matter including the following: geographic location (references to "national grasslands" appear in a couple places and should be revised to "national forest"); use of BASI; language describing the monitoring framework (i.e., description of goals, indicators, data sources, frequency; spell out acronyms; and explain the data sources and

[45] Plan Chapter 3 at 69.
[46] Plan 4.5 at 79.
[47] Plan 5.1 at 91.

how they help to answer the questions); and inclusion of focal species (focal species are not identified nor discussed; DEIS identifies one focal fish species, but does not name it[48]).

The Monitoring Plan lacks an adaptive framework process for determining how well the objectives have been met and how closely management standards and guidelines have been applied. Monitoring and evaluation verify the effectiveness of Plan Standards and Guidelines and should provide information (i.e., results) on whether or not to amend the Plan. The monitoring framework needs to include adaptive management questions. The Tribe also suggests adding the monitoring question/component to the main text of the Plan; for example, in the snag guidelines on pages 37-38, add a link to the monitoring component that will track meeting this guideline.

Monitoring questions such as, "To what extent is this guideline/component implemented,"[49]gives the impression that this particular component is optional, or may not be implemented all the time. The Forest needs to commit and follow through with their components. Furthermore, the monitoring framework focuses too much on outputs rather than outcome or effectiveness of Plan components.

The Appendix needs an acronym list and a list of what each data source can provide in terms of helping evaluate the list of selected Plan components. The appendix also needs a link or reference for each data source/data storage. Only Forest personnel can easily review the appendix in its current format.

FW-DC-WTR-05, needs to include the number of miles IDEQ Category 3 streams are improved to Category 2 on the 303(d) list and every two years after being placed on the 303(d) list.

The Forest needs to include all required TMDL implementation plans completed for Forest lands (ten are still needed).

The number of activities and percentage of activities or components completed from each TMDL implementation plan for those already written needs to be included.

The number of stream miles fully supporting designated beneficial uses needs to be added. The active water quality monitoring should also be employed for parameters on the 303(d) list that are impairing designated beneficial uses. Tier 1 data collection techniques should be employed to conduct designated beneficial use support status monitoring on impaired streams.

FW-DC-WTR-07 needs language added to install streamflow gaging stations and conduct routine flow monitoring to ensure that minimum instream flows for aquatic life are being met and to evaluate long-term trends in streamflow.

Regarding FW-DC-WTR-11, wetland functional assessment monitoring should be conducted to determine the functional status of existing wetland resources. Seasonal stream temperature loggers should be deployed to conduct trend monitoring and identify areas of thermal refugia. Thermal infrared evaluation should be considered, to help identify cold-water seeps and springs, so they

[48] DEIS 3.2.2.2 at 22.

[49] See Monitoring Plan at A3-8.

can be prioritized for protections and/or restoration. Beaver dams also have the ability to lower stream temperatures through the creation of riparian and wetland habitat and the effect of hyporheic upwelling resulting from the head differential created by the dam. Beaver habitat suitability analysis should be done in temperature impaired watersheds, and efforts to increase beaver populations in underutilized areas should be prioritized. Beaver Dam Analogues could also be employed as a technique to achieve some of the benefits of natural beaver activity.

For FW-OBJ-WTR-01 and 04, no metrics are given. How many watersheds will have priority work completed in 15 years? What measurements will show that soil and watershed conditions have improved. Will the measurement be just the number of roads decommissioned?

Appendix 4: Management Approaches and Possible Actions

Given the draft nature of this appendix, it is very difficult for the Tribe to review and provide substantial comments. For example, in the Water Resources, Aquatic Ecosystems, and Fisheries section and in Table 1 there are several locations that are "TBD" and in the Priority Watersheds section there are several figures that are missing. Regardless, the following are comments are provided on specific sections within this appendix.

1. Introduction (page A4-3): This section "describes some of the possible actions and potential management approaches and strategies the Nez Perce-Clearwater National Forests might undertake to maintain or make progress toward achieving the desired conditions described in the forest plan". This sections also states, "nor are they commitments to perform particular actions" and "information could be considered".

This appendix does not only address Desired Conditions, but also includes forest plan component Objectives, Standards, and Guidelines. Providing a solid plan and definitive path forward in how these components will progress over the life of the forest plan is critically important. Although there seems to be some "Management Strategies and Approaches" that have merit within this appendix, the issue is that they are optional, therefore, none of these actions or management approaches are certain to occur.

The Tribe recommends the Forest making a stronger commitment requiring these management approaches and strategies be implemented. In addition, the Tribe understands that over the life of the plan new science, information, and protocols will emerge and provide direction in this section to be dynamic and incorporate these as they become available.

2. Multiscale Analysis (page A4-27): This section states that there is "no specific requirement for length of analysis on specific kinds of data to be used". Given this, the analysis framework is solely dependent upon the expertise of staff handling the specific project. It is recommended that a more detailed description of data types to be used, length of analysis, and scientific disciplines to draw upon is provided to ensure that the actual analysis being conducted are sufficient.

It is stated that the Multiscale Analysis will use "available" data. Before any project analysis and corresponding decisions are made, there needs to be some minimum amount of data required and if that data is not readily available, this data will need to be collected. It is highly recommended that the Forest list the minimum amount of data that will be required during project development to do an adequate analysis so that line-officers can make properly informed decisions during the NEPA process.

3. Stream Conditions Indicator Assessment (page A4-29). This section states, "reducing road density may not improve watershed health unless the right road segments are identified and removal or modification is linked to correcting process interruptions at that location". It also states, "Road density per area is not used as an indicator for reasons previously disclosed".

The Tribe agrees road work to address sediment delivery to streams needs to be targeted at delivery hotspots, but the Tribe also supports road density as an indicator of watershed health and the corresponding indictors in Table 1. Road density has been linked to watershed health and fish habitat degradation in multiple publications and studies that the Forest is aware of.

Table 1 includes the Stream Conditions Indicator Assessment indicators and is incomplete. It is the Tribe's understanding that this table is based off of and is replacing the NOAA Matrix of Pathways and Indicators. The Tribe recommends that any changes to the matrix be based on solid science and fully vetted with the Tribe.

4. FW-MSA-WTR-06 reads, "field surveys could be used." Please change to more definitive language such as "field surveys will be used."

5. Nez Perce-Clearwater Approach to Assess Water Yield and Peak Flow (page A4-34): This section states, "All forest vegetation management projects should undertake an analysis of potential change in water yield."

The Tribe highly recommends that an analysis of potential change in water yield be a requirement for the reasons listed within this section, as well as from the increasing influence of climate change on peak flows and its effect on fisheries and stream function.

This section also states that an analysis will not be required if the precipitation is less than 18 inches across the majority of the watershed in question citing one paper, Troendle et al. 2010. That statement by Troendle et al., which was cited in this appendix, was describing the potential for cumulative watershed effects due to fuel management. The Tribe also questions how that sentence is relevant to Equivalent Clearcut Area ("ECA") as the chapter in which it was describing is not actually cited. The citation is actually Robichaud et al. 2010 and reads as such, "No measurable increase in runoff can be expected from thinning operations that remove less than 15 percent of the forest cover or in areas with less than 18 inches of annual precipitation." This book, called the Cumulative Watershed Effects of Fuel Management in the Western United States also defines a forest, which receives less than 18 inches of precipitation as that of a dry forest such as a Ponderosa Pine forest. The

Tribe questions making such a broad decision based on one paper. There is also no description or map in Appendix 4 to inform the Tribe which watersheds or how much of the Forest this may affect.

6. Priority Watershed (page A4-37): There is no Figure 1 or Figure 3 to go with the text.

This section states, "The participation of partners in the priority selection process is expected and highly encouraged. The 2012 Planning Rule and the planning directive require the responsible official to reach out to local, State, Tribal, other Federal agencies, and interest groups when identifying WCF priory watersheds".

In Appendix K (page K-10), it states that Upper Elk Creek, Upper Clear Creek, and Upper Little Slate Creek are currently chosen as the priority watersheds. The Tribe is unaware of any outreach to the Tribe in selecting these watersheds. Additionally, why are there only three priority watersheds? The Tribe is the leading entity in working with the Forest on watershed/fish habitat restoration. The Tribe recommends that Forest consult with Tribe on these selections before issuing the FEIS and draft Decision.

This section states: "Changes to WCF Priority Watersheds may be made by administrative change at any time" by the responsible official and they are not subject to the objection process. The Tribe has concerns with this statement and expects the agency to coordinate with the Tribe in any changes to Priority Watersheds. In addition, the WCF is a science-based process so changes to the priorities need to be based on empirical evidence and vetted through field inventories and professional knowledge that is documented, available, and transparent.

7. Best Management Practices (page A4-40): This section lists a Possible Management Strategy and Approach, FW-MSA-WTR-10, to utilize best management practices from federal and state direction.

This section recognizes that Best Management Practices (BMP's) are important to protecting water quality, among other resources, and has demonstrated that through project monitoring on the Forest over many years. Given this, the Tribe recommends that appropriate Federal BMPs be a requirement of any project implemented on the Forest.

Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

November 14, 2014

By Electronic Mail (fpr_npclw@fs.fed.us)

Rick Brazell and Cheryl Probert
Forest Supervisors
Nez Perce-Clearwater National Forests
United States Forest Service
903 3rd Street
Kamiah, ID 83536

Re: Nez Perce Tribe's scoping comments on the Proposed Action for the Nez Perce-Clearwater National Forests Plan Revision

Dear Supervisors Brazell and Probert:

Thank you for the opportunity to provide scoping comments on the proposed Nez Perce-Clearwater National Forests Plan Revision. According to the Proposed Action, the revised plan will describe desired ecological, social, and economic conditions of the Forest and provide plan component direction that will focus management activities towards maintaining or achieving those conditions over time. The proposed plan components are designed to provide for the maintenance and restoration (where needed) of the ecological integrity of terrestrial and aquatic ecosystems and watersheds, to guide the Forest's contribution to social and economic sustainability, and to meet the Forest Service's responsibility to American Indian tribes in relation to trust responsibilities and treaty resources.

As you are aware, the Nez Perce-Clearwater National Forests are located within the Tribe's aboriginal territory subject to the 1855 Treaty with the United States. The Plan area also encompasses areas of cultural and spiritual significance to the Tribe. As a result, the Tribe considers the protection of treaty-reserved rights and other rights and interests on this Plan to be a paramount obligation of the Forests.

The Tribe appreciates the Forests ongoing commitment to collaborating with the Tribe in the development and implementation of the Plan. The Tribe is aware that, as an "early adopter" of the 2012 Planning Rule, the final Plan will strive to fully and faithfully reflect the Forests new national direction in managing the Forests based on collaborative decision-making, using the best available science to guide management, and emphasizing important forest values such as protecting habitat for fish and wildlife. Importantly, the Plan should also fully reflect the

National Planning Rule's commitment to protecting and preserving resources and values important to the Tribe. This statement commitment includes not adopting any Forest management that will result in the diminishment or alteration of the Tribe's treaty rights.

Attached are the Tribe's scoping comments for your review in preparing the Proposed Action for the Plan. By this letter, the Tribe is also requesting formal consultation on the Plan at the earliest appropriate time consistent with applicable Nez Perce Tribal consultation policies, Executive Orders and Forest Service policies.

Thank you again for the opportunity to comment on the Proposed Action. You are welcome to contact Jonathan Matthews, the Tribe's technical liaison for the Plan revision at (208 621-3758, or Michael Lopez, Nez Perce Tribe Office of Legal Counsel at (208) 843-7355, to coordinate consultation.

Sincerely,

Anthony D. Johnson

Silas C. Whitman
Chairman

Nez Perce Tribe Comments

General Comments

The 1855 Treaty with the United States

Since time immemorial, the Tribe has occupied and used over 13 million acres in what are now north-central Idaho, southeastern Washington, northeastern Oregon, and areas of western Montana for subsistence, ceremonial, commercial, and religious purposes. In 1855, the Nez Perce Tribe and United States entered into a treaty in which the Tribe ceded vast tracts of land to the United States in exchange for, among other guarantees, a permanent homeland as well as:

> ...the right of taking fish at all usual and accustomed fishing places in common with the citizens of the Territory, and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

The lands and waters comprising the Nez Perce-Clearwater National Forests are part of the vast aboriginal territory of the Tribe, over which the Tribe has treaty-reserved rights. *See, e.g., Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969), *aff'd, United States v. Oregon*, 529 F.2d 570 (9th Cir. 1976); *Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979). The treaty-reserved right to take presumed the continued existence of those resources. *See Fishing Vessel* at 678-79.

The 1855 Treaty also reserved the right to hunt, gather and pasture on "open and unclaimed" lands. National Forest Service lands have been held to be "open and unclaimed lands" subject to the exercise of these Article III rights. *See State v. Arthur*, 261 P.2d 135 (Idaho 1953), *cert denied* 347 U.S. 937 (1954).

The 1855 Treaty secures to the Tribe the continued existence of those biological conditions necessary for the resources that are the subject matter of the treaties. *See Kittitas Reclamation District v. Sunnyside Valley Irrigation District*, 763 F.2d 1394 (9th Cir. 1985), *cert. denied, Sunnyside Valley Irrigation District v. United States*, 474 U.S. 1032 (1985). Harm to these resources and their habitat can harm the Tribe and its members.

Lack of necessary Plan Revision components:

The Proposed Action (PA) is the initial document to kick-off the NEPA scoping process. As a scoping document, the PA should answer: who, what, when, where and how. The Tribe suggests adding the following components to the PA:

- Purpose and Need statements
- List of key issues the Plan hopes to address (from public collaborative process and assessment document)
- Description of key factors contributing to identified resource conditions or issues
- Early strawman with measurable objectives for <u>all</u> resource sections
- Monitoring plan

Even though there is a completed assessment and several public collaborative meetings none of the assessment results or outcomes from the collaborative meetings are presented in the PA. Here are some issues (not all) that need to be specifically articulated in the PA:

- more emphasis on articulating the Forest Service's responsibilities to the Tribe (emphasis of new rules)
- reduce mid-seral bulge in the Forest inventory of Roaded Front
- support watershed restoration efforts through application of PACFISH/INFISH
- more thinning and prescribed fire for fuels reduction and to counter insect and disease problems on the Forest
- Recreation (ROS) is an elevated management priority in this plan
- Desire to expedite post-fire timber salvage process
- increase timber production to support rural jobs and local communities
- two Wilderness proposals/expansion of existing Wilderness
- support Keystone species and their habitats
- more early seral forest to improve elk habitat
- Need to balance watershed health restoration while managing timber harvest in the Roaded Front.

By including the assessment results and collaborative meeting outcomes in the PA, the reader can identify and understand the issues the Forest plans to address and how the agency plans to address them.

PA is early "strawman" alternative:

Once the Forest has developed and presented a summary of the above-mentioned issues (and others), it would be appropriate to include an early strawman option in the PA. Such a format would provide the public with the opportunity to comment not only on the real and perceived issues of the Forest but also on your early attempt to address those issues. Such a format would truly provide an opportunity for the public to comment on the scope of the Forest's issues and the scope of its early strawman option. Such a presentation would have greatly benefitted the NEPA process going forward. However, the Forest presented a generic "strawman" narrative without defining issues, with a lack of measurable objectives for most sections, and with no monitoring plan. It is our belief, it would have been better to miss the pre-determined release date of the PA and to more thoroughly develop objectives for all resource issues and provide a monitoring plan for people to comment.

As the Forest moves forward with the NEPA process, we ask that you address the deficiencies of the strawman. For many, they need to be articulated in the "Affected Environment" chapter of the EIS.

Each resource section of the PA needs to have its own issues described. Measurable objectives should be clearly written and be clearly associated with each resource issue. We also encourage that the Forest creates an issues table for inclusion in the edited PA and carries it forward into the Forest Plan Revision. The table should present all key issues by resource section with a list all p[age numbers of all relevant codes of DFCs, objectives, and monitoring elements. This table should include cross references to other sections' page numbers and associated coding that represent mutual desired outcomes. This table would help articulate the linkage needed throughout the PA and the EIS going forward.

In summary, the Forest has developed a strawman that lacks many of the basic elements to be considered an alternative going forward. It lacks connectivity to the issues, a coherent path to accomplishing the Forest goals, or any means to measure success or failure. The Tribe is eager to continue work with the Forest staff to add clarity to the issues and contribute to a monitoring plan that will measure outcomes over the life of the Forest Plan Revision.

Standards preferred over Guidelines:

The Forest has consistently stated in the Nez Perce-Clearwater National Forest Plan Revision public collaborative process that the agency desires to move away from standards and adopt more guidelines. The Forest Service maintains that guidelines, as opposed to standards, lend needed flexibility to forest planning. As the Forest is aware, standards are generally understood as legally enforceable, binding and mandatory requirements with which the Forest Service must comply through NFMA planning regulations or individual forest plans. 16 U.S.C. § 1604(i). Courts have consistently viewed standards as "mandatory requirements." In contrast, guidelines are merely "discretionary." *See e.g. Miller v. United States*, 163 F.3d 591,594 (9th Cir. 1998).

While the 2012 Planning Rule states that compliance with both standards and guidelines is mandatory (Federal Register / Vol. 77, No. 68 / Monday, April 9, 2012 / Rules and Regulations Pg. 21172), it is nevertheless important to understand how the Planning Rule defines and interprets "guidelines" in the context of forest management. Guidelines "allow[] for either strict adherence to the terms of the guideline, or deviation from the specific terms of the guideline, so long as the purpose for which the guideline was included in the plan is met." *Id.* at 21206. The Tribe is concerned that this characterization of guidelines, even if enforceable, vests substantial discretion in Forest Service managers to unilaterally determine the circumstances under which the agency may "deviate" from a guideline while meeting the guideline's purpose. Courts tend to defer to the agency in how to best achieve and implement standards. The Tribe believes courts will likely approach "mandatory" guidelines similarly, affording the agency substantial deference and flexibility in defending its views on when, why and how a guideline meets its intended purpose when applied to a multitude of site-specific projects. This broad agency discretion to control when guideline deviations are warranted gives rise to vagueness, ambiguity, uncertainty and political and legal unaccountability which ultimately undermine NFMA's overarching goal to "insure" the protection of various resources. 16 U.S.C. § 1604. The Tribe requests that the Forest Service establish more standards and discourage adopting guidelines because standards (1) safeguard consistency and political accountability; and (2) improve efficiency by eliminating the need for Forest staff to negotiate project-specific rules and regulations on each individual project. If the Forest Service wants to maintain or increase flexibility, then the agency can provide specific exemptions to the standard that are articulated at the forest plan level. Moreover, the 2012 planning rule provides a solid adaptive management framework in which the Forest Service can change standards based on changed conditions. The biennial evaluation and report of monitoring information is such a process.

Any changes in standards or guidelines from the 1987 Plan to the new Plan Revision should be placed in an appendix table for reference. Each change should be shown,

rationale provided, and its location in the document. Such a table would provide a helpful summary of management changes from old to new and help readers find these changes in the new document.

Forest Service's Trust Responsibilities to the Nez Perce Tribe

The Forest Service needs to add a statement in the Proposed Action clearly articulating its duties and responsibilities to the Nez Perce Tribe as a federal agency. We suggest including language on page 2 of the PA under the heading "Forest Plan Revision" by adding a ninth primary decision, a description of the Forest Service's responsibilities to the Nez Perce Tribe.

To safeguard the Forest Service's ongoing responsibilities to the Nez Perce Tribe, the Tribe requests that the agency include in the Proposed Action the following standards from the1987 Clearwater National Forest Plan: (1) "Ensure that Forest actions are not detrimental to the protection and preservation of Indian Tribes' religious and cultural sites, and practices and Treaty Rights." Page II-23, 3g. (Standards-3. Cultural Resources); and (2) "Insure proposed practices and management activities are coordinated with other governmental agencies and Indian tribes to insure requirements of all laws and regulations are met and terms of Indian Treaties are upheld." (Page II-21, E(1)(d)).

A similar acknowledgement needs to be included in Chapter 1, pg. 12, under the "Social and Economic Sustainability" section. Please place the following sentence after the sentence ending with "...recovery of anadromous fisheries." in paragraph two. "The Forest Service's responsibility as it pertains to tribal social and economic sustainability is advanced through ensuring the Forest's actions are not detrimental to the protection and preservation of the NPT's religious and cultural sites, and practices, and Treaty Rights."

The Forest Service's responsibility to the Nez Perce Tribe extends to protection of fish and wildlife populations on the Forest and the habitat on which they depend. The Forest Service erroneously deferred fish and wildlife management issues exclusively to the State of Idaho's Department of Fish and Game (IDFG) during the public collaborative process. The Nez Perce Tribe is a recognized co-manager of its treaty resources, including fish and wildlife. The Forest needs to expressly acknowledge this Nez Perce Tribal authority and consult with the Nez Perce Tribe on fish and wildlife issues that occur on or include Forest resources. Some of the important consultation issues include but are not limited to the management of the following: wolves, bighorn sheep, elk, mountain goats, salmon, steelhead, bull trout, all other ESA-listed species and candidate species.

Please provide language similar to the 1987 Plan that providesa narrative about consultation with the Nez Perce Tribe. The 1987 plan references an amendment "FP #7" that pertains to changed language about Nez Perce Tribe consultation. This FP#7 could not be found on the Forest's website nor was it an attachment with the 1987 plan.

Existing Tribal-Forest MOUs may need to be mentioned or referenced where appropriate like the Firewood cutting MOU, Camping MOU, etc.

Document Structure

The Tribe recommends that the Plan Revision be separated into the following: roaded front, backcountry (roadless), and wilderness areas. Forest management tools are

different for each of these land management types and as a result the Forest's ability to manage changes dramatically across these three management areas because the tools available are vastly different. Having DFCs for the entire forest landscape makes some sense except when it comes to management. For instance, once fire has burned a large area in a roadless or wilderness area, the Forest may not be able to meet management DFCs under the Forestland section and thus cannot manage the Roaded Front. We would like to discuss a document format that creates DFCs and associated measurable objectives for the Roaded front, backcountry, and wilderness. This is the way the Forest actually manages the landscape. The present layout has no direct rationale to planning reality.

Lack of direct linkage between DFCs, measurable objectives, and standards and guidelines:

Due to the generic language in many DFC statements that pertain to the entire forest landscape and most sections not having measurable objectives, there is little coherent progression from resource-specific desired condition to proposed changes to measured outcomes except for the "Forestland" and "Timber" sections. These two provide good detail about forest acres treated or timber extraction in board-foot volume. Where are the measurable objectives for many of the other sections within the plan?

We recommend more specific DFCs with measurable objectives for each. This will create a more linear link from present condition to measured changes over time that can be monitored against desired conditions.

Need for cross referencing:

1. Some guidelines and standards have mutually beneficial relationships to other DFCs. Cross referencing by use of the code numbers would make it possible for readers to follow document connectivity and logic to other sections. If a specific standard or guideline is accomplishing mutual benefits to other DFCs or even other sections, then the coding needs to be referenced to the other places with mutual benefit. Snag DFCs are an example. They are listed in each of the six Forestland types but are not referenced or listed at all in the Wildlife section. One of the primary reasons for snags is for the benefit to wildlife.
    a. Consider developing a reference codes table with a list of all DFCs and their mutually beneficial objectives, standards/guidelines by their codes and page numbers. A cross reference codes table would assist the reader in finding pages to cross-walk the logic wherever it takes you in accomplishing a DFC.
2. There are no references to the Assessment report or locations within the Assessment report where a reader could find more detailed information about present forest conditions or causes of those conditions. Once assessment summaries for each resource section are added to the Forest Plan Revision (per our recommendation), these references need to be included to accommodate the reader. Most of the public has not read the assessment.

Enforcement needs to be part of the Forest Plan Revision

There are no DFCs, objectives, standards or guidelines that get at enforcement or correcting ongoing damages to cultural sites, Forest Service signs, campgrounds, etc.

through vandalism or ATV abuses on the landscape. Does this Plan Revision have a responsibility to address resource damage and enforcement on the landscape? If so, this piece is missing from the PA strawman and needs to be carried forward into the Plan. There needs to be monitoring elements to measure success as well.

Wildlife and Watershed Health needs to be given higher priority

On page 4 and 5 of the PA, The Secretary, Tom Vilsack, emphasizes the Forest's needs to revise the 1987 plan in a report titled, "***Pace of Restoration and Job Creation on Our National Forests".***

The bullet states: " There is need to revise the 1987 Forest Plans to emphasize integrated restoration of terrestrial and aquatic resources to restore vegetation composition, structure, and landscape patterns, reduce fuel loading, and improve watershed conditions to support wildlife and other resource values while contributing to the social and economic sustainability of local and regional economies".

This plan needs to make a clear commitment to recovering wildlife habitats and watershed conditions damaged largely from the 1960s through the 1980s when primarily timber production and associated road building damaged valued fish and wildlife resources important to the Nez Perce Tribe.

Hells Canyon Corridor Management:

The Plan Revision needs clarification as to how the management of the Hells Canyon corridor and any RNAs are shared or managed in cooperation with the Wallowa-Whitman NF. Cross-boundary forest coordination need to be described and where management authorities ultimately exist for these areas.

Social and Economic Section needed:

The NEPA process of social and economics approaches Euro-American economic value systems but not a tribal perspective. It is our hope that this Forest Plan Revision includes the social and economic issues based on a Tribal perspective. There needs to be a separate social and economic section that pulls together these scattered elements from the other sections. The NEPA outline in the regulations provides this format. It is our suggestion that you would follow the NEPA document template that also will aid the reader to find social and economic issues summarized in one place.

The importance of the Forest's resources and its sense of place for the Tribe's social and economic needs should be articulated. In economic terms, tribal members that hunt, fish and gather are part of a direct production economy; and the trading of these goods is part of an ongoing Barter and gifting system of trade. This element of the Tribe's economic contribution needs to be considered.

From a social perspective, the Tribe believes it is important to discuss their sense of place that is historic and generational beyond any of the other communities or special user groups that utilize the Forest.

Transportation

As the Forest Service is aware, the Tribe is very concerned about U.S. Highway 12 crossing Nez Perce-Clearwater National Forest lands being transformed into an industrial

"high and wide" corridor for grossly oversized shipments i.e. mega-loads. The Tribe regards the Lochsa-Selway corridor as an area of cultural, traditional and religious significance and an important area for the exercise of treaty-reserved rights. Safeguarding these rights and interests remains a top priority for the Nez Perce Tribe. As a result, the Tribe requests that the Forest Service, as part of the Proposed Action, commit to developing a corridor management plan that seeks to address how the U.S. Highway 12 transportation corridor shall be managed to protect Nez Perce-Clearwater National Forest lands against threats posed by mega-loads as well as transportation of hazardous fuels and other chemicals through the transportation corridor. The Tribe also requests that the Forest Service adopt a standard that ensures transportation activities within the corridor shall be administered consistent with the corridor management plan.

Wild and Scenic Rivers and U.S. Highway 12

The Tribe requests that the Forest Service develop as part of the Proposed Action, a standard memorializing a commitment to developing and implementing a single Wild and Scenic River Management Plan for the Middle Fork, Lochsa and Selway Rivers. The current plan is nearly four decades old and in need of significant updates and revisions. A key component of the WSR Plan update should be to develop a study that evaluates and establishes standards addressing the transport of massive oversize loads i.e. mega-loads and hazardous materials through the WSR Corridor on U.S. Highway 12.

The Tribe further recommends that the Forest Service develop and implement, through enforceable standards in the Plan, a new corridor management plan for U.S. Highway 12 traversing the Nez Perce-Clearwater National Forests. Given the Tribe's treaty rights and cultural resources on the Forest, as well as multiple congressional designations recognizing the unique values and history of the U.S. Highway 12 corridor traversing Nez Perce-Clearwater National Forests lands, the Tribe believes the Plan needs prescriptive direction committing to the development of a new corridor management plan that comprehensively establishes a management framework that safeguards and advances these multiple congressional designations. The Forest Service should commit to developing and implementing the corridor management plan within five years of completion of the Plan.

Specific Comments:

Pg. 1, first paragraph: There is need for an introductory paragraph that outlines the fundamental vision or mission of this new plan. Such an introduction paragraph should explain the rationale for the plan and set the stage for how this planning effort will be different from the past 1987 plans. See the following: Pg. 4, Paragraph 6 and Pg. 5, paragraph 2: These two bullets could be combined to help articulate the Purpose and Need statements and anticipated outcomes of this planning effort.

Pg. 1, last paragraph: Change sentence to read. "The revised plan will describe desired ecological conditions of the Forest and provide plan component direction to support social and economic benefits to native tribes and public users while maintaining sustainable management of the ecosystems that make up the Nez Perce-Clearwater National Forest."

The intent of this suggested change is to emphasize that social and economic conditions are not on equal footing with ecological condition but are the byproducts of managing for a healthy and robust ecological landscape. Extractive or consumptive uses that are part of multiple use management cannot cause long-term downward trends to important habitats nor prevent ecological recovery of those already recognized as degraded (219.8(a) and 219.9(a)).

Pg. 8: Include the following as a third paragraph under the "Guidelines" heading.

"The Forest Service is required to meet legal intent of guidelines, but allows flexibility if intent could be achieved using varied methods. The preamble for the planning rule at page 21172 states:

> "Changes made to § 219.7(e)(1)(iv) and § 219.15(d)(3) to clarify that compliance with both standards and guidelines is mandatory, with standards requiring strict adherence to their terms, while guidelines allow for flexibility so long as the purpose for the guideline is achieved"

Pg. 8. Suitability: There may be opportunity in this Plan Revision to address land uses not suitable or that are in conflict with Tribal uses. The Tribe will seek to point out some of these areas during the NEPA planning process. Some examples include livestock grazing of the Mussleshell area and McComas Meadows, ATV use on the southern Nez Perce Trail.

Pg. 9. Item #3 near bottom of page: "Short-term effect" needs to be referenced to a legal definition in the Glossary. This term as it presently appears is open to anyone's interpretation.

Pg. 9. Item #4 near bottom of page: "negligible long-term effect" needs to be referenced to a legal definition in the Glossary. This term as it presently appears is open to anyone's interpretation.

Pg. 11. Distinctive Roles and Contributions: Somewhere after this section there needs to be a description of the roaded front, backcountry (roadless) and wilderness areas of the Forest and how they are managed differently due to the restriction differences across these three management categories. A corresponding map showing the roaded front, backcountry (roadless) and wilderness areas needs to be provided as well.

Pg. 11-14. As a result of above recommendation , the proceeding descriptions of services (Outdoor Recreation, Social and Economic, Cultural Heritage Values, and Ecological Diversity) should be presented under two headings, one being "Roaded Front" and the other being "Roadless Areas/Backcountry". This recommended outline would more accurately describe and articulate how the Forest is managed and why.

Pg. 12. Social and Economic: Insert the following sentence in the second paragraph after the first sentence. "It is the belief of the Nez Perce Tribe that the Forest's trust responsibility is to ensure that the Forest's actions are not detrimental to the protection and preservation of the Tribe's religious and cultural sites, their practices, and their treaty rights."

Pg. 13. Cultural and Heritage Values:

Delete first paragraph. The implication is that there was shared use and cultural interactions among tribes. That was not always the case. The entire forest lies within the Nez Perce homeland.

Include the following: "The Forest lies entirely within the Nez Perce homeland and the Tribe and its members retain a strong relationship with the Forest lands and cultural and heritage resources. There are three trails recognized by Congress. They are the Lolo Trail, the Nez Perce National Historical Trail, and the Lewis and Clark National Historical Trail. The Lolo Trail is a National Historic Landmark. The Southern Nez Perce Trial is another widely recognized pre-contact trail that went to buffalo country in Montana and Wyoming. Numerous other trials have been identified, recorded, or documented throughout the forest. There are village sites, ceremonial sites and cultural use sites across the Nez Perce-Clearwater National Forest and along the travel corridors connecting many use areas. This is a travel network to use areas that included travel corridors to areas like springs, gathering sites, fishing sites, hunting areas, prayer sites, winter village sites, campsites, spiritual and sacred sites.

The Forest is surrounded by other tribes who have occasional use and access on the Forest."

Remove last two sentences of the second paragraph and replace them with the following:

"The Mountain top routes of the Bitterroot Mountains were used by other neighboring tribes to trade and maintain relationship ties. These included the Coeur d'Alene, Northern Shoshone and the Bitterroot Salish Tribes (Pend d' Oreille and Flathead).

The Nez Perce-Clearwater National Forest lies within the exterior boundary of the Nez Perce exclusive homeland. This homeland boundary was legally determined by the Indian Claims Commission as submitted to the U.S. Congress in 1957."

Pg. 14. After the first sentence ending in "Columbia River basins." add the following two sentences:

"Nutrient loading from the ocean has historically occurred on the Forest in the form of spawned anadromous salmonids. This influx of nutrients has occurred over the millennia and contributed tremendously to the nutrient cycling within aquatic, riparian, and even upland ecological communities of the forest."

Pg. 15. Terrestrial Ecosystems:

Across the Landscape

Issue: Provide brief description of the three levels of forest management applied to the entire landscape: roaded front, roadless, and wilderness (and proposed): Show a map and provide management area of these three management types. Explain that DFCs will be the same across all management areas, but the type of management tools the Forest can utilize and thus ability to manipulate the landscape to meet DFCs is very different. This introductory discussion of management needs to be either at the beginning or at the end of Chapter 2. It could also be more thoroughly discussed in the beginning of Chapter 3 before presenting the two wilderness management options.

Issue: See our modified changes to this section:

TE-01 - Native plant community composition, successional stages, and structural diversity are appropriate for the biophysical setting and remain diverse and resilient in the face of changing climate conditions.

TE-02 - The Forest reflects healthy, resilient landscapes as described in TE-01. The distribution and condition of vegetative attributes mimic those that occurred historically by natural process and disturbance regimes.

03 - Habitat elements (including uncommon ones such as mineral licks, talus slopes, fractured wet bedrock, rock outcrops, scree slopes, caves, waterfalls, and geological inclusions) support and ensure viable populations of all associated wildlife and botanical species.

04 - The spiritual and cultural needs of local tribes are sustained and supported by the diversity of habitats necessary to support abundant plant and animal species that are culturally important.

05 – Change "5% of plant species composition" to "5% of plant cover". Also reference this DFC in the Grassland and Shrubland section on page 29.

Add 6th DFC: FW-DC-TE-06 Terrestrial habitats have symbiotic relationships supporting biodiversity and all key elements across ecological communities that comprise the terrestrial ecosystems on the Forest.

Pg. 16. Forestlands:

1. Provide a definition, a brief summary and a rationale of the Forestland categories (Breaklands, Uplands and Subalpine) along with same for subcategories (Idaho batholith and Bitterroot Mountain). The categories appear to be based on elevation while the subcategories appear to be based on geography or geology. Provide references to more detailed assessment descriptions and results from assessment document. A good example of this summary is found in the Forest Vegetation Overview sheet provided to the public collaborative members for the February 2013 meeting.

2. The Desired range (%) values in Tables 1 through 12 (pgs. 16-27) mean nothing unless qualified in some manner and explained. Please provide the following: (1) add another column in each table labeled "assessment condition" then provide a present range (%) based on assessment, then (2) provide a brief summary of this present range and compare to the desired range. By providing a point-in-time condition from the assessment and a brief explanation to both present and proposed ranges, it would make the tables meaningful. Without this basic table change and a brief rationale, these tables mean nothing and only add confusion to the reader.

3. Suggestion: Look to combine corresponding tables (table 1-12) for composition, structure, density, snags and disturbance and patch size into one table. Focus narrative on what makes these subcategories different, different as a Forestland type, different in present condition, and different by its desired range, and thus need for each separate DFC. This combined table and rationale would explain fundamental differences across these categories, subcategories, and their corresponding DFCs. You may be able to combine DFCs as a result.

Pg. 27-28. Objectives and Guidelines on page 27 and 28 need to be placed under each associated Forestland DFC. Their present placement after "Across Biophysical Settings" creates unnecessary disconnect and confusion.

Should there be an objective for managing for whitebark pine?

There needs to be an objective for managing aspen. Allow for combination of exclusion fencing and livestock rest-rotation grazing to promote aspen stand regeneration where they are at risk.

Pg. 27. Across Biophysical Settings: Please move this section to page 16 under "Forestlands" as the first subheading. It is out of place on pg. 27.

Pgs. 16-28:

The following graph was generated from information provided in the Proposed Action on pages 16-28. Forestland types, their associated acres and management objectives do not add up!? The last three columns are extrapolations of the original Forest Service information. There are large errors in the Forest Service information (acres and %), plus the confusion of this information in light of various management objectives on pages 27 and 28. This inconsistency creates many questions/concerns for the Nez Perce Tribe.

In the short-term, it appears that the Forest wants to actively manage towards early seral. That is ok except for the pace of that transition if you assume all treatments as stand removing treatments.

Forest Service numbers recalculated **Nez Perce Tribe**

Forestland types	Geology/ geography	acres	10-yr treatment (in acres)	10-yr treatment (by %)	10-yr treatment (by %)	# yrs for 100% replacement	Tribal Concern (*)
breaklands	Idaho batholith	639,000	100,000	13%	15.6%	64 yrs	*
breaklands	Bitterroot Mtn	764,000	84,000	7%	11%	90 yrs	*
uplands	Idaho Batholith	441,000	16,000	3%	3.6%	277 yrs	
uplands	Bitterroot Mtn	339,000	22,000	3%	6.5%	154 yrs	
subalpine	Idaho Batholith	1,245,000	47,000	5%	3.8%	265 yrs	

subalpine	Bitterroot Mtn	501,000	89,000	10%	17.8%	56 yrs	*
	Totals	3,929,000					

Three Forestlands types (in yellow) could be completely cut or burned within 56-90 years, making up 1,904,000 acres or 48.5% of Forestlands on the Forest. This does not address one very important issue not shown in these pages. The Forest does not break out the Forestland types by the major management types: roaded front, backcountry (roadless area), or wilderness.

The Forest cannot predict the actual treatment acres on page 27-28 that could be met by wildfire or disease. Since we don't know how aggressively the roaded front will be managed nor how much of the backcountry could burn, what do these objectives really mean? If these Forestland types were subdivided by roaded front, backcountry, and wilderness, these DFC's and associated objectives could be meaningful. In other words, if a lot of the Upland Batholith burned in wildfires, does the public expect this Forestland type to not be harvested in the roaded front? Or better yet, the Forest actively meets the managed 10-year quota through timber harvest and prescribed fire in the roaded front then a huge fire burns up this Forestland type in the backcountry, then we have overshot the management DFC and objective due to the uncontrollable force of fire. To conclude the point, wildfire and disease can change the acres treated across the forest whereas active treatment is limited primarily to the roaded front.

There are other concerns with this section. For instance, how will the Forest consider treatments like pre-commercial thinning, or uneven-aged treatments that have many re-entries? Will these be considered treated acres and count towards the treatment objectives? How will the Forest count a ground fire that can occur every 10 years and is healthy compared to a wildfire inferno that scorches everything? Will their acres be counted the same as treated acres towards the management objectives?

From a watershed standpoint, can the Forest potentially manage three Forestland types very aggressively (in yellow) in the roaded front and not potentially unravel watershed health and stream function? How does the Forest Plan to balance the needs of watershed health with these very open-ended forest treatment objectives that could be interpreted to mean anything unless subdivided by roaded front, backcountry, and wilderness? Shouldn't the Forest have a limit on what percent of a particular watershed (5th order HUC?) can be treated and be in early seral and not disrupt watershed and stream function? The Forest should allow for a minimum of 20-25 year revegetation time to allow recovery/maturity of hydrologic function before allowing reentry for timber harvest or prescribed fire. See our suggested standards/guidelines in the Aquatic Ecosystems section about percent of watersheds to be in early seral at any one time for watershed protection.

We are assuming all treatments are 100% stand replacement with a silvicultural treatment of a clearcut, and all fires are high severity stand replacing wildfires or prescribed fire. Not that they would be in actuality, but the plan is so vague this could be the interpretation of the Proposed Action. Fundamentally, what does the Plan hope to

accomplish within these Forestland types? What corrections are being proposed based on the assessment? You cannot tell by reading the Proposed Action or objectives.

It appears we need more information on the type of treatments planned to achieve the desired future conditions in the Forestlands section. It would help to have an idea of the acres to be treated by treatment type (wildfire, prescribed fire, pre-commercial thinning, commercial thinning, clearcut, seed tree, shelter wood, uneven-aged management, etc.). This type of information is needed to be able to calculate timber removals by species and size class which is the basis for an allowable cut calculation as provided in the Timber section.

Other points to note that are not outlined in the plan…

Uneven-aged timber management generally requires stand re-entry intervals of 20 to 25 years but need to be staggered so that recent treatment areas are not next to each other. Otherwise, uneven aged treatments could be next to each other with first entries being every five years so that an entire watershed could have received shelterwood harvests within a couple of decades. This would be damaging to in-stream stability and watershed health.

The average fire return intervals in dry pine types is 7 to 15 years (0-35 years for fire regime condition class 1 (FRCC1). FRCC1 are generally low-severity fires replacing < 25% of dominant overstory vegetation; but can include mixed severity fires that replace up to 75% of the overstory). So to maintain fire dependent forest types, 100% of the area should be burned (treated) more frequently than what appears to be planned. What does the Forest plan to do about the lack of a healthy fire regime for fire-dependent forest types?

Pg. 29. Grasslands and Shrublands:

The Forest needs to have measureable noxious weed objectives for all grassland and shrubland communities, like "Noxious weeds represent less than 5% of vegetative cover". We have a similar statement on pg. 15.

DC-GS-01: Exotic annual grasses

Add the following text at the end of the last sentence, "and great basin wild rye, where appropriate."

Add to the DFC statement about exotic plants being less than 5% of the vegetative cover within grassland plant communities. These exotics to include species like cheatgrass and ventenata (sp).

DC-GS-03: Split this DFC into two separate DFCs, one for cool moist and northerly sites and one for warm dry sites.

To each of these new DFC's add the following text, "A natural range of successional stages occur across the landscape to meet habitat requirements for desirable wildlife."

Also add to the two new DFCs narrative about exotic plants making up less than 5% of the vegetative cover of shrub communities."

Pgs. 29-30. DC-GS-05 through DC- GS-09: replace the word "persists" in all places with the words "exists as a viable population". The Forest should be managing for viable

populations and not for minimal populations that merely persist.

Please provide a list of all plant species of conservation concern (SCC) for the Forest. There should be a DFC for all and not just for those listed in DC-GS-05 thru DC-GS-09.

Pg. 30. Objectives:

For all plant species with measurable objectives in this section, there should be an element of habitat inventory and mapping.

OBJ-GS-02: add the words, "and Macfarlane's four o'clock".

OBJ-GS-03: treat more than 15,000 acres for the life of the plan. That is only about 1,000 acres per year. If preferred treatment is prescribed fire then there should be 2 or 3 times the treatment amount. The Tribe will work with the Forest to develop other treatment objective(s).

OBJ-GS-04 Please provide the amount of meadow habitats that are needing reestablishment of hydrologic function. With that information, it would be easier to support or make suggestions to whether 100 acres of meadow habitat restoration is an appropriate objective.

OBJ-GS-05 Please provide the amount of meadow habitats that are needing to be maintained or improved for Camas at these two sites. With that information, it would be easier to support or make suggestions to whether 3 acres of meadow habitat restoration is an appropriate objective. It might be best to say that all Camas habitats at these two sites will be restored.

Add a new objective #6 or reference grazing utilization standards: "Grazing of meadow and shrubland vegetation will not exceed 40 % utilization."

Add new Objective #7: No grazing utilization in areas after fire for 5 years.

Add new objective #8: No grazing utilization where known T&E species, SCC, or candidate species exist in meadows.

Add new objective for managing and improving huckleberry habitats by use of overstory thinning or cool season prescribed burning of 500 acres every 5 years. Provide an acreage estimate of total acres of habitat on the Forest that supports or may support huckleberries. This objective will need to be referenced or added to the section "Special Forest and Botanical Products" found on page 63.

Add a new objective for treatment of exotic plants through "early detection and rapid response" in wet meadows/grasslands. These treatments are to include species like Japanese knotweed, poison hemlock, and exotic hawkweeds.

Pg. 30. Guidelines:

GDL-GS-01: Make this a standard by replacing the word "should" with "shall".

Pg. 30. Soil Quality and Productivity

The nutrient balance that existed with soils across the Forest for thousands of years has changed significantly in the last 100 years. This more recent soil nutrient imbalance has not yet revealed the full extent of the effects on many elements on the Forest. A very large annual nutrient deposition came from ocean-dwelling salmon and steelhead

returning to spawn and die, essentially enriching streams, riparian areas, and even uplands through animal and plant uptake and redistribution of nutrients across the landscape. In this same 100-year time frame, the Forest has promoted intensive logging with some areas receiving third generation harvests. This removes biomass that would naturally biodegrade to replenish soil nutrients. With logging comes construction of logging and skid roads. Many were built on unstable soils, were poorly designed or maintained, leading to high levels of soil erosion. Road reconstruction and obliteration is now a very important function of the Forest to correct stream degradation and soil loss.

Even though loss of nutrients from timber removal and soil erosions are small in scale to the loss of salmon nutrients, soil productivity as measured in biomass productivity has been declining based on resent university research. If this net loss of soil nutrients continues long-term, we do not know the full extent of this impact not just in biomass productivity but to its potential to fragment or disrupt ecosystem function. There is a need to track soil biomass productivity on the Forest long-term. This is one of the reasons that the Tribe is a strong supporter of maintaining or recovering instream, riparian, and watershed function in the hopes of full recovery of anadromous fish, especially salmon. Salmon are not only a key component to Nez Perce culture but are key to the sustainability of the Forest in the manner in which we all must rely.

Add an additional DFC that says something like: "The Forest will support forest soil productivity for the purpose of understanding the historic nutrient cycle and its changes over time in order to make management decisions that support healthy, sustainable productive soils." This may be redundant compared to the DC-SOIL-02. But, DC-SOIL-02 needs to explain what TSRC means relative to our point of historic soil biomass productivity.

Add an objective that states something like: "long-term soil biomass productivity at the 6^{th} order HUC level will be maintained at 85% of historic levels based on reference watersheds."

Pg. 32. Fire

It would help to identify spatially where fire is needed for each Forestland type (pages 16-29 of the PA). These recommended maps should highlight the areas targeted for prescribed fire during the next 10-years and the life of the plan.

DC-FIRE-01: add the following at the end, " This excludes catastrophic fires."

DC-FIRE-02: change to read as, "Fire occurs at smaller scales in areas where resource objectives and infrastructure limit the desirability of a wildland fire event. Hazardous fuels are maintained within the wildland-urban interface at acceptable risks based on limited crown fire potential and would allow for safe, effective fire management opportunities."

DC-FIRE-04: add the words ", excluding catastrophic fire events," after the words "natural fire regimes".

DC-FIRE-05: Change language to the following: "Fuel conditions within the wildland urban interface provides opportunity to safely achieve the specific protection measures identified for the area/resource through vegetation management. Citizen outreach successfully affects those who live in adjacent private lands to create defensible spaces

for personal fire protection as part of the solution to creating safe fire management in public private interface on the Forest."

Fire Management in RCAs

PACFISH is very clear in design of fuel treatment and fire suppression strategies, practices, and actions so as to attain RMOs and to minimize disturbances of riparian ground cover and vegetation. In the Proposed Action, the direction and intent of PACFISH has been downgraded, opening Riparian Conservation Areas (RCAs) and critical habitat to potentially damage their function, which may harm treaty rights and resources.

The following "guidelines" in the Proposed Action should be changed to "standards" and read as follows:

FW-~~GDL~~-STANDARD -FIRE-01. Riparian Habitat. Design fuel treatment and fire suppression strategies, practices, and actions so as not to prevent attainment of Riparian Management Objectives, and to minimize disturbance of riparian ground cover and vegetation. Fire suppression strategies should recognize the role of fire in ecosystem function and identify those instances where fire suppression or fuel management actions ~~could be damaging to long-term ecosystem function~~.could perpetuate or be damaging to long-term ecosystem function, listed anadromous fish, or designated critical habitat.

FW-~~GDL~~-STANDARD-FIRE-02. Riparian Habitat. Minimum Impact Suppression Tactics (MIST) shall be used inside of RCAs. An exception may be warranted in situations where overriding immediate safety imperatives exist, or, following a review and recommendation by a resource advisor and a fishery biologist, when the action agency determines an escaped fire would cause more long-term damage to fish habitats than MIST.

FW-~~GDL~~-STANDARD-FIRE-03. Riparian Habitat. Incident bases, camps, helibases, helispots, staging areas, and other centers for incident activities shall be located outside of RCAs, unless no other alternatives exist.

FW-~~GDL~~-STANDARD -FIRE-04. Aquatic Species. When drafting water from streams, pumps shall be screened to prevent fish entrainment. All equipment used in water should be treated to prevent the introduction of aquatic invasive species and aquatic borne diseases. An exception may be warranted in situations where overriding immediate safety imperatives exist, or, following a review and recommendation by a resource advisor and a fishery biologist, when the action agency determines an escaped fire would cause more long-term damage to fish habitats than unscreened water drafting activities.

FW-GDL- STANDARD - FIRE-05. Aquatic Species. To meet aquatic ecosystem desired conditions when planning fuels projects, see ~~FW-GDL-TBR-08~~ (FW-GDL-TBR-08 needs to be changed to a standard).

To continue to meet the requirements of PACFISH and RMO, the following standards need to be added to this Fire Section:

Standard-FIRE-06: Avoid delivery of chemical retardant, foam, or additives to surface waters. An exception may be warranted in situations where overriding immediate safety imperatives exist, or, following a review and recommendation by a resource advisor and a fishery biologist, when the action agency determines an escaped fire would cause more long-term damage to anadromous fish habitats than chemical delivery to surface waters.

Standard-FIRE-07: Prescribed burn projects and prescriptions should be designed to contribute to the attainment of the RMOs.

Standard-FIRE-08: Immediately establish an emergency team to develop a rehabilitation treatment plan to attain RMOs and avoid adverse effects on listed anadromous fish whenever Riparian Habitat Conservation Areas (RHCAs) are significantly damaged by a wildfire or a prescribed fire burning out of prescription.

Pg. 34. Aquatic Ecosystems –Physical Integrity

It is our suggestion that the Aquatic Ecosystem section could be structured better with the following subsections: Water Quality, Watershed Health, RCA Management, and Aquatic Species. The RCA section needs to have measurable objectives (RMOs) that measure progress over time. There is no mention of CWA 303(d) limited watersheds. These polluted stream reaches need to be identified in a Water Quality subsection and these reaches should be part of the evaluation of stream/watershed restoration priorities. DFC's created for these topics would be more logical than those DFCs under the present headings of "Physical Integrity" and "Riparian Habitat and Aquatic Species".

The Forest needs to provide an assessment summary of present condition of the Aquatic Ecosystems and associated subsections. Included should be those undesirable conditions along with a description of their causes. The assessment summaries for each subsection also needs to identify proposed changes in management to enhance resources and must include description of key data needs including any important data gaps. For example Table 15 needs to include additional stream attributes like water quality standards, sediment regime, and timing of floodplain inundation.

The Forest needs to provide reference watersheds and reference stream reaches to document baseline conditions as part of Chapter 4 - Monitoring Plan. The Northwest Power Planning Council has emphasized the need for reference watersheds across the Pacific Northwest, some may have been identified already. Any watersheds they identify on the Nez Perce-Clearwater National Forest should be considered for SMA status for the purpose of reference watersheds and stream reaches. The Municipal Watersheds section (pg. 44) identifies three municipal watersheds that will be managed for water quality for human consumption, which could also serve as reference watersheds since there is essentially no difference between managing for ideal water quality and ideal watershed conditions. It is our recommendation that these three municipal watersheds be recognized as reference watersheds for documenting baseline conditions as well.

W-DC-WTR-02: natural range of variation should exclude significantly altered conditions caused by extreme natural events like massive fires, landslides, or extreme flooding. These should not be part of the desired condition range. These natural events should be considered exceptions to DFC conditions the Forest is striving to recreate through management. Footnote #3 should reflect the same. What is the point of a stream

DFC that can allow active management to create similar outcomes as those of natural disasters and be considered part of the desired condition? Managed activities should be evaluated and measured against the natural range of variability but within reason.

FW-DC-WTR-03: The narrative makes reference to reference watersheds. We are not aware of reference watersheds as such on the Forest. There should be watersheds designated as part of SMAs specifically for reference monitoring. The NWPPC has reference reaches/watersheds identified across the Northwest. If any are located on the Nez Perce-Clearwater National Forest, these could be formally recognized by the Forest and given SMA status, preventing active management. These reference watersheds can be monitored for establishing the Forest's baseline conditions as part of the monitoring plan. Municipal Watersheds identified on page 44 could serve a dual purpose of both municipal watersheds and as reference watershed for establishing baseline conditions.

Pg. 35. FW-DC-WTR-04: Same comment as in WTR-02 about the definition of "natural range of variability". This term should not include the range of conditions that are created by extreme natural events like flooding, landslides, or large wildfires. These are natural but create a deviation from desired management conditions that we should be striving to create on the Forest. The conditions created by more frequent natural fires, landslides and flooding should be included just not those extreme events that create long-term damages to natural resources and long recovery periods. Such conditions should not be part of the DFC sediment regime that the Forest is managing towards. If this language was left in, then the Forest could legally manage to deteriorate conditions to very unhealthy sediment regime under this terminology. Just because unhealthy conditions occur naturally in extreme conditions, this should not be part of our ideal condition (DFC).

Pg. 35. FW-DC-WTRE-06 Water Quality: Please change language to the following: "Surface water quality exceeds State of Idaho water quality standards for designated and existing beneficial uses, including the support of cold water biota. No Clean Water Act Section 303(d)-listed impaired or threatened water bodies occur on the Forest. No lands/areas would contribute to water pollution above natural background levels or state standards, whichever sets the highest quality."

A Tribal DFC would be to manage for the best water quality that is reasonably attainable and not to manage towards a minimum threshold of water quality. We support attainment of one particular beneficial use "supports cold water biota" because it has the highest water quality standards.

Pg. 35. FW-DC-WTR-07 Water Quality: change "or impact other cultural resources." to "or impact other water-related vegetation."

Also change "aquatic habitat desired conditions" to "fully functioning aquatic habitats and associated components of that habitat."

Add aquatic DFCs (WTR-10 and 11?) for addressing 303-d listed waterbodies and countering climate change's projected reduction in stream base-flows.

Pgs. 34-35 Objectives: The bottom of page 4 and top two paragraphs of page 5 discusses Secretary Vilsack's released report titled, "Increasing the Pace of Restoration and Job Creation on our National Forests". The two paragraphs describe the "need to increase the

pace and scale of restoration of the Nation's forests to improve both the ecological health of our forest ecosystems and the economic health of Forest-dependent communities."

This should be a major mission of this plan but the objectives point to a slow pace of recovery in comparison to the focus on timber harvest. We as a restoration partner (DFRM Watershed's Division), think objectives' quantities should be expanded to reflect this.

FW-OBJ-02: Increase the number of projects to 10 projects.

Add an objective that addresses the rate of correcting the 303-d listed waterbodies that occur on the Forest. The State of Idaho has a schedule. Those dates would be adequate.

There needs to be another objective that addresses undersized culverts and fish passage. It should read as follows:

"FW-OBJ-10: All culverts shall be inventoried and analyzed for hydrologic function and aquatic organism passage within 10 years of plan approval, unless inventoried or installed within the past 7 years. The Forest will Implement 10 upgrades of undersized culverts per year."

Pg. 37. Guidelines: Make this label "Standards" and change "should" to "shall" in the two guidelines.

Additional guidelines associated with aquatics should be added or referenced if listed in other sections. They include the following:

Guidelines:

1) To construct and maintain a transportation system that contributes to establishment of a network of high quality aquatic habitats and stronghold populations, avoids adverse effects to threatened and endangered aquatic species and designated critical habitat, and avoids adverse effects to aquatic species of conservation concern:

    a. Road density should not increase in Key Watersheds, either temporarily or permanently, if increase would result in short or long-term adverse effects to streams.
    b. In all other watersheds[1], road density should not increase if it would result in long-term adverse effects to streams.
    c. Construction of new roads in RCAs, including new permanent and temporary roads, shall be avoided except where necessary for stream crossings.
    d. New roads, including temporary roads, shall be designed to avoid or minimize stream crossings.
    e. Roads being decommissioned or put into long-term management should be treated to provide hydrologic stability and fish passage where native fish populations are present.

[1] "Watersheds" in this case refers to all 6th HUC watersheds not identified as Key

f. Existing roads should only be reconstructed and reconditioned where long-term adverse effects to watershed and stream conditions are avoided, and any short term effects are minimized.
g. New, replacement, and reconstructed crossing sites should be designed to provide and maintain fish passage where native fish, or other desired aquatic organisms, are present.
h. New landings for timber harvest shall not be constructed in RCAs.

2) For proposed Minerals projects, to achieve desired conditions for streams and avoid adverse effects to threatened and endangered aquatic species, designated critical habitat, and aquatic species of conservation concern:

a. Projects should be designed and implemented so that mine waste (waste rock, spent ore, tailings, etc.) and facilities are located outside RCAs.
b. Any Notice of Intent or Plan of Operation that proposes activities in RCAs should include a reclamation plan and a reclamation bond that address the cost of removing facilities, equipment, and materials; re-contouring disturbed areas to pre-mining topography; isolating and neutralizing or removing toxic materials; and salvage or replacement of topsoil and seedbed preparation and revegetation to attain desired stream conditions and avoid adverse effects on native fish.
c. Solid and sanitary waste facilities shall be located outside of RCAs.
d. Construction of roads needed to access proposed mining sites shall be located outside of RCAs. Where no alternatives exist, the road exception shall be kept to the minimum necessary for the approved mineral activity. Roads no longer needed for mineral activity should be closed, obliterated, and re-vegetated within 1 year of project completion.

3) During the individual grazing allotment planning process and reviews where adjustments are made to ongoing grazing, BMPs should be evaluated to determine trends towards desired conditions for streams, threatened and endangered aquatic species, and species of conservation concern (SOCC):

a. The relationship between existing grazing practices and stream reach conditions shall be evaluated using accepted protocols (e.g. PIBO). This evaluation shall be used to develop site-specific grazing practices that contribute to meeting desired aquatic conditions, and implement monitoring of stream conditions that documents trend. One or more stream parameters should be identified to serve as management triggers for removal of livestock from the area during the allotment planning process.
b. Riparian forage utilization shall not exceed 45 percent to allow forage plants to maintain vigor, root development, and soil cover. Green line stubble height should be 6 inches or greater along designated key stream reaches[2].

[2] Designated key stream reaches are those identified for both implementation and effectiveness monitoring that would be expected to be susceptible to grazing effects (e.g. low gradient reaches and/or meadows).

Specific riparian forage utilization, green line stubble height, and bank disturbance guidelines shall be implemented during the allotment planning process.

c. New livestock handling, management or watering facilities shall be located outside of RCAs, except for those small sacrifice areas needed as part of larger resource protection projects.
d. Livestock herding and driving in RCAs shall be limited to areas and times that do not DISTURB SENSITIVE, THREATENED, OR ENDANGERED SPECIES or prevent meeting desired conditions.
e. Salting and off-channel watering facilities should be located outside RCAs.
f. Grazing management should prevent livestock trampling of native fish redds.

4) For fire suppression planning or implementation, to meet desired aquatic conditions and reduce risks to threatened and endangered aquatic species, designated critical habitat, and species of conservation concern:

a. Fire suppression strategies should recognize the role of fire in ecosystem function and identify those instances where fire suppression actions could be damaging to long-term ecosystem function.
b. Minimum Impact Suppression Tactics (MIST) shall be used in RCAs.
c. Incident bases, camps, helibases, helispots, staging areas, and other centers for incident activities shall be located outside RCAs, unless no other alternatives exist.
d. When drafting water from streams, pumps shall be screened to prevent fish entrainment.

5) For planning, maintenance, and management of existing recreation and/or administrative sites within RCAs, to meet desired aquatic conditions:

a. Recreation facilities, including trails, bridges, fords, trailheads, and campgrounds, shall be designed, constructed, maintained, and managed in a manner that does not prevent attainment of desired stream conditions..
b. Trees felled in RCAs for safety reasons shall be left on-site and directionally felled towards or into streams where feasible.
c. To prevent introduction of toxic materials into streams, refueling, equipment maintenance, and storage of fuels and other toxicants shall be avoided in RCAs.

6) For broad-scale planning purposes associated with watershed restoration and vegetation management:

a. To achieve desired aquatic conditions, watershed, fish, and wildlife restoration projects shall be designed and implemented in a manner that promotes the long term ecological integrity of ecosystems, conserves the

genetic integrity of native species, and contributes to meeting desired conditions for riparian and aquatic ecosystems.

b. To contribute to establishment of a network of high quality aquatic habitats, sediment yield in key watersheds should not be increased to thresholds where measurable increases in deposited sediment would occur, and sediment yield should be reduced in watersheds where it has been determined that conditions already exceed base sediment yields and are causing or contributing to degraded substrate conditions.
c. In all other non-key watersheds, sediment yield should be managed in reasonable ranges long-term.
d. To contribute to establishment of a network of high quality aquatic habitats and stronghold populations, in restore-designated key watersheds, project decisions that include >500 acres of ground-based mechanical vegetation treatments (i.e. timber harvest) and /or greater than 0.5 miles of road construction, including temporary road construction, shall include aquatic restoration components that provide for a net long-term improvement in stream conditions.

Pg. 37. Riparian Habitat and Aquatic Species

CUMULATIVE WATERSHED EFFECTS

Some current watershed plans use Equivalent Clear Cut Area evaluations to determine whether a watershed is vulnerable to increased peak flows and increased water yield due to management (harvest) activities. The proposed action relies on a cumulative evaluation that gives a target percentage increase of average annual peak flows and sediment increases. This method provides no concrete protection of watershed health until years after prescriptions have been implemented. The Forest needs to analyze an alternative that implements Equivalent Clear Cut Areas, Hydrologic Maturity Designations, or some other method that applies tangible means of designating how much harvest can happen in a watershed at any time and over time, based on the effects that cumulative overstory removal can have to watershed function (measured by flow and sedimentation). Equivalent Clearcut Area (ECA) or hydrologic maturity needs to be defined and a map showing present 6th order HUC boundaries and their ECA or hydrologic maturity scores. Below we make some specific recommendations of how to implement this and we are willing to provide our technical staff to help define and implement this watershed health measure.

PACFISH/INFISH

The forest's Proposed Action does not specifically state that it will comply with PACFISH/ INFISH to protect riparian conservation areas (RCAs). The Forest should maintain PACFISH/INFISH standards and state as much. Also, if there is a reason to move from a standard to a guideline, the specific rationale needs to be explained.

The Preferred Alternative of the Forest Plan Revision needs an analysis of enforceability of guidelines in comparison to standards. Compliance with PACFISH/INFISH is part of effectiveness monitoring. To analyze enforceability is to analyze effectiveness. The Nez Perce Tribe will work with the Forest to add or modify guidelines and standards over time to achieve the direction and intent of PACFISH/INFISH protections in RCAs.

North Lochsa Face Settlement Agreement

In 2007 the Tribe entered into the North Lochsa Face Settlement agreement with the Forest Service, NOAA, USFWS, and others. Item five (pages 4 and 5 of 7), of the agreement states: *" The Tribe believes that the Fish Creek, Hungery Creek, and Bimerick Creek watersheds are vital to wild steelhead run that are listed as Threatened under the Endangered Species Act and should be considered as a "wild steelhead special area" because of their high value tribal fisheries resources. During development of the Clearwater National Forest Plan Revision, the Forest Supervisor and appropriate planning staff and resource specialists representing the Forest Service agree to meet with tribal officials and collaborate consistent with the applicable planning regulations to consider and discuss desired conditions, objectives, and guidelines for a potential special area (SMA) or unique geographic area. The Forest will use information from this collaboration* ***to develop a proposal for a special area or unique geographic area to be circulated for public comment prior to approval of the Final Revised Plan*** ***(emphasis added).*** " This item was geared to the anticipated 2007 Forest Plan Revision. However, that plan revision was unsuccessful and is being attempted again through this planning effort. The North Lochsa Face Settlement Agreement does not contain a sundowner clause. Therefore, the Forest must fulfill their obligation to North Lochsa Face Settlement Agreement through collaboration and development of a proposal for a special area (SMA) prior to the approval of the current Forest Plan Revision action.

Watershed condition and trend monitoring

PIBO data will be a subset of values measured for watershed health and instream conditions. Other agencies are collecting data (USFWS are counting fish, IDEQ are doing water quality and BURP surveys, NPT Fisheries evaluating culverts and roads, fish genetic research, etc.) to comply with different requirements and laws. Everyone asking different questions and collecting different data. This plan needs to direct Forest staff to work with other agencies and programs refining the essential information needed for assessing watershed health, protecting aquatic species, managing aquatic habitat recovery, and contribute to the collection of data, the storage of data, analysis of data, and modeling of data over time. The Tribe's Fisheries Department and Watershed Division will continue technical dialog during the development of the outcomes of the plan as it relates to aquatic resources.

PIBO analysis has reference reaches all over the Northwest. These sites that occur on the Forest need to be recognized as SMAs or RNAs through this planning effort. (Note: PIBO is the analysis of the effectiveness monitoring of PACFISH/INFISH standards.) The Forest needs to recognize them with special protections. The Tribe is willing to work with the Forest to identify these watersheds and associated stream reaches.

Specific Comments:

Pg. 37. FW-DC-RHAS-01: This DFC needs to include language about riparian function in forested RCAs.

FW-DC-RHAS-01,RHAS-02, and RHAS-03: Please provide information from the assessment about the present condition of RCA's 01-soil exposure (%), 02-high severity burn perimeter (%), and 03-population strongholds (%). Explain the rationale for this

being your desired ratios for these three DFCs.

Pg. 38. FW-DC-RHAS-04 and RHAS-05: state that the DFC for these fish species is to "support thriving populations similar to historic populations and ranges". Also include a statement that "all key habitat elements for supporting thriving populations are being met". Also list the "Nez Perce Tribe's DFRM Fisheries Management Plan (2013-2028)" as another agency source.

FW-DC-RHAS-06: change language to "Management efforts will eliminate adverse effects…"

FW-DC-RHAS-08: change language to "…water howellia will thrive over time"

FW-DC-RHAS-09: change the language to "..provide resilience to natural watershed scale disturbances and…" The point here is, there should be no unnatural watershed scale disturbances that would disrupt or potentially disrupt population strongholds or the development of additional population strongholds.

FW-DC-RHAS-10: change language to: "Aquatic invasive species are absent from all waterbodies. Non-native brook trout populations have been reduced in abundance in streams and lakes where their presence is causing undesirable effects to native species."

Pgs. 38-39. FW-DC-RHAS-11: PACFISH imposes RMOs that are measurable. The proposed plan provides measurable objectives **in** FW-DC-RHAS-11 and Table 15. Unfortunately they are included as merely desired conditions rendering them ineffective compared to PACFISH RMOs. The Nez Perce encourages that FW-DC-RHAS-11 and Table 15 become either a guideline or, preferably, a standard.

Where catastrophic events such as fire, flooding, volcanic, wind, or insect damage result in degraded riparian conditions, allow salvage and fuelwood cutting in RHCAs only where present and future woody debris needs are met, where cutting would not retard or prevent attainment of other RMOs, and where adverse effects on listed anadromous fish can be avoided. For watersheds with listed salmon or designated critical habitat, complete Watershed Analysis prior to salvage cutting in RHCAs. PACFISH is very clear in cooperation with other stakeholders to develop Coordinated Resource Management Plans (CRMPs), designing projects that promote long term ecological integrity of ecosystems.

Add a DFC for Lamprey and work with the Tribal Fisheries program to identify where those potential strongholds should be.

Pg. 40. Standards:

Pg. 41. Guidelines: Change the following guidelines in "Standards" by changing the word "should" to "shall". If there are exceptions to these being standards, please provide details and give a rationale. Please renumber these (new) standards as 4 through 7.

To continue to meet the requirements of PACFISH, the following standards need to be **added** to the Nez Perce-Clearwater Forest Plan Revision:

RHAS-Standard 08. Design and implement watershed restoration projects in a manner that promotes the long-term ecological integrity of ecosystems, conserves the genetic integrity of native species, and contributes to attainment of RMOs.

RHAS-Standard 09. Cooperate with Federal, State, local, and Tribal agencies, and private landowners to develop watershed-based CRMPs or other cooperative agreements to meet RMOs.

RHAS-Standard 10. Do not use planned restoration as a substitute for preventing habitat degradation (i.e. use planned restoration only to mitigate existing problems, not to mitigate the effects of proposed activities).

RHAS-Standard 11. Design and implement fish and wildlife habitat restoration and enhancement actions in a manner that contributes to attainment of the RMOs.

RHAS-Standard 12. Design, construct, and operate fish and wildlife interpretive and other user-enhancement facilities in a manner that does not retard or prevent attainment of RMOs or adversely affect aquatic resources. For existing fish and wildlife interpretive and other user-enhanced facilities inside RHCAs, assure that RMOs are met and adverse effects on aquatic resources are avoided. Where RMOs cannot be met or adverse effects cannot be avoided, then relocate or close such facilities.

RHAS-Standard 13. Cooperate with Federal, Tribal, and State wildlife management agencies to identify and eliminate wild ungulate impacts that prevent attainment of the RMOs or adversely affect listed anadromous and inland native fish.

RHAS-Standard 14. Cooperate with Federal, tribal, and State wildlife management agencies to identify and eliminate adverse effects on native anadromous and inland fish that include impacts to habitat manipulation, fish stocking, fish harvest, or contribute to poaching.

RHAS-Standard 15. Identify and cooperate with Federal, tribal, State, and local governments to secure minimum instream flows needed to maintain riparian resources, channel conditions, aquatic habitats and key aquatic species.

Pg. 41. Wildlife

All bighorn sheep habitats should be classified as unsuitable for domestic sheep grazing and excluded from domestic sheep and goat management. Utilize the Western Association of Fish and Wildlife Agencies: Bighorn Sheep Occupied Habitat maps as a starting point for clearly delineating bighorn sheep habitat on the Forests (http://www.wildsheepworkinggroup.com/maps-data/). Local knowledge should be used to further refine and delineate bighorn sheep habitat on the Forests. Utilize the best available science to model the risk of contact for all domestic sheep allotments on the Forest.

The Nez Perce Tribe is currently drafting a Wildlife Conservation Strategy. As this document is finalized we request that provisions for conservation and restoration of culturally important species be incorporated into this Forest Plan, as appropriate. This may include adding species of conservation concern or focal species.

FW-DC-WL-02: add the words "healthy populations of " after the word "support".

FW_DC_WL_03: Remove the second sentence. Just because an animal has nest or den sites in areas of existing human use does not mean the animal has accepted existing human disturbance. This habitat may be the only remnant habitat remaining and the species may be highly influenced by human activity. In some cases, animals do develop tolerances but many times that is not the case. Each situation and species must be evaluated whether it is based on acceptance or due to habitat limitations.

FW-DC-WL-04: Replace the word "support" with "meet the habitat needs for full…". Also add the words "candidate species, and state sensitive species" after the words "endangered species".

FW-DC-WL-05: Replace the words "contributes to" with the words "does not impede". Also, in the second sentence replace the word "facilitated" with the word "supported".

FW-DC-WL-06: add the following key wildlife species to the list in parenthesis after furbearers (beaver, martin, fisher, and wolverine) also add grizzly bears to the list.

Change "Nez Perce Tribe treaty rights" to "Nez Perce Tribe treaty harvest needs".

Please add measureable objectives for these added species.

Add a subset to WL-06 (WL-06.1) that addresses habitat management to support recovery of extirpated or severely declining wildlife populations of species like grizzly bears, lynx, wolverine, and fisher.

FW-DC-WL-08: Remove the words "core herd home range". The DFC should be about supporting herds across their historic range and not just present day core areas that support remnant populations.

FW-DC-WL-09: Change DFC language to the following: " Forest habitats supporting Pacific yew plant communities are managed for 100-year old thickets to provide moose winter habitat."

FW-DC-WL-10: "key areas and habitats critical to supporting bat populations are preserved for their use unless safety structural and safety concerns. Caves and mines closed for safety reasons will be preserved for providing bat roosting habitat. Old structures important for maternity roosts and hibernacula will be conserved and stabilized where possible without creating safety concerns to the public. Sufficient snag trees with lose bark will be maintained in forested areas roosting, hibernation, and maternity sites." Reference objectives for snags in forested section.

Add a DFC about managing riparian habitats to support beaver repopulation across their historic range except where specific dam sites create road and other infrastructure problems. Potential benefits of beavers and their natural dams include water storage that improves summer base-flows, capture sedimentation, encourage willow recovery and bank stabilization, and create fish habitat. Beaver benefits also help counter climate change impacts to streams. The Nez Perce Tribe supports the reintroduction of beavers as a restoration and management tool for riparian areas.

Add a DFC and an associated guideline about removing motorized conflicts, including OHV/ATV uses, with elk calving areas. Restate this DFC and guideline in the Access section and cross-reference them.

Pg. 42. Objectives

There should be measurable objectives for all the Species of Concern, Focal Species, and species listed in the wildlife DFCs including our proposed additions. These objectives should also address habitat requirements. What are the wildlife species that are habitat limited on the Forest? These should be included with their own measurable objectives. The Tribe will work to identify some of these key wildlife species and habitats during the NEPA process. Presently, elk winter range, grizzly bear habitat connectivity and mountain quail habitat are ones to consider.

Add a measurable objective about working with IDFG to support the natural and artificial supplementation of beaver populations across their historic range.

Pg. 42. Standards:

STD-WL-04: Add the word" historic" in front of "bighorn sheep home ranges". The DFC should not be to preserve the habitat of remnant populations of wild sheep but to reestablish sheep across their historic range.

Pg. 42. Guidelines

Add a guideline to provide biosecurity measures (including closures to the public) to protect cave-dwelling bats from the spread of whitenose syndrome.

GDL-WL-01 and WL-02: Make these standards. If there is a need for the exception then the Forest needs to provide its rationale.

GDL—WL-03: change from guideline to a standard and to read as follows: "Security areas shall be provided in critical ungulate habitats or where wildlife management is a high priority as determined through coordination with IDFG and the Nez Perce Tribe. These high priority or critical habitat areas shall be determined at the project level based on size and distribution of security areas and may vary based on terrain, topography, and vegetative condition."

GDL-WL-04: change to a standard and change wording to read as follows: "Winter motorized access on elk winter range will be restricted on an as-needed basis based on winter elk conditions at the recommendations of IDFG and in consultation with the Nez Perce Tribe."

GDL-WL-05: Change to a standard by changing the word "should" to "shall". If there are exceptions for why the Forest cannot build a fence that allows wildlife to cross, they need to explain those exceptions and add them as specific exceptions to the standard.

GDL-WL-06: change to a standard and change the wording to the following: "Uncommon or rare habitat elements will not receive disturbances by management activities such as timber harvest, fuels reduction, or road or trail construction/reconstruction unless approved by consulting agencies with expertise with rare or uncommon habitat elements and associated wildlife and other rare species." If the Forest has exceptions to this being a standard, they need to describe those exceptions.

Need to add a standard for escapement out of water troughs. Livestock water troughs need to be designed or retrofitted to allow wildlife escapement.

As noted previously, there needs to be clear references to relevant provisions in the vegetation, livestock, and timber sections that pertain to habitat conditions for wildlife. For example, forest structural DFC, utilization standards for forage, snag retention guidelines, etc. all relate to wildlife habitat quality.

Pg. 43. Air Quality

Change the guideline to a standard by changing the word "should" to" shall". If there is an exception for why coordination should not occur, the Forest should provide that justification.

Add footnote to the standard that references air quality regulations.

Pg. 43. Human Use on the Forest

Human use on the Forest needs to be managed to preserve the Tribe's sense of place, its productivity, and its generational and cultural continuity.

Pg. 43. Cultural Resources

FW-DC-CR-01: "The integrity of archeological sites (camps, villages, traditional cultural properties, historically significant sites, sacred sites, ceremonial sites, and culturally important use areas including hunting, fishing, and gathering areas, trails, and travel ways/corridors) remain intact for present and future generations. These sites connect people with places that provide an important native perspective of tribal occupancy and uses on the Forest landscape. Culturally important areas identified by the Nez Perce Tribe and local communities provide tangible links to culturally important uses, customs, and practices that existed on the landscape."

FW-DC-CR-02: "Historical sites are preserved to provide a greater understanding and appreciation of the local history of more recent human use (non-native) on the Forest landscape. These sites include, but are not limited to, trails, travel ways, bridges, backcountry airstrips, homesteads, mining camps and ruins, railroad logging sites; early Forest Service administrative sites and facilities that reflect agency history and identity on the landscape, including Depression-era relief program sites and features and sites on the National Register of Historic Places or eligible for NHPA listing."

Create new DFC for rental structures labeled as CR-03: "Historic buildings will be restored and maintained as part of the Forest Service rental program to add recreation capacity and diversity while generating revenue. Inclusion of structures to this maintained rental inventory and recreational use will be evaluated on a project basis."

Create new DFC for preserving tribally important present and future uses of Forest resources labeled as CR-04: **"The Forest Service shall manage resources on the National Forest in a manner that protects and advances the rights and interests of the Nez Perce Tribe as defined in treaties, statutes, executive orders, and other applicable federal law."**

Include the following 1987 Forest Plan standards; (1) "Ensure that Forest Service actions will not be detrimental to the protection and preservation of the Nez Perce Tribe's religious and cultural sites, and practices and Treaty Rights;" and (2) "Insure proposed practices and management activities are coordinated with other governmental agencies and Indian tribes to insure requirements of all laws and regulations are met and terms of

Indian Treaties are upheld.".

Pg. 44. Municipal Watersheds:

FW-DC-MWTR-01: Remove the words "significantly and/or permanently".

Add the following sentence at the end: "Exception to water quality thresholds is suspended sediment excedences during bankfull discharges or greater hydrologic events where these Suspended Sediments are typically above criteria but part of normal stream function."

Question: since these municipal watersheds are managed primarily for water quality, could they also serve as reference reaches and reference watersheds for baseline monitoring as part of PACFISH/INFISH and other baseline parameters for assessing watersheds? These areas could get special resource management identification and status (SRM).

Pg. 45. Guidelines:

FW-GDL-MWTR-01: change to "short-term negative effects may occur in the management of Source Water areas (designated as special, public, or municipal water supply watersheds) only when the purpose of such activities is for long-term benefits of watershed health and water quality. The Forest must consult and receive support from the community municipal water users prior to such activities that may cause short-term disturbance. Short-term is defined as less than 2-years of measurable negative water quality effects."

Pg. 45 Recreation – Scenic Character

Viewshed values from tribal perspective may be different from general public. If any specific sites come up, the Tribe will provide them during the NEPA planning process.

Pilot Knob Road is missing the area of Pilot Knob itself.

DC-REC-01 makes reference to DC-TE-02. Where is this in the document?

Pg. 45. Recreation Opportunity Spectrum (ROS)

Elevating recreation values to similar value status as timber, mining, and grazing is an important improvement over the 1987 plan. There may be ROS conflicts with tribal use. From a tribal perspective, recreation is not the highest priority. Resource abundance and right to access is more important.

It is important for the Tribe and the Forest to continue conversation on alternatives throughout the NEPA planning process to identify potential conflicts with proposed ROS values.

A summary needs to be provided of present and proposed non-winter and winter use classifications (Primitive through Roaded Modified) with reference to Table 16 and Table 17. Add the following changes to the tables:

Format Example for Table 16 and 17

ROS	Present (acres)	Present (%)	Proposed (acres)	Proposed (%)	Mgmt Change (acres)	Mgmt Change (%)
Primitive						
Semi-primitive Non-motorized						
Semi-primitive Motorized						
Roaded natural						
Roaded modified						
Grand Total						

By making these changes to the table, it will be possible to see the proposed change to non-winter recreation and winter recreation ROS categories.

REC-02: Assuming the Table 16 modifications are implemented, a rationale will likely need to be provided for the direction of change reflected in acres or percent.

REC-03: Same comment as for REC-02 but for table 17.

REC-02 and REC-03. A map is needed that shows the areas where the change in ROS categories will occur, for instance an area that is primitive will become semi-primitive. These changes should be shown on a map and referenced for non-winter and winter ROS changes.

REC-04: This DFC needs a summary from the assessment and an associated table showing the economic contribution (jobs, income, etc.) that the Forest directly or indirectly provides to local communities.

It is the Tribe's belief that the future economy of the Clearwater region, especially those associated with natural resources coming from the Forest is tied directly to steelhead and salmon recovery and indirectly tied to recreation opportunities on the Forest. Managing these species and the economies they support like sport fishing, guiding, recreation, does not conflict with the ecosystem health management that the Tribe supports within this Plan.

REC-05: There is reference to a summer ROS map. None is provided. Also, shouldn't the word "summer" be replaced with "non-winter" which is how spring, summer, and fall ROS is referred to earlier in the document?

Pg. 46. Access:

There needs to be a DFC about allowing tribal access to traditional use and ceremonial areas as recognized by the Treaty of 1855. Some of these areas are behind closed gates, in backcountry, or even wilderness. Special tribal access must be allowed in these circumstances. This is a topic for continued government-to-government consultation with the Nez Perce Tribe during the development and implementation of the Forest Plan Revision.

The Forest should make some judgment or determination as to the appropriate amount of OHV use on the Forest. The Plan does not address this fundamental issue. The popularity of OHVs (ATVs) has exploded, especially among hunters, and has generated user conflicts all over the Forest. Illegal use on unapproved trails and pioneering of illegal new trails are occurring across the Forest with no real strategy to correct or curtail this problem. This issue creates the highest complaints from the public. The Forest Plan Revision should identify and attempt to address this growing problem but it presently does not. The following recommended changes to DFCs, objectives, and standards, and guidelines attempts to address harm from illegal OHV use:

Change the following DFCs to read as follows:

DC-REC-07: "The Forest will maintain a transportation system of roads (consistent with DC-INF-01) trails, river access points, and back country airstrips for providing access within the desired range of recreation opportunities manageable by the Forest while also minimizing conflict with various user groups."

DC-REC-08: "As per the Forest's motor vehicle use maps, the Forest will manage designated off-highway vehicle (OHV) trails and their proper use through education, proper signage, and enforcement. The Forest will manage to prevent off-trail use (pioneering), reduce damage to vegetation and soil, and eliminate OHV misuse that creates conflicts with other users."

There needs to be an objective to curtail the expansion of unauthorized motorized use of trails on the Forest that damage habitat, cultural sites, and create user conflicts. There is need for an enforcement objective that truly will minimize this illegal activity. The present enforcement capacity of the Forest and associated fines for this illegal behavior are not an adequate deterrent. New deterrents need to be considered.

DC-REC-11: change the end to read "easily available to forest visitors at all public facilities."

DC-REC-14: change wording to the following, "winter recreation fee areas will provide a designated system of groomed motorized and non-motorized routes to provide safe winter recreation use and reduce conflicts with other winter areas and their more primitive users."

DC-REC-15: there needs to be an associated standard for this DFC that there will be no conflicts with Mountain goats or any of their key habitat from any high elevation snow machine trail(s).

DC-REC-16: Take the second sentence and make it into an objective that states signage

will be put in place in these areas within some time frame of the Plan.

DC-REC-17: Reword to the following: "Backcountry airstrips serve the land management and public needs while providing safe functioning aerial access into the backcountry. The seven existing airplane and helicopter airstrips will not expand in size but will be maintained to historic site conditions."

Pg. 47. Developed Recreation

Please provide a legal definition or reference for "developed recreation".

Pg. 47. Dispersed Recreation

Please provide a legal definition or reference for "dispersed recreation".

PACFISH is very clear in design and maintenance of recreation facilities so as to not prevent attainment of RMOs and to minimize disturbances of riparian ground cover and vegetation. In the Nez Perce-Clearwater Forest Plan Proposed Action, the direction and intent of PACFISH has been downgraded by allowing disruptive activities (through open-ended guidelines) in Riparian Habitat Areas and critical habitats which may harm treaty rights and resources. The following "guidelines" in the Nez Perce-Clearwater Forest Plan Proposed Action should be changed to "standards" and read as follows:

Pg. 48 Guidelines: FW-~~GDL-~~ **STANDARD** -REC-05. Riparian Habitat. Recreation facilities, including trails, bridges, fords, trailheads, and campgrounds, **shall** be designed, constructed, maintained, and managed in a manner that does not prevent meeting desired stream conditions in FW-DC-RHAS-11 ***(As stated earlier, FW-DC-RHAS-11, Table 15 needs to be changed to either a guideline or a standard)***.

Recreation Management in RCAs

To continue to meet the requirements of PACFISH, the following standards need to be added to the Nez Perce-Clearwater Forest Plan Proposed Action:

REC-Standard-2: Design, construct, and operate recreation facilities, including trails and dispersed sites, in a manner that does not retard or prevent attainment of the RMOs and avoids adverse effects on listed anadromous fish. Complete Watershed Analysis prior to construction of new recreation facilities in Riparian Habitat Conservation Areas. For existing recreation facilities inside Riparian Habitat Conservation Areas, assure that the facilities or use of the facilities will not prevent attainment of RMOs or adversely affect listed anadromous fish. Relocate or close recreation facilities where RMOs cannot be met or adverse effects on listed anadromous fish avoided.

REC-Standard 3: Adjust dispersed and developed recreation practices that retard or prevent attainment of RMOs or adversely affect listed anadromous fish. Where adjustment measures such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures are not effective in meeting RMOs and avoiding adverse effects on listed anadromous fish, eliminate the practice or occupancy.

REC-Standard-4: Address attainment of RMOs and potential effect on listed anadromous fish and designated critical habitat in Wild and Scenic Rivers, Wilderness, and other recreation management plans.

Pg. 48. Interpretation and Education:

No comments here…

Pg. 49. Infrastructure:

Please describe in a brief summary the present status of infrastructure on the Forest and the issues this Plan wants to address.

FW-OBJ-INF-01 plans to decommission 300 miles of road (over the life of the Plan). Then FW-OBJ-INF-02 says that they can construct up to 400 miles of new road.

- We suggest a net loss in road miles.

OBJ-INF-02: split this into two separate objectives; one for construction road miles separate from one for reconstruction and relocation road miles. These are seen as two different issues pertaining to infrastructure. New construction looks more to addressing forest transportation needs. The other is an attempt to correct existing road problems.

FW-OBJ-INF-03 suggests reducing the road mileage maintained.

- "Abandoning" the road would not be an acceptable strategy for reducing road mileage.
- There should be some "guideline" or "standard" to require inventory prior to this happening so that we are not leaving sediment sources on the landscape.

OBJ-INF-04: please reference the assessment document where these road classifications are defined or shown in a chart or graph. The reader should not have to try to figure out what these terms mean.

Roads in RCAs

PACFISH is very clear in requiring coordination to achieve consistency in road design, operation and maintenance and requires ecosystem analysis prior to construction of new roads or landings in RCAs. It also requires both road and transportation plans with a determination of the influence each road has on RMOs. In the Nez Perce-Clearwater Forest Plan Proposed Action, the direction and intent of PACFISH has been marginalized by suggesting that Riparian Conservation Areas can allow road construction activities. This more liberal interpretation of PACFISH intent may harm treaty rights and resources.

GDL-INF-01: define MVUM.

The following "guidelines" in the Nez Perce-Clearwater Forest Plan Proposed Action need to be changed to "standards" and any exceptions need to be explicitly articulated within the standard. Our suggested changes read as follows:

Pg. 49. Guidelines

Change "should" to "shall" in the following guidelines to make them standards: INF-03 thru INF-18. INF-15 and 16 references other guidelines which now need to be referenced as standards.

The following PACFISH requirements need to be added as new standards for this Infrastructure section:

New Standard (INF-19). Cooperate with federal, tribal, state, and county agencies and cost-share partners to achieve consistency in road design, operation, and maintenance necessary to attain RMOs.

New Standard (INF-20). For each existing or planned road, meet the RMOs and avoid adverse effects on aquatic resources as described below:

a. Ecosystem Analysis at the Watershed Scale shall be completed prior to construction of new roads or landings in RCAs.
b. Road and landing locations in RCAs shall be minimized.
c. Initiate development and implementation of a Road Management Plan or a Transportation Management Plan. At a minimum, the Plan shall address the following items:

- Road design criteria, elements, and standards that govern construction and reconstruction.
- Road management objectives for each road.
- Criteria that govern road operation, maintenance, and management.
- Requirements for pre-, during-, and post-storm inspections and maintenance.
- Regulation of traffic during wet periods to minimize erosion and sediment delivery and accomplish other objectives.
- Implementation and effectiveness of monitoring plans for road stability, drainage, and erosion control.
- Mitigation plans for road failures.

d. Avoid sediment delivery to streams from the road surface. Outsloping of the roadway surface is preferred, except in cases where outsloping would increase sediment delivery to streams or where outsloping is infeasible or unsafe. Route road drainage away from potentially unstable stream channels, fills, and hillslopes.
e. Avoid disruption of natural hydrologic flow paths.
f. Avoid side casting of soils or snow. Side casting of road material is prohibited on road segments within or abutting RHCAs.

New Standard (INF-21). Determine the influence of each road on RMOs. Meet RMOs and avoid adverse effects on aquatic resources by:

a. Reconstructing road and drainage features that do not meet design criteria or operation and maintenance standards that have been shown to be less effective

than designed for controlling sediment delivery, that retard attainment of RMOs, or that do not protect watersheds from increased sedimentation.
b. Prioritizing reconstruction based on the current and potential damage to aquatic resources and their watersheds, the ecological value of the riparian resources affected, and the feasibility of options such as helicopter logging and road relocation out of RHCAs.
c. Closing and stabilizing or obliterating and stabilizing roads not needed for future management activities. Prioritize these actions based on the current and potential damage to aquatic resources in watersheds and the ecological value of the riparian resources affected.

Pg. 52. Lands

When Forestlands are being considered for transfer or exchange with private landowners, there needs to be a process to address treaty rights that are at risk of loss when lands are taken out of federal management. This issue needs to be addressed through government-to-government consultation with the Nez Perce Tribe to develop proper protections and/or mitigations on a site by site basis.

Pg. 52. Production of Natural Resources

Timber: It is the Tribe's perspective that implementing the silvicultural treatments can achieve the desired future conditions (DFC's) for the Forestlands and Timber. Wildfire, prescribed fire, and tree removal are the three types of treatment planned for altering tree species, size, stocking levels, stand structures and distribution over the landscape area designated as the commercial forest base. Tree removal that involves commercial sized trees can produce timber values supporting accelerated restoration activities shortening the timeframe needed to achieve desired future conditions.

The Tribe's concern is in how managing for Forestland and Timber objectives can be accomplished while also meeting those of Aquatic Ecosystems including management of RCAs and overall watershed health. The Tribe expects to see the Forest put a priority on aquatic and watershed DFC while meeting timber management DFCs and objectives. Another way of communicating this point is to say, we support timber production as long as the Forest can demonstrate it is managing the long-term recovery of damaged RCAs, watersheds, and key habitats of keystone aquatic species. Timber production should be a by-product of active management of the Forest for ecological health, fire protection, and salvage opportunities during the planning cycle. Timer production should not be a trade-off to these other management desired conditions.

It is difficult to determine from the planning data the area estimated to be impacted by both wildfire and prescribed fire, as well as the area planned to be commercially logged or pre-commercially thinned. It is not clear under what conditions salvage logging will occur after wildfires. Having specific criteria for salvage logging prior to wildfires may expedite the NEPA process after fires and allow timber value to be recovered by salvage logging in a timely fashion. Capturing timber value and investing it in restoration activities would enable the Forest to achieve desired future conditions sooner given that silvicultural treatments are limited by funding and staffing.

This section needs a brief summary of the present timber assessment provided by species

composition, size class, density, and structure of the eligible timber base as described and presented in similar tables in the six Forestland types described on pages 16-29. Please refer to our comments in the Forestland section to add existing conditions to those tables and the request for similar tables here. By providing present and future numbers for species composition, sizes, density, and structure will we all be able to understand management direction and timber harvest objectives.

Second paragraph: TPSQ and PSQ should be defined.

Pgs. 52 and 53. The narrative provides a PSQ range of 58- 150 MMBF, as supported by the OBJ-TBR-01. Please extrapolate from these two harvest volumes scenarios the time frame (in years) to meet the DFCs of the Forest, assuming the plan is fully implemented.

Pg. 53. By providing a breakdown of timber removal based on species composition, size class, density, and structure over the planning cycle, the timber industry can prepare and plan accordingly for the managed supply by the Forest. Rural timber based businesses and communities can move to capitalize on more specific product removals of the long-term planned harvests.

Pg. 53. Desired Conditions

Please add to the Timber DFC section the following statement: Timber management objectives and harvest activities will not cause long-term harm to watershed health and in-stream DFCs as outlined in the Aquatic Systems section (page 34-41).

DC-TBR-01: Please change the last words "the current vegetation pattern to a desired vegetation pattern" to "unhealthy or overabundance of a vegetation pattern to a healthy or more ecologically balanced vegetation pattern."

DC-TBR-02: change language to the following: "Restoration treatments that include timber harvesting will contribute to the long-term business and employment opportunities in the region as a byproduct of active management of Forest health, ecosystems, and associated habitats. Productive timber lands continue to support traditional lifestyles and generational ties to the land, including those of local and regional communities and the Nez Perce Tribe. A sustainable mix of timber products is offered with the primary focus to address forest health with a secondary purpose to support timber based businesses."

DC-TBR-04: The Forest should not use such vague language that allows active management to emulate extreme natural disasters like large wildfires, and massive insect and disease loses.

Please add the following test to make TBR-04 read "reflect the scale of natural disturbances (excluding extreme natural disasters that cause long-term harm to key habitats, watershed health and/or in-stream conditions)." The Forest may resolve this issue by more clearly articulating the difference between a natural disturbance and an extreme natural disaster. The Forest shouldn't be including natural disasters in their definition of the natural range of variability of a DFC.

Pg. 53. Objectives:

OBJ-TBR-01. Add table showing breakdown of PSQ by species composition and size class.

Pg. 54. Standards:

STD-TBR-02: Please change the wording "may be irreversibly damaged" to "will cause long-term damage or downward trend in watershed condition…".

Language like "Irreversibly damaged" is an unacceptable threshold especially when your own document in the "Aquatic Ecosystem" section refers to watershed and water quality standards and guidelines to allow management activities that cause only short-term negative impacts for the benefit of long-term conditions. Management activities cannot cause long-term negative impacts or downward trends in watershed condition let alone "irreversibly damaged".

STD-TBR-03: change to the following: "Within 3 years of completion of vegetation management activities, at least 85% of land within activity area boundaries has all five soil ecological functions in a functioning condition; or if previous activities resulted in impaired soil function, these impairments must be corrected prior to present vegetation activities. Implementing or repairing using appropriate BMPs will need to show an upward trend toward improved soil function prior to any new vegetation management activities."

It is our belief that if within 3 years 15% of the area is not meeting soil function and/or previous management activities have present or existing problems, then vegetation management should not occur in the Watershed until these problems are addressed. This is an unhealthy tiering of unacceptable conditions from treatment to treatment within a watershed that leads to in-stream damages when a 25-year hydrologic event creates a 100-year flood event by undermining the basic principles of hydrologic function in a watershed. Protection of watershed health is paramount and should not be compromised long-term during vegetation manipulation (timber harvest). Hydrologic maturity of each watershed should be a priority and considered at a 5^{th} or 6^{th} order HUC unit.

STD-TBR-04: Shouldn't table 18 be based on the 6 Forestland types as outlined on pages 16-28?

Please define HRV in table 18.

STD-TBR-07: Remove last sentence and replace with the following: "Exceptions to restocking levels is when lands are harvested for fuel breaks, creating vistas, or to prevent tree encroachments."

STD-TBR-11: Please explain why salvage or sanitation harvesting should not be part of this decade timber sale standard? Doesn't this salvage exclusion conflict with the DFCs outlined for the 6 Forestland types on page 16-27? For instance, if there were major forest-timber losses due to fire in the roadless or wilderness area, yet logging the roaded front was allowed then how can the Forest-wide DFCs for Forestland types be met? These are the DFCs based on Forestland types' species composition, structure, density, and snag requirements. In other words, what happens to Forestland types in the roadless and wilderness would limit what the Forest could do in the roaded front to meet timber objectives.

Pg. 55. Timber Management in RCAs

PACFISH is very clear in prohibiting timber harvest (GDL-TBR-01), including fuelwood

cutting in Riparian Conservation Areas (RCAs) except under very limited circumstances caused by catastrophic events and after ecosystem analysis at the watershed scale has been completed. Silvicultural practices for RCAs may be used to acquire desired vegetation characteristics where needed to attain RMOs. PACFISH appears to be marginalized by the softer language that allows opening RCAs to all manner of manipulation which can harm treaty rights and resources.

FW-STD-TBR-13. Riparian Habitat. Timber harvest and salvage logging may be conducted in RCAs **only** where needed to restore, protect, or enhance the physical and biological characteristics of the RCA, including desired stream conditions in FW-DC-RHAS-11, Table 15

(FW-DC-RHAS-11, Table 15 needs to be changed to either a guideline or a standard). Where catastrophic events such as fire, flooding, volcanic, wind, or insect damage result in degraded riparian conditions, allow salvage and fuel wood cutting in Riparian Conservation Areas only where present and future woody debris needs are met, where cutting would not retard or prevent attainment of other RMOs, and where adverse effects on listed anadromous fish can be avoided. For watersheds with listed salmon or designated critical habitat, complete Watershed Analysis prior to salvage cutting in RHCAs.

FW-STD-TBR-14. Riparian Habitat. Silvicultural practices not resulting in impaired soil function (e.g., pre-commercial thinning, planting, prescribed burning, control of noxious weeds…) may be conducted in RCAs to move toward desired conditions of vegetation and fuels **only** where existing aquatic ecosystem conditions **are** maintained or improved, and adverse effects to threatened or endangered aquatic species, or species of conservation concern, are avoided.

Add new Standard STD-TBR-15: "Maintain 10% of each Forestland type in old growth. This especially includes forest types in lower elevations where those in the backcountry and wilderness do not occur. These old growth stands need a minimum stand size of 200 acres with adequate connectivity between stands. The acres of Forestlands that exists in RCAs count towards meeting this 10% old growth requirement." This requirement is for wildlife species and needs to be cross-referenced in the Forestland DFC section and the Wildlife DFC section.

Pg. 55. Guidelines:

The Nez Perce Tribe's staff from the Fisheries Department (Watershed Division) would like to meet with the Forest Hydrologist (and others) and work to develop better standards/guidelines in place of Guidelines 6 through 8. The measures proposed in 6 and 7 document potential deterioration of hydrologic function through flow and sediment increases after timber is removed. These measures are not preventive and can only be truly verified over a long period of monitoring. Flow and associated erosion is highly variable based on seasonal weather and annual climate. It would take several years of intense monitoring and then averaging these values to compare to long-term flow and sediment trends to be conclusive of compliance or non-compliance. Often, this level of monitoring is resource limited. Besides this data will only document after the fact that

timber management has increased long-term runoff and sedimentation, a violation of guidelines/standards. There are more simple measures that are preemptive like setting a percent of a watershed that can be in early seral forest at any one time.

We would like to suggest that no more than 30% of any degraded or species-sensitive watersheds have stand replacement harvests at any one time. These stand-replacing harvests must be 25 years old or older before another reentry can occur. The exception is if the Forest has an agreed-upon sampling method that verifies that the revegetation is hydrologically mature to withstand peak runoff events (bankfull discharge or greater) before another stand replacement harvest can occur. For pristine watersheds, we recommend this watershed percent in early seral (less than 25 years old) be less than 40 % of the watershed. These percentages are to meet clearcut size limitations as described earlier in the PA. These preemptive thresholds are easy to calculate and would prevent overharvest of timber or have too much of a watershed hydrologically immaturity.

The following "guidelines" should be changed to "standards" and read as follows:

FW- GDL-TBE-02:

FW-~~GDL~~- **STANDARD** - TBR-06. Water Quality. To reduce stream channel scouring and stream bank erosion due to increased water yield, when evaluated at the subwatershed scale (HUC-6), timber harvesting **shall** not increase average annual peak flows greater than 15 percent; in subwatersheds where an aquatics (fisheries) restoration/maintenance priority exists, timber harvesting **shall** not increase average annual peak flows greater than 10 percent. The maximum expected change in peak flows **shall** not persist longer than 2 years. The evaluation of peak flows **shall**:

> a) Include effects from all events that change overstory canopy composition, including historical fire suppression activities, wildfires, prescribed fires, timber harvests, wind events, and natural mortality; and
>
> b) Include events described in (a), all lands within the subwatershed, regardless of ownership.

(How are the predicted increase in annual average peak flows from climate models factored into the analysis?) Baseline peak flow data needs to be determined for watersheds based on historical and desired future conditions of forest canopy rather the current stocking levels. Using current conditions rather than desired future conditions as a baseline for modeling watershed will impede achieving management objectives.

FW-~~GDL~~- **STANDARD** - TBR-07. Water Quality. When evaluated at the subwatershed scale (HUC-6), timber harvesting and new road construction (both temporary and permanent), reconstruction, or reconditioning projects **shall** not significantly increase sediment loads. Where insignificant but observable sediment delivery to watercourses is occurring, sediment delivery **shall** not persist longer than 5 years."

Need to define significant – is it just simply what is able to be measured using current technology or can extrapolation based on Rosgen-Leopald statistics apply? In other

words is this measure based on observed measured or based on modeling. This needs to be clearly defined. Also, how do sediment measures of this guideline/standard compare to suspended sediment water quality standards?

FW-~~GDL~~- **STANDARD** -TBR-08. Water Quality. To minimize the amount of sediment that is generated and delivered to watercourses from areas where vegetation management (including wildfire and fuels reduction treatments) is conducted, projects **shall**:…".

FW-~~GDL~~- **STANDARD** - TBR-09 Riparian Habitat. To reduce chronic sediment delivery in Potential Stronghold Watersheds with streams that are not meeting the desired conditions in FW-DC-RHAS-11, Table 15***(FW-DC-RHAS-11, Table 15 needs to be changed to either a guideline or a standard)***, timber harvesting and road construction projects (including temporary roads) **shall** be off-set by long-term watershed improvement project elements (e.g., decreased forest risk of severe wildfire, road decommissioning and hydrologically disconnecting road segments).

Pg. 57. Suitability-Timber Production

Table 19: Add or recommend old growth standard (STD-TBR-15) as a bullet within the table across all Forestland classifications. Include those acres within RCAs that meet old growth definition and contribute to meeting the 10% old growth criteria.

Pg. 60. Energy and Minerals

PACFISH is very clear in avoiding adverse impact by mineral operations in RCAs or critical habitat and requiring a reclamation plan, approved plan of operations (or other such governing document), and a reclamation bond for those operations that would be located in an RCA and could affect attainment of RMOs or could adversely affect listed anadromous fish. In the Nez Perce-Clearwater Forest Plan Proposed Action, the direction and intent of PACFISH has been downgraded by opening Riparian Habitat Conservation Zones and critical habitats to potentially damaging operations that may harm treaty rights and resources.

DC-EM-01: change to read, "Locatable minerals are available for prospecting, exploring, developing, and producing as long as all work can be demonstrated to be safe to human health and the environment, including compliance with PACFISH through protection of watershed health and meeting RMOs. All private companies participating in mining-related activities on the Forest will be appropriately bonded to cover cost of measured risks of environmental damages from any unauthorized chemical releases, spills, or runoff."

DC-EM-02: change to read, "Lands are successfully reclaimed using approved restoration plans in a reasonable amount of time that meets key wildlife habitat and watershed health objectives. Costs for the planning and restoration activities is the responsibility of the mining company and should not place undue financial burdens on Forest resources."

The second sentence of the original language of EM-02 should be a separate DC and it should read as follows, "Abandoned mines that present a physical or chemical hazard are identified, inventoried, prioritized and reclaimed in a reasonable amount of time to minimize risk to human health and the environment."

DC-EM-03 and DC-EM-04: change words "in an appropriate manner" to read "to preserve the long-term integrity of the airshed, watershed, and key wildlife habitats wherein the mine/lease exists."

Replace DC-EM-05 and DC-EM-06 with the following, "Energy resources can be utilized on the Forest and will be available through lease and contribute to market demand. Policies will be in place outlining the Forest's conditions and procedures for such leasing of energy sources, including but not limited to geothermal, natural gas, other petroleum-based products, and biofuels. Allowing leases prior to policy development through a public process would be premature."

The point here is there is no reference to existing policies on such leasing. If there is no reference to such policies then the above language protects the public's interests by requiring one.

Pg. 60. Objectives:

Create additional objective to read as follows:"OBJ-EM-02: site visits of leases and mining sites will occur annually to check compliance with terms of their lease, General Construction Permit (GCP), 404-permits, and any other regulations under the authority of the Forest as a manager. Each site visit will be documented and filed electronically and eligible under FOIA requests."

Pgs. 60-61: The following "guidelines" need to be changed to "standards" and the word "should" needs to be replaced with "shall" from EM-03 through EM-11. (By the way, there are two EM-10s. Please label the second one as EM-11.)

To continue to meet the requirements of PACFISH, the following standards need to be **added** to the Energy and Minerals section:

Standard-EM-12. Prohibit solid and sanitary waste facilities in RHCAs. If no alternative to locating mine waste (waste rock, spent ore, tailings) facilities in RHCAs exists, and if releases can be prevented and stability can be ensured, the:

> a. Analyze the waste material using the best conventional sampling methods and analytic techniques to determine its chemical and physical stability characteristics.
> b. Locate and design the waste facilities using the best conventional techniques to ensure mass stability and prevent the release of acid or toxic materials. If the best conventional technology is not sufficient to prevent such releases and ensure stability over the long term, prohibit such facilities in RHCAs.
> c. Monitor waste and waste facilities to confirm predictions of chemical and physical stability, and make adjustments to operations as needed to avoid adverse effects to aquatic resources and to attain RMOs.

d. Reclaim and monitor waste facilities to assure chemical and physical stability and revegetation, to avoid adverse effects to aquatic resources, and to attain the RMOs.
e. Require reclamation bonds adequate to ensure long-term chemical and physical stability and successful revegetation of mine waste facilities.

Standard-EM-13. For leasable minerals, prohibit surface occupancy within RHCAs for oil, gas, and geothermal exploration and development activities where contracts and leases do not already exist, unless there are no other options for location and RMOs can be attained and adverse effects to aquatic resources can be avoided. Adjust the operating plans of existing contracts to (1) eliminate impacts that prevent attainment of RMOs and (2) avoid adverse effects to native aquatic species.

Standard-EM-14. Permit sand and gravel mining and extraction within RHCAs only if no alternatives exist, if the action(s) will not retard or prevent attainment of RMOs, and if adverse effects to native aquatic species can be avoided.

Standard-EM-15. Develop inspection, monitoring, and reporting requirements for mineral activities. Evaluate and apply the results of inspection and monitoring to modify mineral plans, leases, or permits as needed to avoid adverse effects on native aquatic species and to eliminate impacts that prevent attainment of RMOs.

Pg. 62. Livestock Grazing

The Livestock Grazing section needs to address the following:

a. Livestock grazing disturbances encourage weed infestations and spread. Livestock is a vector for weeds. There needs to be a DFC and associated guidelines about livestock grazing not contributing to noxious weed infestations and spread.

b. Domestic sheep grazing needs to be removed from the Forest where it conflicts with wild sheep historic ranges consistent with the Payette National Forest's 2010 Record of Decision for the: Final Supplemental Environmental Impact Statement and Forest Plan Amendment Identifying Suitable Rangeland for Domestic Sheep and Goat Grazing to Maintain Habitat for Viable Bighorn Sheep Populations. A suitability determination needs to be made to clearly map where domestic sheep and goat grazing is allowed.

c. Treaty rights to graze livestock on the Forest needs to be articulated. The Tribe expects someday there will be cooperatives among tribal horse owners that will want to collectively graze their stock on the Forest. The Tribe and the Forest may wish to develop an MOA that outlines the process and responsibilities of the Forest, the Tribe, and potential tribal livestock owners before this tribal grazing opportunity is wanted on the Forest.

PACFISH is very clear in modifying or restricting domestic grazing in RHCAs unless attainment of RMOs. In the Proposed Action, the direction and intent of PACFISH has

been downgraded, opening RCAs to potentially damaging grazing activities which may harm treaty rights and resources.

The livestock "guidelines" should be changed to "standards" and the word "should" needs to be replaced with "shall" for the following Grazing numbers GRZ-01 through GRZ-10.

One new guideline needs to be created that reads as follows: "Culturally important plant species gathered by the tribal public from known wet meadows, RCAs and open grasslands that exist within grazing allotments should not be grazed prior to these special tribal uses. This is a conflict with tribal treaty rights. Though such sites and their use are kept private, it is the Forest's intent to respect tribal use where this gathering becomes public knowledge or is brought to staff's attention through tribal consultation and/or during the agency allotment review process. Once specific sites become known, the Forest will work with the Tribe to remove conflict with traditional uses and the livestock operation."

To continue to meet the requirements of PACFISH, the following standards need to be **added** to the Grazing Section:

"Standard GRZ-11: Modify grazing practices (e.g., accessibility of riparian areas to livestock, length of grazing season, stocking levels, timing of grazing, etc.) that retard or prevent attainment of RMOs or are likely to adversely affect ESA listed anadromous fish. **Suspend grazing if adjustment of BMPs is not effective in meeting RMOs or avoiding adverse effects on listed anadromous fish."**

Pg. 63. Special Forest and Botanical Products:

What happens when there are too many users and not enough resources that are shared by the Tribe with the non-tribal public? How does the Forest plan to preserve tribal uses if or when this situation occurs? Huckleberry picking and mushroom gathering are future challenges of overuse that may occur in this planning cycle.

FW-DC-SFP-01. Change to read as follows, "Special Forest and Botanical products are abundant throughout their range and managed to sustain that abundance for current and future generations."

Add the following DFCs:

DC-SFP-02: Vegetation management will augment the firewood program to provide opportunities for those wanting to collect firewood.

DC-SFP-03: Actively manage huckleberry habitats with prescribed fire in the roaded front to sustain them for future generations. (Provide an acreage estimate of total acres of habitat on the roaded front that supports or may support huckleberries.)

DC-SFP-04: Manage the sustainability of other forest and botanical products that may come into high popularity and use. Develop policies as to timing of collection, collection volume, and permitting.

Add an objective for managing huckleberry habitats by use of overstory thinning or cool-season prescribed fire (500 acres treated every 5 years). This objective needs to be cross

referenced to the same one mentioned in the "Grasslands and Shrublands" section on page 30.

Pg. 65. Chapter 3:

At this time Chapter 3 appears to be an early attempt at outlining two Wilderness options that will likely become alternatives in the initial NEPA draft document. Our comments are general in nature. It is our opinion that these two options are missing key elements to become fully developed alternatives. Options A and B present management areas MA-1 (Wilderness, et. al.), with a range of implementation potential for the wilderness but none for MA-3 (Roaded Front) or its resource areas like Forestland, grasslands, aquatic resources, and other resource sections. Chapter 3 needs to present a more thoroughly developed narrative for resource elements in MA-1, MA-2, and MA-3. There could be management area direction for MA-3 (roaded front) that illustrates conservative vegetation management (less focus on timber harvest/prescribed fire) and then provide a more intensive vegetation management (more focus on timber production/prescribed fire) The Proposed Action could also show varying degrees of focus on wildlife and aquatic resource management. These important resources need to be included in Chapter 3 as part of the Proposed Action for MA-3. Setting DFCs for specific resource sections in Chapter 2 does not exclude the Forest from presenting an option A or Option B for all sections across the roaded front, backcountry, and wilderness. Different levels of emphasis or implementation by resource section is the intent of alternatives development and public review and comment. As Chapter 3 is presently presented, only MA-1 and MA-2 areas have a strawman Option A and B proposal but no focus shown for MA-3.

Going forward into Alternatives development, the Forest needs to develop alternatives that emphasize at least three main things: (1) focus on watershed and wildlife habitat restoration as a priority and less on timber removal (meeting the lower end of allowable cut); and (2) an alternative focusing on upper end of allowable cut while managing existing wildlife and watershed habitat while improving damaged areas, and (3) a third alternative that emphasizes a balance of timber management and wildlife and fish habitat. These alternative differences is the focus on the Roaded front where active management primarily occurs and where many of the natural resource concerns are located. The Forest has minimal resource management influence in MA-1 and MA-2 except for land protection designations. Few active management tools are available in MA-1 and MA-2. That is why MA-3 needs a full range of developed alternatives.

SMAs: The Forest needs to define "low levels" as it relates to the proposed special management area allocations in MA-1 that have a desired condition for preserving opportunities to experience some qualities of wilderness character while allowing low levels of winter motorized use. Without defining "low level" before access is allowed, interpretation of low is open to the Forest Manager's discretion. Once motorized recreation use is/has been established in SMAs, it will be a fight to reduce their use even when found to be ecologically/scientifically harmful. Science should lead the discussion.

Wilderness as reflected in legislation, is written from a Euro-American perspective of land use. The Nez Perce Tribe supports the wilderness concept for resource protections, but do not support the access limitations it puts on tribal access and use. The treaty of 1855 preserves the right of tribal access and use. These uses and access have existed

prior to any wilderness designations and should be exempt in any future wilderness designations.

The Nez Perce Tribe will continue to provide comments on Chapter 3 as it evolves into a more fully developed alternative and we look forward to the next revision. We plan to glean from our above comments and provide a detailed list of preferred elements we expect to see in a preferred alternative. The Forest may wish to call it a Tribal Alternative but this would be incorrect. Our comments will evolve during the development of alternatives in the NEPA process until 2016 completion. We fully expect to continue to work though government consultation and through our technical staff with the Forest management in developing a preferred alternative and final plan.

Pg. 83 Chapter 4:

We have provided recommendations for resource monitoring throughout our comments for most all resource sections of the PA. We expect these to be carried forward into the monitoring plan. We will continue technical dialog with your staff on how best to develop and implement monitoring concepts like hydrologic maturity into the monitoring plan.

Since no monitoring information was provided in the PA-Chapter 4, we look forward to reviewing and providing comments once Chapter 4-Monitoring is provided. We are especially interested in how the proposed monitoring plan feeds back into an adaptive management framework as required by the Planning Rule (219.12).

Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

May 1, 2018

Ms. Cheryl F. Probert, Forest Supervisor
Nez Perce-Clearwater National Forests
United States Forest Service
903 3rd Street
Kamiah, ID 83536

Re: ***Comments on the December 18, 2017, Alternatives Framework for the Nez Perce-Clearwater National Forests Plan Revision***

Dear Supervisor Probert:

The Nez Perce Tribe ("Tribe") appreciates the opportunity to provide feedback on the Nez Perce-Clearwater National Forests' ("Forest") Plan Revision Alternatives Framework ("Framework" or "Plan"). The Tribe's technical staff received the Framework in late December and met with the Forest's planning staff on February 16, 2018, to provide preliminary feedback. Tribal staff could not provide comprehensive feedback at the February 2018 meeting because some of the Framework components were either missing or not fully developed. Attached is more complete feedback from Tribal staff on the Framework. The Tribe anticipates that it will have additional comments in the future on the Framework and the Forest's alternatives as they further develop.

Of paramount importance to the Tribe is that the Framework and subsequent Forest Plan alternatives protect the Tribe's treaty-reserved resources. The Forest is located entirely within the Tribe's aboriginal territory subject to the rights the Tribe reserved, and the United States secured, in the Treaty of 1855.[1] The Forest is also located within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission,[2] and encompasses areas of cultural and spiritual significance to the Tribe. As a result, the Forest has a Trust responsibility to protect the Tribe's treaty-reserved resources and associated habitats. The Tribe considers the protection of Treaty-reserved rights and other rights and interests in this Plan a paramount obligation of the Forest.

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[1] Treaty with the Nez Perces, June 11, 1855, 12 Stat. 957.

[2] *Nez Perce Tribe v. United States*, Docket #175, 18 Ind. Cl. Comm. 1.

The Tribe appreciates the Forest's ongoing commitment to collaborating with the Tribe in the development of Framework alternatives. Please feel free to contact Jonathan Matthews, Environmental Specialist, at jonathanm@nezperce.org, or Amanda Rogerson, Staff Attorney, at amandar@nezperce.org, with any questions or concerns.

Respectfully,

Mary Jane Miles
Chairman

NEZ PERCE TRIBE'S COMMENTS ON ALTERNATIVES FRAMEWORKFOR THE NEZ PERCE-CLEARWATER NATIONAL FORESTS
APRIL 2018

I. GENERAL COMMENTS

- The Framework needs a strong monitoring section to implement the Forest Plan so that there is a mechanism for measuring progress toward achieving desired conditions. For every desired condition ("DC") in the Framework, there needs to be a monitoring component to evaluate its present status and progress throughout the life of the Plan. If the DC wording does not provide adequate measureable unit(s), then there must be a quantitative or qualitative "measureable objective" associated with the DC that identifies when, where, or how progress will be measured. In short, why have a DC described in the Plan if it cannot be evaluated over time?

- Standards vs Guidelines: The Tribe cannot support the Framework's broad attempt to move away from standards toward guidelines. The Tribe supports the use of standards as stated in our original comment letter on the proposed action dated November 14, 2014. A move away from standards is not justified or warranted under the 2012 Planning Rule.

  The Forest leadership has stated that DCs are as protective as standards. The Tribe does not agree. If this is the Forest's position, however, the Tribe asks that the Forest state this explicitly in the Framework, NEPA documents, and the Framework itself.

- Conflicting Desired Conditions: The Tribe is concerned that the Framework has conflicting DCs for one or more resources. The four bulleted items starting on page 10 of the Framework can be interpreted to allow the pursuit of one DC at the expense of another, especially when it comes to watershed health.

- The Framework needs to state that management and protection of trust resources is a priority for the Forest. The Tribe recommends that the Forest incorporate two standards from the 1987 Clearwater Forest Plan that capture that intent. These standards read as follows: (1) "Ensure that Forest Actions are not detrimental to the protection and preservation of Indian Tribes' religious and cultural sites, practices and treaty rights" (Page II-23, 3g Standards-3. Cultural Resources), and (2) "Ensure proposed practices and management activities are coordinated with other government agencies and Indian Tribes to insure requirements of all laws and regulations are met and terms of Indian Treaties are upheld." (Page II-21, E(1)(d)). Both standards could be placed under Section 2.0 Tribal Trust Responsibility.

- The Framework does not make clear how the Plan will address known ecological stressors to vulnerable ecosystems supporting sensitive fish and wildlife species. The Tribe needs to understand how ecological stressors will be addressed in the Plan and will provide comments accordingly.

- The Tribe strongly recommends adding an "Invasive Species" Plan component that identifies DCs, goals, objectives, standards, and guidelines, where appropriate. This Plan component

would ensure that all Forest management activities are designed to minimize or prevent the establishment or spread of invasive species on Forest System Land, or to adjacent areas, and would help provide for resilient ecosystems.

- The Tribe expects that the Plan will provide scientifically sound and meaningful directives that will not only maintain and restore Tribal resources but will also prevent long-term degradation of these resources.

II. COMMENTS ON SPECIFIC FOREST PLAN COMPONENTS

Introduction to Forest Plan Components

- Desired Conditions: Pg. 10-11 - The four numbered bullets appear to allow for the Forest to harm or degrade trust resources in the pursuit of other DCs. The Tribe suggests that these four bullet points be worded in a manner that ensures that the pursuit of some DCs does not allow for the degradation of culturally important fish and wildlife habitats and gathering sites.

1.1.1 Across the Landscape:

- Historic fire regimes of the four Potential Vegetation Type ("PVT") groups need to be described or referenced in this section.

1.1.2 Forestlands:

- The PVT framework could be used throughout the document to organize and refine terrestrial Plan components important to ecological processes. For example, the front country (MA-3) designation encompasses a broad range of ecological conditions with varying and potentially divergent management needs. This PVT framework, with the assistance of step-down structure of habitat types or fire groups, could help identify ecological boundaries for federally-listed species, species of conservation concern ("SCC"), focal species, and big game, etc.

- Understory vegetation should be managed as a core component of forestlands rather than through the lens of fuels management or timber production. As currently drafted, the Framework language only addresses "within-stand characteristics" under FW-DC-FOR-02 (specific to warmest and driest sites only) as "dominated by native grasses, forbs, and low shrubs" (what's a "low shrub," and why not shrubs in general?). One option may be to tier down from the PVT group-wide composition and size class information in the tables to identify desired cover, density, or etc. ranges for dominant understory species within each tree dominance type. For instance, within the ponderosa-pine dominance type in the Warm Dry PVT group, what are the DCs for the condition of major understory species like ninebark, ocean spray, etc.?

- An explanation of the present condition needs to be added in Tables 3 through 10 (pg. 17-24) where they have major deviations from desired range(s). For the benefit of the public, please provide an explanation to primary cause(s) and their history.

- Tables 3, 5, 7, and 9 need to show the present condition and desired range for each management Areas (MA-1, MA-2, and MA-3). Also, please provide acres within each management area (MA-1, MA-2, MA-3). This would be much more informative as to relative abundance of each dominance type and where departure occurs across management areas.

- Tables 4, 6, 8, and 10 need to include current condition for each management area and not be summarized across the entire forest. This will enable departure to be better understood by management area.

- Tables 4, 6, 8, and 10: Trees greater than 20 inches (20+) need to be broken out into additional size categories. From a wildlife habitat standpoint, additional large tree size classes would be valuable information to have.

- FW-DC-TE-05 should reflect forage resources, not just nectar resources.

- FW-GDL-TE-01 makes no mention of extirpated species that may have been eliminated through prior Forest actions or other processes but are potentially eligible for reintroduction. Activities should conserve habitat for continued persistence and support natural or assisted reestablishment and population growth.

- FW-DC-FOR-01: Please provide a historical basis for aspen representing 1% of cover on the Forest.

- FW-DC-FOR-02: Please define "low shrubs."

- Wildlife footnote #1: These habitat types should be identified explicitly.

- FW-DC-FOR-03: These three Management Areas encompass a diverse range of warm dry PVT groups and site conditions. Is it appropriate to develop desired target ranges across such wide areas (Table 3)? What is the source of the data presented in Table 3? This DC should also include desired conditions of riparian communities, which one would expect to vary by PVT group. In relation to this DC, please provide the source of the data presented in tables 3, 5, 7, and 9. The desired cover type ranges (%) presented in all of these tables, for each PVT group, are too broad to provide meaningful information about forest conditions. The Tribe suggests that the desired target ranges (%) for the four PVT groups be broken down into smaller geographic units within each Management Area.

- FW-DC-FOR-04: Edit to read "…with live legacy trees and snags from past disturbance…" and "…distributed across the PVT group at their historic range of variability."

- MA2-DC-FOR-01 and MA3-DC-FOR-01: "Vigorous stands" should not be the goal across all of MA2 and MA3, as some habitat types are not naturally vigorous.

- FW-DC-FOR-05: Why are only ponderosa pines and western larch identified explicitly in this language? What is the source of the data presented in Table 4? Why are the size class bins so specific at lower size ranges but truncated at 20+ inches? Additional specificity at the larger

size classes would be valuable from a wildlife habitat standpoint. (Same comment for FW-DC-FOR-08 – what is the source of the data in Table 6? Why are the size class bins so specific at lower size ranges but truncated at 20+ inches? Additional specificity at the larger size classes would be valuable from a wildlife habitat standpoint.)

- Wildlife footnote #3: These habitat types should be identified explicitly.

- MA3-DC-FOR-02: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic low and mixed severity fire patterns.

- FW-DC-FOR-06: Does western hemlock not represent a dominance type? This DC should also include desired conditions of riparian communities, which one would expect to vary by PVT group.

- FW-DC-FOR-07: Edit to read "…with live legacy trees and snags from past disturbance…" and "…distributed across the PVT group at their historic range of variability."

- MA2-DC-FOR-02 and MA3-DC-FOR-03: Edit to read "…to promote resilient stands, consistent with their historic range of variability, dominated by…" Change "vigorous stands" to "resilient stands." "Vigorous stands" should not be the goal across all of MA2 and MA3, as some habitat types are not naturally vigorous.

- MA3-DC-FOR-04: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic mixed severity fire patterns.

- FW-DC-FOR-09: What is the source of the data presented in Table 7? The inclusion of language regarding riparian sites is good, but why are hardwood species not identified?

- FW-DC-FOR-10: Edit to read "…across the PVT Group at their historic ranges of variability or the ranges in Table 7."

- MA1-DC-FOR-03: Standardize language with MA1-DC-FOR-01, and -02.

- MA2-DC-FOR-05: "Vigorous stands" should not be the goal across all of MA2, as some habitat types are not naturally vigorous.

- MA3-DC-FOR-05: Edit to read "…provides for wildlife habitat, timber production, providing resilience…" "Vigorous stands" should not be the goal across all of MA3, as some habitat types are not naturally vigorous.

- FW-DC-FOR-11: What is the source of the data presented in Table 8? Why are the size class bins so specific at lower size ranges but truncated at 20+ inches? Additional specificity at the larger size classes would be valuable from a wildlife habitat standpoint.

- MA3-DC-FOR-06: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic mixed severity fire patterns.

- FW-DC-FOR-12: These three MAs encompass a diverse range (%) of site conditions within the warm moist PVT group. We ask that this PVT group's range be broken down into subgroups within each MA (Table 9). What is the source of the data presented in Table 9? This DC should also include the DCs of riparian communities, which one would expect to vary by PVT group.

- MA1 and MA2-DC-FOR-04: Edit to read "...across the PVT Group at their historic ranges of variability as presented in Table 9."

- MA3-DC-FOR-07: Edit to read "...across the PVT Group at their historic ranges of variability."

- MA2-DC-FOR-04: Change "Vigorous stands" to "resilient stands." Vigorous stands should not be the goal across all of MA2, as some habitat types are not naturally vigorous.

- MA2-DC-FOR-08: Change "vigorous stands" to "resilient stands." Vigorous stands should not be the goal across all of MA2, as some habitat types are not naturally vigorous.

- MA3-DC-FOR-09: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic mixed severity fire patterns.

- MA2 and MA3-GDL-FOR-06: This language should be updated with more recent literature values.

- MA3-DC-FOR-10: Amounts of old-growth in all dominance types should all be "maintained or increased consistent with their historic range of variability." Reductions in some types to within their historic ranges should be accomplished through natural disturbance (i.e. allow them to decline in extent on their own, through insect/disease activity and wildfires).

- MA3-DC-FOR-12: Does timber harvest in this case mean commercial sale activity, or does it also include fuel treatments and non-timber prescriptions (which would be far more appropriate in this context)?

- MA3-STD-FOR-01: "Over the long term" needs additional definition and clarification.

- MA3-GDL-FOR-01: This guideline should apply to all dominance types, not just those listed. However, some dominance types should not be managed for increased resiliency when such trends are inconsistent with those community's underlying ecology (such as old growth grand fir).

- MA3-GDL-FOR-02: "Optimum location" needs additional definition. Inconvenient routing should not be adequate justification for fragmenting old growth stands.

- MA3-GDL-FOR-03: What are "non-desired old growth types," particularly without reference to site conditions? Are there any dominance types that historically never met old growth definitions, anywhere on the Forest?

- MA3-GDL-FOR-04: Edit to read "…when assessed across an entire project area and at the individual stand or treatment unit level." "[O]r none" should be removed from sentence #3. The numbers in Table 12 need reference or documentation.

- MA3-GDL-FOR-05: Edit to read "...other than snag recruitment do not count toward this number." Species preferences should be identified here as well, by PVT group. Generally, true firs and lodgepole pine should be at the bottom of the priority list for trees retained for snag recruitment.

- Additional Plan components are needed specific to recently-burned areas, including snags, coarse woody debris, litter depth, etc.

- Additional language is needed regarding understory conditions across all PVT groups and seral stages: structure, function, presence of non-native species, disturbance agents and regimes, protective measures, etc.

- The Tribe recommends that forest inventories include indicators for assessing ecosystem health. The Tribe would like to meet with the Forest team to help develop a list of these ecosystem indicators for future monitoring across the Forest.

1.1.3 Meadows, Grasslands, and Shrublands:

- The Tribe would like to see a thorough description of desired conditions for the meadow, grassland, and shrubland broad vegetation types present on the Forest. Each description should include a narrative about site potential, which may be based on habitat type descriptions or ecological site conditions. These habitat types are characterized by more than just the absence and/or presence of dominant plant species (i.e. soil conditions, hydrologic regime, disturbance regime, etc.)

- FW-DC-GS-08 and GS-DC-GS-09: Define "persist" and consider changing these DCs to guidelines.

1.1.4 Soils Quality and Productivity:

- The Tribe recommends including limited Detrimental Soil Disturbance ("DSD") similar to the Forest's current practice of following Region 1 guidance of 15% DSD across all alternatives.

- The Tribe would also like to see an alternative where MA2 and MA3-GDL-SOIL-01 avoids areas of high mass wasting.

1.1.5 Fire:

- In attempting to move towards a more fire-dependent system, how will fire management be incorporated in MA-3? Will Fire Management allow some fires to burn in MA-3? Under what conditions? The Tribe asks that the Forest include any maps in the Fire Management Plan that identify potential "let burn" areas in the Framework and include them in the Plan alternatives. In the Tribe's opinion, the Framework needs to show where the forestlands need fuel reductions and where fire can be promoted. Such pre-designation of "let burn" areas could result in large fire-fighting costs savings.

- Areas with exceptionally high fuel loads in MA-3 (roaded front) and MA-2 (Roadless), where there is an unacceptable risk of fire to high valued resources (not just Community Protection zones or WUIs), need to be identified. A map should be developed and shared where these high-risk areas occur; this map should also show areas likely eligible for a "let burn" designation, as described in the bullet above.

- Please provide tree retention targets for WUIs and CPZs.

- WUI and defensible spaces: Please articulate how aquatic/riparian areas will be managed long-term within these special fire management areas when emphasis is on more natural stocking levels. Please provide a map that illustrates their respective boundaries in MA-1, 2, and 3.

1.2 Aquatic Ecosystems:

- Riparian areas need to have their own set of desired conditions similar to the Forestlands and Grasslands/Shrublands Sections. These important ecological areas receive only passive management through protective measures against timber, road-building, grazing, mining, and recreation. The Tribe believes that riparian areas need equal representation through their own set of DCs. The Tribe encourages the development of DCs that support dominant cover types, % shade, desired understory conditions, and hardwoods (cottonwoods, birch, and willows) across all PVT groups within their historic range of variability.

1.2.1 Water and Aquatic Resources:

- Monitoring Component: The Framework includes a desired condition (FW-DC-WTR-04) that alludes to the desire for aquatic habitats to reach reference ranges, as defined by agency monitoring. This monitoring must be defined at a reach or project scale so that impacts will be identified in a timely manner. Monitoring should occur at the reach and project scale in addition to the larger Forest, basin, or sub-basin scale. A multi-level monitoring effort will allow the Forest to measure progress toward achievement of desired conditions. A monitoring plan must be defined with specific numbers for parameters, especially for sediment and temperature, so as to define the natural range of variability across multiple spatial scales. The 1998 Matrix of Pathways and Indicators of Watershed Condition adapted for the Clearwater Basin and Lower Salmon (Central Idaho Matrix) is an appropriate tool to define these parameters.

- Water Yield Components: The Tribe supports having MA3-GDL-WTR-07 become a standard. Increase in peak flow is a complex topic and not as transparent as the previously used Equivalent Clearcut Area ("ECA"). The Tribe suggests that the Forest continue using the parameters in the Matrix as it provides well-documented thresholds and is assessed at 3 scales – HUC 10, HUC 12, and headwaters. The Tribe supports a desired condition with a specific range of numbers that define a natural range of variability for ECA at HUC 10, HUC 12, and headwaters scales.

1.2.2 Conservation Watershed Network:

- The Tribe supports making PACFISH/INFISH rules permanent by incorporating them into the Plan. The Tribe supports use the Central Idaho Matrix for monitoring.

- The Forest should follow the "Updated Interior Columbia Basin Strategy: A Strategy for Applying the Knowledge Gained by the Interior Columbia Basin Ecosystem Management Project to the Revision of Land Use Plans and Project Implementation" ("Interior Columbia Basin Strategy," developed 2003, revised 2014). This interagency memorandum applies to Forest Service Regions 1, 4, and 6. The memorandum identifies fundamental elements for revised Forest Plans when replacing PACFISH/INFISH. These elements are intended to promote and achieve conservation of aquatic and riparian resources. The Tribe is curious whether an Aquatic and Riparian Conservation Strategy will be developed specific to the Forest.

- Population Strongholds: The Framework acknowledges the importance of population strongholds and the desire to meet recovery goals for listed fish. The FW-STD-CWN-01 is a starting point for achieving recovery goals but stops short of any specific guidance or direction to prevent long-term reductions in stream habitat, such as the limitations set forth in PACFISH/INFISH. The Tribe suggests that the Forest include parameters of the Central Idaho Matrix in the Plan as sideboards to assist in limiting adverse effects to listed fish.

1.2.3 Riparian Management Zones (RMZs):

- The Tribe disagrees with the use of inner and outer areas within RMZs. The Forest has shown that PACFISH/INFISH buffers are a successful strategy and should not stray from this approach. The best available science does not support shrinking the established 300/150-foot buffers. Proposed management in the outer zones will have significant negative effects on aquatic habitat and listed fish. Only treatments that benefit stream or riparian management should be allowed in RMZs. The Tribe suggests using standards from the 2014 Proposed Action FW-STD-TBR-13 & 14 and FW-STD-FIRE-01.

  The Tribe is concerned that the Framework does not provide adequate RMZ width protections in mass slide prone areas, especially near high producing natural spawning areas. The Tribe asks that these areas be given special width protections.

Additional Aquatic-Related Comments:

Management Areas

- Management Areas are not logical from a fish perspective, especially in a changing climate. The larger streams in MA-3 need to provide the same level of quality stream habitat and properly functioning watershed conditions as MA-1 and MA-2.

Climate Change

- We ask that Climate Change be an added component to the Framework. Climate models in the Clearwater River Basin predict increases in temperature in the next 20 years. Temperatures already exceed the thermal tolerance of listed fish in some streams and watersheds within the Basin. In low flow water years, fish leave the smaller 0-3 order streams and move downstream to the larger 4/5 order streams to find thermal refugia. Additionally, streams/rivers in MA-3 are important for anadromous fish and contain designated critical habitat in many watersheds.

1.3 Wildlife:

- The Framework describes and embraces "a complementary ecosystem and species-specific approach to maintaining the diversity of plant and animal communities and the persistence of native species in the plan area" (pg. 43). The Tribe is supportive of this approach, in principle, with respect to wildlife and plant communities. The Framework's Wildlife narrative correctly notes that Plan components described in the Forestlands; Meadows, Grasslands, and Shrublands; Aquatic Ecosystems; and Riparian Management Zones sections (pg. 43) as well as others (Soil Quality and Productivity; Fire) may help provide for robust and resilient ecological conditions for most plant and wildlife communities. Unfortunately, these sections do not yet contain sufficient detail to ensure desired outcomes.

  The Tribe recommends that the Forest review recently-developed or other National Forests' proposed Forest Plans and incorporate similar language where gaps exist in the Alternatives Framework. These gaps include habitat connectivity and linkages, critical habitat designations, partnerships and data sharing, human disturbance, infrastructure development, grizzly bear recovery, invasive species, and monitoring frameworks.

- A final SCC list is urgently needed, as standards or guidelines need to be developed to ensure protection of all SCCs as well as other species or guilds of conservation or cultural concern. To provide thematic protection for all federally listed species, SCCs, and other sensitive and rare species, the Tribe recommends the following:

  1. Standard: Management activities shall be designed and implemented such that progress toward recovery of populations of federally listed (Threatened, Endangered, and Candidate) species as well as SCC species is not adversely affected or hindered over the short- or long-term.

2. Objective: Progress towards the conservation of all federally listed species, SCCs, Forest sensitive species, and rare and/or at-risk plant, aquatic, or wildlife species is made by completing at least one project a year with design features that help restore habitat and/or populations of such species.

    a. The Forest should consider identifying more than one focal species to serve as indicators of ecological integrity and management effectiveness. The Plan should clearly identify the relationship between desired ecological conditions and monitoring of key ecosystem characteristics and focal species. The Tribe recommends scheduling discussions about monitoring to develop a meaningful and feasible list of key ecosystem conditions and focal species.

- The Tribe recommends the following additional DC components to promote biodiversity and general population resiliency:

    1. A diversity of wildlife species is present on the Forest, each contributing to ecological processes such as predator-prey relationships, nutrient cycling, hydrologic function, and vegetation composition and structure within their natural range of variation, as well as cultural, social, and economic benefits such as wildlife viewing, photography, and hunting.

    2. Biotic and abiotic conditions exist within their natural range of variation, thereby providing resources needed for feeding, breeding, and sheltering by all native species, particularly during periods of high energy demands, such as reproductive seasons and winter.

    3. Human-related food and attractants are unavailable to most wildlife species. Natural wildlife foraging patterns are the norm, while food conditioning and/or human habituation of wildlife and associated human-wildlife conflicts do not occur.

    4. Landscape patterns provide habitat connectivity for native species, particularly wide-ranging species such as medium to large carnivores and wild ungulates. Resulting habitat connectivity facilitates daily, seasonal, and dispersal movement of animals to maintain genetic diversity.

    5. There is low risk of disease transmission between domestic animals and wildlife.

- FW-DC-WL-02: Edit to read "...populations of species of conservation or cultural concern over the long term, consistent with their natural range of variation."

- FW-DC-03: Edit to read "Species are able to move freely..." (i.e. not just wide-ranging species, but those with long-distance dispersal or reproductive traits).

- FW-DC-WL-04: The persistence of fisher (and other species of concern) is captured by FW-DC-WL-01 and -02. This language should be condensed and re-cast as a standard or guideline to protect fisher habitat conditions across the Forest. Fisher are recognized as a species of

greatest conservation need in Idaho and rely on forest structure associated with mature, late successional, mesic, conifer forest and typically avoid open spaces. Because of their low densities and dependence on particular forest features, fisher could be sensitive and vulnerable to management activities that fragment and reduce forest cover and structure. Without a standard or guideline to protect habitat at the project level, there is potential to cause forest-wide cumulative impacts to fisher habitat and populations.

- FW-DC-WL-05: The persistence of bighorn sheep (and other species of concern) is captured by FW-DC-WL-01 and -02. Additional standards to protect bighorn sheep populations and habitat conditions are recommended further below.

- FW-DC-WL-06: The persistence of harlequin ducks (and other species of concern) is captured by FW-DC-WL-01 and -02. This language should be condensed and re-cast as a standard to protect harlequin duck habitat conditions.

- FW-DC-WL-07: The persistence of bat species (and other species of concern) is captured by FW-DC-WL-01 and -02. This language should be condensed and re-cast as a standard to protect bat habitat conditions.

- For protection of bighorn sheep populations across the Forest, the Tribe recommends that the following standards replace FW-STD-WL-03:

    1. Domestic sheep or goats used for weed control purposes shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.

    2. An effective monitoring program shall be in place to detect the presence of bighorn sheep and stray domestic sheep in identified high-risk areas, based on a quantitative risk assessment, when authorized domestic sheep or goats are present on adjacent or nearby allotments.

    3. Trailing of domestic sheep or goats shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.

    4. Permitted domestic sheep and goats shall be counted onto and off allotments by Forest Service personnel using an automated, reliable system which produces a verifiable record of the count. A full accounting of any missing sheep shall be made.

    5. Implement emergency actions when bighorn sheep presence is detected within a certain distance (miles) (derived from a quantitative risk assessment) of active domestic sheep or goat grazing or trailing. Actions to be taken shall ensure separation between bighorn sheep and domestic sheep or goats and be consistent with the emergency response plan.

6. To maintain separation, when bighorn sheep are found within a certain distance (miles) (derived from a quantitative risk assessment) of an active domestic sheep and goat allotment, implementation of the emergency response plan shall occur, and the appropriate state agency shall be informed on the location of the bighorn sheep.

7. Domestic sheep or goat grazing shall not be authorized or allowed in the absence of an emergency response plan designed to maintain and rapidly reestablish separation of at least a certain number of miles (derived from a quantitative risk assessment) from bighorn sheep.

8. Stocking of allotments not currently authorized for domestic sheep and goats shall only be permitted after a complete quantitative risk assessment has been completed.
9. New, permitted grazing by domestic sheep or goats shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.

- FW-GDL-WL-01: This guideline should be generalized to ensure habitat connectivity and landscape patterns consistent with their natural ranges of variation.

- FW-GDL-WL-02: Edit to reference a broader array of infrastructure: roads, bridges, culverts, administrative sites, recreational sites, etc.

1.3.1 Multiple Uses-Wildlife:

- References to species of economic, social, and cultural importance here provide helpful context. With respect to elk, it is important to also reference the long-term natural range of variation in elk population abundance within the Forest. The strong desire by some groups to "recover and grow elk populations" needs to be balanced against inherent ecological constraints, holistic ecosystem health, and the recovery of species of conservation concern. However, additional plan components are also needed to reverse long-term declines in elk habitat security and ensure robust, comprehensive evaluations of project-level impacts. These components should not vary by alternative. The Tribe recommends scheduling additional discussions and evaluations to develop these components.

- FW-GL-WLMU-01: Edit to read "Habitat contributes to the persistence and resiliency of populations of priority species as identified by the Nez Perce Tribe, Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, and other regulatory agencies."

- FW-DC-WLMU-01: The second sentence is vague. Consider editing to read "Wildlife are well-distributed within their annual and seasonal ranges, consistent with their natural ranges of variation."

- FW-DC-WLMU-02: Edit to read "Habitat conditions within each PVT group are consistent with their natural range of variation and contribute to wildlife population persistence and resiliency."

- FW-DC-WLMU-04: Edit to read "Winter and summer habitats for elk provide forage, security, connectivity, and other habitat characteristics within their natural ranges of variation."

- FW-DC-WLMU-05: Edit to read "...old yew thickets occur within their natural range of variation and provide high-quality moose winter habitat."

- FW-DC-WLMU-06: The intent of this DC is unclear.

- FW-GDL-WLMU-01: Edit to read "When designing and implementing projects, take action to reduce or mitigate human disturbance, unauthorized motorized use, and other threats to wildlife habitat security."

- FW-GDL-WLMU-03: "[B]ig game winter range" needs to be formally identified, if the old MA-Winter Range designation will no longer be used.

1.4 Air Quality:

- Add the word "good" to the beginning of FW-DC-AIR-01.

2.0 Tribal Trust Responsibility:

- The Tribe supports the development of Section 2 Trust Resources as a component of the Framework to articulate to the public how trust resources will be managed in a broad sense. However, the Tribe believes that Trust Resource management cannot be limited to Section 2; management of trust resources must be overarching with specific management and protection needs stated within various components of the Framework. The Tribe believes that this specificity within component standards, guidelines, measurable objectives, and/or monitoring is the best way to ensure the good management of Trust Resources.

- Trust Resource protections and management should not vary by alternative.

- Any Tribal Trust Responsibility Forest Plan component (e.g. DC, goal, etc.) should have a corresponding monitoring question, indicator, etc., identified in the Monitoring Plan.

- The Tribe recommends the following Plan components:

    1. Standard: Ensure that Forest actions are not detrimental to the protection and preservation of Indian Tribes' religious and cultural sites, and practices and treaty rights (taken from the Clearwater National Forest Plan 1987, Page II-23, 3g Standards-3. Cultural Resources).

    2. Standard: Ensure proposed practices and management activities are coordinated with other government agencies and Indian Tribes to insure requirements of all laws and regulations are met and terms of Indian Treaties are upheld (taken from Clearwater National Forest Plan 1987, Page II-21, E(1)(d)).

3. Goal: Protection of fish, wildlife, and plant species will be a Trust priority of the Forest. Resources used by the tribe members must be maintained at harvestable populations.

4. Goal: Habitat restoration of known degraded habitats that support, or have the potential to support, fish, plant, and wildlife species will be a priority for the Forest Service.

5. Desired Condition: Forest actions or projects implemented in MA-3 will occur at a rate and/or scale to maintain long-term viability of fish, wildlife, and plants while also avoiding and/or minimizing the short-term negative effects to same resources.

6. Guideline: Monitor habitats at appropriate spatial and temporal scales to provide effective feedback for all management activities.

3.0 Human Use of the Forest:

3.1 Cultural Resources:

- Please add a definition for historic trails.

- The definition of historic properties in the document does not mirror that found in the National Historic Preservation Act. Please replace with the language from the Act.

- What sort of training and education do permitted outfitters receive about cultural resources, including historic trails and their preservation? Does the Forest track the efficacy of any training or education that outfitters receive?

- Pilot Knob Protections: Tribal Resolutions regarding Pilot Knob were given to Forest Planner Zach Peterson on February 16, 2018. The Tribe hopes to work with the Forest Planning team to develop DCs, standards, and guidelines that reflect those Resolutions.

3.2 Recreation (or 1.2.8 or 1.3):

- The Framework needs to include a summary of commonly known recreational uses and their trends over time. Please provide a table of recreation days for commonly understood recreational users (motorized, unmotorized, bicycling, trail hiking, fisherman, hunters, campers, snow sports, water sports, wildlife viewing, day users, and any other measured recreational categories). Without this information being presented in the Framework, the Tribe cannot provide informed recommendations on the present Recreation Opportunity Spectrum ("ROS") alternative or recommendations on a range of ROS alternatives.

- Proposed new Recreation Goal: Work to provide recreation opportunities that help people connect to the land through increased awareness of ecological, traditional, visual, and historical perspectives.

- The "Recreation" component needs to discuss potential user fees as a vehicle for revenue generation. Recreation in Idaho has now been recognized as one of the largest economic drivers and job creators in Idaho. (Outdoor Recreation Economy Report 2017)

- Recreation Opportunity Spectrum Tables # 15 and 16 in the Alternatives Framework (pg. 50) need to be completed based on the changes in the proposed ROS from the present ROS condition. Without a summary of recreational activities and their trends, as previously requested in the first bullet under 3.2 Recreation, the Tribe cannot provide informed recommendations on the proposed ROS alternative or range of ROS alternatives.

3.6 Lands Special Uses:

- Outfitters need to have training about cultural resources, including historic trails.

4.0 Production of Natural Resources:

- There is no information presented in the Framework on the economic value of fish and wildlife or recreation as natural resources produced on the Forest. Section 4 only provides information on the traditional commercial industries of timber, mining, and grazing. Fish (salmon, steelhead, and resident fish), big game (e.g., elk, bighorn sheep, deer, and mountain goat populations), and recreation should be counted or tracked as Natural Resources produced by the Forest that create economic value for surrounding communities. By providing quantitative numbers, these resources' relative economic contribution to the region can then be summarized as part of the NEPA-required economic analysis. Idaho Department of Fish and Game, universities, research extension agencies, commerce organizations, and the Forest Service have already generated much of this information. The Tribe suggests that this Framework include species of economic, social, cultural, and recreation importance.

  In 2016, Idaho generated $7.8 billion from recreation, an amount equal to the State's agriculture revenue from the same year (Outdoor Recreation Economy Report 2017). Also, in 2017 the Census Bureau (Release# CB17-210) identified Idaho as the fastest growing state in the nation. (Outdoor Recreation Economy Report 2017). Idaho's quality of life index identified access to high quality outdoor recreation as one of three top index categories (Outdoor Recreation Economy Report 2017). In other words, recreation is big business, and this Framework lacks needed information for understanding the economic, social, and intrinsic values of recreation. This Framework needs to provide this information for alternative development and analysis.

  In sum, the Tribe asks that the Forest use existing economic information on fish, wildlife, and recreation to compare the economics of a conservation-focused alternative to the present Framework, which emphasized the economic outputs of timber, mining, and grazing.

4.1 Timber

- Would adaptive management allow for the 375-acre harvest unit to change in size within the life of this Plan when considering possible changes in fire frequency, fire size, and climate change?

- Please provide the Tribe with the present Sustained Yield Limit ("SYL") calculation and supporting analysis.

- What is the fractional yield calculation (%) for harvestable timber acres within the outer RMZ? The calculation needs to be included in the "Suitability" section, especially Table 19.

- The Tribe asks that the Forest remove any language about complying with the Idaho Forest Practices Act ("IFPA"). IFPA has no relevance to federal rules, laws, policies, or standards pertaining to timber harvesting or associated activities.

- The Tribe expects wildfire acres to be included in calculating and tracking total treatment acres in MA-1, MA-2 and MA-3 for the "Forestland" section. However, what amount of wildfire (acres or %) would have to occur in MA-3 to trigger a recalculation of the SYL?

- Salvage harvest volumes should be included in meeting timber harvest objectives.

- Please provide a map from the Fire Management Plan that shows areas in MA-1, MA-2, and MA-3 where the Forest may allow wildland fire to return. In other words, where does the Fire Management Plan identify in MA-3 that wildfires might be allowed to burn?

- How does the Fire Management Plan and recent fire history influence the SYL calculation and its possible change over the life of the Plan?

4.2 Energy and Minerals:

- Create a new DC titled: FW-DC-EM-07. Mineral and Energy development will be done in a manner that supports the long-term sustainability of fish and wildlife habitats while avoiding and/or minimizing their short-term negative impacts. This DC should also be added to the Timber and Grazing sections.

- Proposed Standard: Actions will not conflict with fish and wildlife habitats identified as needing ecological recovery/restoration.

- Proposed DC: Energy and mining will be done in a manner that does not infringe on treaty-reserved rights and resources.

4.3 Livestock Grazing:

- FW-DC-GRZ-01. First and last sentence should be a goal and not part of the DC. These sentences do not relate to the resource condition. Only the middle sentence is a DC statement.

- Proposed Standard: Grazing will be done in a manner that does not infringe on treaty-reserved rights and resources.

- Proposed Standard: Grazing will be done in a manner that does not limit or degrade habitat conditions in areas known to support treaty-reserved cultural activities. An example would be to exclude negative impacts of livestock grazing on known camas root diggings sites.

- Proposed Standard: Actions will not conflict with federally listed species, SCCs, Forest sensitive species, and rare and/or at-risk plant, aquatic, or wildlife species and their habitats, especially those that are degraded and need restoration.

- FW-GDL-GRZ-03. Please provide literature reference for 45% utilization of upland forage. Please describe how the Forest will develop utilization guidelines during allotments' environmental analyses and planning, given the lack of short- and long-term monitoring of upland habitats. Please also identify the plant species that will be used to assess utilization.

- Proposed Guideline: New fences and reconstruction of existing fences should be located and designed to minimize collision hazards for wildlife and to prevent barriers to wildlife movement.

- Proposed Guideline: New or reconstructed water developments should be designed to be wildlife friendly and to facilitate escape.

4.4 Special Forest and Botanical Products

- Proposed New Standard: Any present, future commercial or expansive uses of botanical products for eventual commercial means shall be permitted and monitored to ensure long-term sustainability/ecological viability (Tribal treaty-reserved uses are excluded).

4.5 Suitability

- The Tribe believes there should be no outer RMZs areas eligible for timber harvest. The interim PACFISH/INFISH rules should be made a permanent part of the Plan.

- Adaptive management should make it possible for adjustments in suitable acres calculations throughout the life of the Plan.

- The "Suitability" section needs a livestock grazing suitability classification similar to timber. If stream and riparian monitoring indicates that a watershed is degraded below an acceptable threshold based on temperature/sediment modeling, then livestock grazing should be excluded from the watershed, at least until the area has recovered.

5.B.1 Recommended Wilderness:

- Wilderness is one of the strongest legal tools for ecological protection. The Tribe believes there needs to be an alternative with one or more roadless areas considered for wilderness protection.

5.B.2 Suitable Wild and Scenic:

- The Tribe would like the opportunity to provide comments on the final version of new list of candidate stream reaches eligible for Wild and Scenic designation. Tribal technical staff are waiting to see the latest revision of the list.

5.C.3 Pilot Knob:

- Past NPTEC Resolutions about Pilot Knob were given to Zach Peterson on February 16, 2018. These provide a good foundation to develop DCs, standards, and guidelines. The Tribe's technical staff looks forward to working with Forest planning staff to refine protections for Pilot Knob.

5.C.4 Idaho Roadless Rule Community Protection Zones (CPZ):

- GA-GL-CPZ-01. Management activities in CPZs are coordinated with local officials, the *Nez Perce Tribe*, and residents.

III. ADDITIONAL COMMENTS

Monitoring and Evaluation Component:

- The Framework does not have a Monitoring and Evaluation component. This made Tribal staff's review of the Framework difficult and incomplete. Please share a monitoring component with the Tribe as soon as conveniently possible so the Tribe can provide constructive feedback. The Tribe believes its staff needs to understand this important element before the Forest's planning team finalizes the development of alternatives beyond the Framework.

- The Tribe asks that the following statement from the 1987 Clearwater Plan, page IV-9, be included in the Monitoring and Evaluation Component:

> Monitoring is required by the National Forest Management Act and as such must be accomplished. If funding is inadequate to accomplish both the planned project/activities and the required monitoring, then implementation of the project/activity will be delayed until monitoring can be assured.
>
> There will be no deviation from standards established for threatened and endangered species conservation and protection unless a biological evaluation concludes that such deviation would have no effect on the recovery of the species and there has been consultation with the Fish and Wildlife Service.

Project or area level environmental analyses provide an essential source of information for Forest Plan monitoring. First, as project analyses are completed, new or emerging public issues or management concerns may be identified. Second, the management direction designed to facilitate achievement of the management area goals are validated or invalidated by the project analyses. Third, the site specific data collected for project environmental analyses serve as a check on the correctness of the land allocation.

If the appropriated budget is different from the program budget requested, the Forest Supervisor may change proposed implementation schedules to reflect those differences. Such schedule changes shall be considered an amendment to the Forest Plan but shall not be considered a significant amendment or require preparation of another EIS, unless the changes significantly alter the long-term relationship between levels of multiple-use goods and services projected under the planned budget proposals as compared to those projected under the actual appropriation. Funds for monitoring will be adjusted so that monitoring objectives will be met.

Monitoring and evaluation comprises the management control system for the Forest Plan.

Monitoring is required by the National Forest Management Act and as such must be accomplished. If funding is inadequate to accomplish both the planned project/activities and the required monitoring, then implementation of the project/activity will be delayed until monitoring can be assured." (emphasis added)

- Many, if not all, Plan components should have a corresponding monitoring question that is used to evaluate whether or not management is maintaining or causing a departure (good or bad) from DCs. The monitoring plan should include monitoring questions, reference to Forest Plan direction, potential indicators, methodology, frequency and reliability, spatial scale, data sources and storage, and cost.

Conservation Alternative:

- The Tribe supports the development of a conservation-focused alternative that emphasizes ecosystem management and restoration. The focus would include the preservation of high quality/pristine habitat conditions and not allow degradation to some predetermined minimum legal threshold. This alternative would also support the recovery of degraded ecological conditions and associated species populations. Extractive uses would be a secondary management objective.

Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

October 23, 2019

Via Electronic Mail: cheryl.probert@usda.gov

Ms. Cheryl F. Probert, Forest Supervisor
Nez Perce-Clearwater National Forests
903 3rd Street
Kamiah, ID 83536

Re: Nez Perce Tribe's Cooperating Agency Comments on the Nez Perce-Clearwater National Forests Draft Revised Forest Plan and Draft Environmental Impact Statement

Dear Supervisor Probert:

The Nez Perce Tribe ("Tribe") appreciates the opportunity to review the Nez Perce-Clearwater National Forests' ("Forest") Draft Revised Forest Plan ("Plan") and Draft Environmental Impact Statement ("DEIS").

Of critical importance to the Tribe is that the Plan protect and advance Nez Perce treaty-reserved resources, treaty rights, and tribal interests. The Forest is located within the Tribe's ancestral homeland subject to the rights the Nez Perce Tribe reserved, and the United States secured, in the Treaty of 1855. The Forest is also located within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission and encompasses areas of cultural and spiritual significance to the Tribe. As a result, the Forest has a trust responsibility to protect the Tribe's treaty-reserved resources and associated habitats. The Tribe considers the protection of our treaty-reserved rights and other rights and interests in the Plan a paramount obligation of the Forest.

As you are aware, the Forest allowed the Tribe a brief extension of time to review additional information in the Plan and DEIS that the Forest provided after commencement of the requested 30-day review period. Even with the extension, the Tribe was unable to fully evaluate the Plan and DEIS because the Forest did not provide additional important information that the Tribe requested—the monitoring section, which is critical to informing how the Forest will validate and adjust resource management to ensure short- and long-term compliance with the Plan in accordance with the Treaty of 1855, the National Forest Management Act, the 2012 Planning Rule, and other applicable federal laws. The Tribe also requested but did not receive timber volume and treatment acres data referenced in the Plan and DEIS. The additional information is necessary to the Tribe's evaluation of the Forest's proposed timber management strategies as outlined in the Plan and DEIS.

Following a careful review of the existing information, the Tribe has concluded that none of the Plan alternatives satisfy what the Tribe views as the minimum approach necessary to meet the Forest's treaty and trust responsibilities. The Tribe therefore requests that the Forest work with us during the cooperating agency process to develop a new alternative that fulfills these critical obligations. In the meantime, the Tribe reserves the right to modify, supplement, or replace the attached comments regarding the Plan and DEIS.

The Tribe appreciates the opportunity for ongoing collaboration with the Forest and looks forward to the release of the fully developed Plan and DEIS. Please contact Jonathan Matthews, Environmental Specialist, at jonathanm@nezperce.org, or Mike Lopez, Senior Staff Attorney for the Nez Perce Tribe Office of Legal Counsel, at mlopez@nezperce.org, with any questions.

Sincerely,

Shannon F. Wheeler
Chairman

cc: Zach Peterson at: zachary.peterson@usda.gov
Christine Bradbury at: christine.bradbury@usda.gov

NEZ PERCE TRIBE'S COOPERATING AGENCY COMMENTS ON THE NEZ PERCE-CLEARWATER NATIONAL FORESTS DRAFT REVISED FOREST PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

October 23, 2019

I. GENERAL COMMENTS

a. Nez Perce Tribe's Interest in the Forest's Draft Revised Forest Plan

Since time immemorial, the Tribe has occupied and used over 13 million acres of land now comprising north-central Idaho, southeast Washington, northeast Oregon, and parts of Montana. Tribal members engaged in fishing, hunting, gathering, and pasturing across their vast aboriginal territory. These activities still play—and will continue to play into the future—a major role in the subsistence, culture, religion, and economy of the Tribe.

The Forest is located entirely within the Tribe's aboriginal territory subject to the rights the Tribe reserved, and the United States secured, in the Treaty of 1855.[1] The Forest is also located within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission,[2] and encompasses areas of cultural and spiritual significance to the Tribe. As a result, the Tribe considers the protection of its treaty-reserved rights, and other rights and interests, to be a paramount obligation of the Forest when implementing projects within the Nez Perce-Clearwater National Forests. The Forest has a trust responsibility to ensure that its actions are fully consistent with the 1855 Treaty, executive orders, departmental regulations, and other federal laws implicating the United States' unique relationship with the Tribe.

Treaty tribes, such as the Nez Perce, have been recognized as managers of their treaty-reserved resources.[3] As a manager, the Tribe has devoted substantial time, effort, and resources to the recovery and co-management of treaty-reserved resources.

As a fiduciary, the United States and all its agencies owe a trust duty to federally recognized tribes to protect their resources.[4] This trust relationship has been described as "one of the primary cornerstones of Indian law"[5] and has been compared to the relationship existing under the common law of trusts, with the United States as trustee, the tribes as beneficiaries, and the property and natural resources managed by the United States as the trust corpus.[6]

All executive agencies of the United States are subject to the federal trust responsibility to recognize and uphold treaty-reserved rights. Executive agencies must also protect the habitats and resources on which those rights rest, as the right to take fish and other resources reserved by the

[1] Treaty with the Nez Perces, June 11, 1855, 12 Stat. 957.
[2] *Nez Perce Tribe v. United States*, Docket #175, 18 Ind. Cl. Comm. 1.
[3] *United States v. Washington*, 384 F. Supp. 312, 339-40, 403 (W.D. Wash. 1974).
[4] *See United States v. Cherokee Nation of Oklahoma*, 480 U.S. 700, 707 (1987); *United States v. Mitchell*, 463 U.S. 206, 225 (1983); *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942).
[5] Felix Cohen, Handbook of Federal Indian Law 221 (1982).
[6] *See, e.g., Mitchell*, 463 U.S. at 225.

Tribe presumes the continued existence of the biological conditions necessary to support the treaty-reserved resources.[7]

Forest Service Manual ("FSM") 1563.8b specifically states that the Forest Service "shall administer lands subject to off-reservation treaty rights in a manner that protects Indian tribes' rights and interests in the resources reserved under treaty."[8] Further, FSM 1563.03 directs the Forest Service, among other responsibilities, to "[i]mplement Forest Service programs and activities consistent with and respecting Indian treaty and other reserved rights and fulfilling the Federal Government's legally mandated trust responsibility with Indian Tribes."[9]

b. National Forest Management Act: The Importance of Standards

Beginning in 2014, the Tribe, in our Plan-related comments, has consistently and repeatedly expressed our view that Forests not move away from standards toward guidelines. In reviewing the 2012 Planning Rule for National Forest System Land Management Planning ("2012 Planning Rule") and other recent Forest policies, the Tribe does not see administrative direction for such a shift. Despite the Tribe's prior comments, the Plan appears to contain a significant increase in aspirational guidelines at the expense of legally enforceable standards, which the Tribe views as a serious concern for agency transparency and accountability. The Tribe therefore reiterates our request that the Forest abandon this approach and instead retain robust standards. If the Forest is concerned about management flexibility, the Agency may list specific exceptions based on historic evidence justifying those exceptions. This approach will enable the Forest to attain the flexibility it seeks while also preserving accountability.

c. 2012 Planning Rule for National Forest System Land Management Planning

The 2012 Planning Rule suggests an adaptive approach to forest planning, instructing managers to assess forest conditions, revise or amend plans if the assessment indicates a need for change, and monitor plan implementation; the process is cyclical, with monitoring data feeding back into the assessment of conditions in the management unit.[10] While some components of the Plan are clear and concise, many are written to maximize discretion and flexibility. At present, some of that discretion and flexibility has led to various desired conditions being too vague, lacking measurable objectives, and with no monitoring plan. As a result, these vague or ambiguous elements of components will increase difficulty in implementing, enforcing, measuring, and monitoring respective progress, thus impeding the 2012 Planning Rule's objective of adaptive planning. Over time, this lack of Plan accountability could lead to degradation of culturally important resources.

Best Available Scientific Information

A key aspect of the 2012 Planning Rule is the requirement that the planning process draw on best available scientific information in the assessment, plan revision documents, and monitoring program. A summary of how the best available scientific information was used in developing the Plan and DEIS should be addressed in Chapter 1 of the Plan. The addition of this information is a

[7] *See Kittitas Reclamation District v. Sunnyside Valley Irrigation District*, 763 F.2d 1032 (9th Cir. 1985), cert. denied, *Sunnyside Valley Irrigation District v. United States*, 474 U.S. 1032 (1985).
[8] FSM Ch. 1560 at 67.
[9] *Id.* at 30.
[10] USDA Forest Service, *Final Programmatic Environmental Impact Statement National Forest System Land Management Planning* (2012).

vital component of the Plan and should not be treated as an afterthought (i.e., addressed in an appendix to the Plan). Assessments must, "identify what information was determined to be the best available scientific information, explain the basis for that determination, and explain how the information was applied to the issues considered."[11]

Monitoring

Monitoring should be the first aspect of forest planning. For the adaptive management cycle to work as intended by the 2012 Planning Rule, monitoring must be developed and revised throughout the planning process. The Forest must include the Tribe in the development of plan monitoring questions and associated indicators;[12] however, tribal consultation on the development of the Plan monitoring program has not occurred.

"The responsible official shall develop a monitoring program for the plan area and include it in the plan."[13] Currently, the Plan has a placeholder for the monitoring component to be included as an appendix. The monitoring program is too important to be just an appendix to the Plan and should be treated as a stand-alone chapter. The monitoring program also needs to be thoroughly cross-referenced to representative sections where monitoring answers fundamental questions of adaptive management.

The Tribe is aware of the fiscal and technical constraints of monitoring; however, these constraints should not prevent the Forest from developing a robust, feasible, and meaningful monitoring program that will not short change the 2012 Planning Rule,[14] specifically, progress toward meeting the desired conditions and objectives for social, economic, and cultural sustainability[15] (i.e., meeting the Forest's federal trust responsibilities to the Tribe and for the continued persistence of the Tribe's treaty-reserved resources).

"The plan monitoring program sets out the plan monitoring questions and associated indicators. Monitoring questions and associated indicators must be designed to inform the management of resources on the plan area, *including by testing relevant assumptions, tracking relevant changes, and measuring management effectiveness and progress toward achieving or maintaining the plan's desired conditions or objectives*" (emphasis added).[16] The Tribe expects the Forest to follow the 2012 Planning Rule. Monitoring is an opportunity to address uncertainty—uncertainty about management effectiveness, relevant assumptions, or meeting desired conditions. The Forest cannot limit themselves to output-based performance measures alone.

[11] 36 CFR § 219.3.
[12] 36 CFR § 219.4 and Forest Service Handbook 1909.12, Ch. 40, § 44.
[13] 36 CFR § 219.12(a)(1).
[14] 36 CFR § 219.12(a)(5).
[15] Forest Service Handbook 1909.12, Ch. 30, § 32.13(f).
[16] 36 CFR § 219.12(a)(2); Forest Service Handbook 1909.12, Ch. 30, § 32.

d. National Environmental Policy Act

Range of Alternatives

The DEIS provides an inadequate range of alternatives as required by the National Environmental Policy Act ("NEPA") based on the present pairings of components. There are incompatible levels of action of key Plan components in each new alternative. Last Year, early in alternatives development, the Tribe expressed this perceived incompatibility of key components and lack of any monitoring to these issues of conflict. Tribal staff expressed this concern on September 25, 2018, when reviewing the early drafts of alternatives' descriptions. Tribal staff were informed that the draft alternatives intentionally set high and low levels of individual components to help determine thresholds for each with the understanding that more balanced or moderate levels of components would be presented when the DEIS was released. The DEIS alternatives do not indicate any reasonable adjustments resulting from the September 25 meeting nor does the DEIS provide a moderated or more balanced alternative as a result of our comments about conflicting components. Neither the Plan nor the DEIS provide any monitoring of these competing Plan components putting at risk culturally important natural resources. The Tribe cannot support a DEIS until more moderate and more balanced alternatives are included.

Most of the individual component analyses throughout the DEIS are not compared to the existing condition (No Action) but are presented as comparative changes to each other. Without the Plan fundamentally comparing each component under consideration to the No Action, the Tribe cannot properly evaluate or support any one component level of action over another. The DEIS needs to show the comparative changes of the present condition represented by the No Action.

The "Affected Environment and Environmental Consequences" section in Chapter 3 of the DEIS does not appear to separately analyze the different alternatives. The "Fisheries" section in this chapter treats all the alternatives as action alternatives. There are huge differences in the restoration aspects, annual timber output quantities, and recommended wilderness management. Chapter 3 of the DEIS does not discuss the environmental consequences with enough specifics for each of the action alternatives.

II. SPECIFIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Chapter 1. Purpose and Need for Action

What is the purpose and need for action? The purpose and need for action must be clear and well-justified.

The alternatives do not appear to include landscape and fuels management issues related to scope and scale of prescribed burning and wildfire management (e.g. to maximize fire on the landscape or to maximize resource use and the variation of alternatives in between). Among the distinctive

roles and contributions of the Forest are Outdoor Recreation,[17] Social and Economic Sustainability,[18] and Cultural and Heritage Values.[19] The Plan's goal is to:

> [D]escribe desired ecological, social, and economic conditions of the Nez Perce-Clearwater and provide plan component direction that will focus management activities towards maintaining or achieving those conditions over time. The proposed plan components are designed to provide for the maintenance and restoration, where needed, of the ecological integrity of terrestrial and aquatic ecosystems and watersheds; to guide the Nez Perce-Clearwater's contribution to social and economic sustainability; and to meet the Forest Service's responsibility to American Indian tribes in relation to trust responsibilities and treaty resources.
>
> . . .
>
> Current forest plan monitoring, the 2014 Assessment, the 2014 Climate Change Vulnerability Assessment, and the 2011 Watershed Condition Assessment identify integrated restoration needs across the Nez Perce-Clearwater to address forest health, including resiliency to stressors such as insects and disease, drought, and climate change; wildfire risk; aquatic and terrestrial wildlife habitat; invasive species; soil productivity and function; and road management.[20]

Evaluating the scope and scale of the use of fire on the Forest landscape would, therefore, be a key issue in the evaluation of alternatives in the DEIS.

The "Planning Area" section in Chapter 1 of the DEIS, needs to include the Nez Perce Tribe and the 1863 Nez Perce Reservation in narrative and also include the Nez Perce Reservation boundary on the Vicinity Map.

Chapter 2. Alternatives

The word "annual" needs to be added under potential timber sale quantity for each alternative. Also, there is no analysis of air quality considered or included in Section 2.6.

Chapter 3. Affected Environment and Environmental Consequences

General Comments

The Forest needs to provide a "use of best available scientific information" summary in this chapter detailing what information was determined to be the best available scientific information, the basis for that determination, and how the information was applied to the resources considered. Further, the Forest should disclose how new best available scientific information was considered to develop Plan components and inform the DEIS taking into consideration the 2014 assessment[21] by resource

[17] DEIS, at 11.
[18] *Id.* at 12
[19] *Id.*
[20] *Id.* at 17-18.
[21] Nez Perce-Clearwater National Forests Forest Plan Assessment (June 2014).

specialists. Determination of best available scientific information should be disclosed in all draft and final Plan documents, not just in the Record of Decision.

The Forest also needs to include a list of cited references in the DEIS prior to the document's release to the public. Although citations appear in the text, references are not included in the "Fisheries," "At-Risk Plant Species," and "Multiple Uses Wildlife Resource" chapters. Many statements made throughout the DEIS are not supported by references or citations. The origin of professional judgement is vital in reviewing the DEIS.

There is a critical upland habitat condition that needs to be evaluated in the DEIS to correlate upland forest vegetative condition in the roaded front (MA3) to downstream hydrologic function. Short-term stand replacing events—wildfire and clearcutting—can cumulatively cause long-term negative impacts to downstream hydrologic function. This disturbance can be presented as a percent of watershed area having received stand-replacing disturbances from wildfire and/or timber harvesting, which can be presented as a ratio of upland forest disturbance for each watershed—HUC scale will need to be determined. A potential remedy includes creating a new desired condition, standard, or guideline that establishes upland condition relative to downstream properly functioning hydrologic condition. The Forest needs to monitor this attribute over time to correctly determine the appropriate short-term upland disturbance thresholds for watersheds across the Forest. The Tribe's technical staff would like to meet with the Forest to discuss how best to address this deficiency in evaluating the proper rates of man-caused upland disturbances while maintaining or restoring proper downstream hydrologic functions.

The Plan needs to address management areas administered by another Forest such as the Hells Canyon Reach.

All Forest-wide maps in the Plan and DEIS need to include the Nez Perce Reservation boundary.

Section 3.2.1.2 "At-Risk Plant Species"

There are several issues with the "At-Risk Plant Species" section in Chapter 3 of the DEIS including the following:

- "At-risk" and "rare" plant species need to be defined.
- An explanation of how the Forest approaches coarse filter/fine filter effects needs to be incorporated.
- The science-based methodology used in the effects analysis needs to be incorporated.
- A section on methodology and analysis processes, information sources, and incomplete/unavailable information needs to be incorporated.
- The best available scientific information used to inform the effects analysis needs to be incorporated (for example, see Flathead National Forest PFEIS at p. 312).

- Effects to federally-listed species and Species of Conservation Concern ("SCC") need to be separately described and interpreted.

- Habitat guilds need to be linked to the potential vegetation type ("PVT") and/or Habitat Type Groups.

- SCC need to be clearly identified by common and Latin names within each guild. Simply stating that the "habitat grouping contains eleven species evaluated"[22] is insufficient.

- A list of citations for habitat guild descriptions needs to be incorporated.

- The methodology used to analyze effects needs to be clarified.

- Key elements in an effects analysis are to be site specific, measure and report change, and interpret effects across alternatives. The At-Risk Plant Species section analysis lacks these key elements, as well as supporting evidence (i.e. citations), to support statements. The content of several paragraphs is so broad and general that the information in those paragraphs could be referring to any Forest in the western United States. After reviewing other revised forest plans for Region 1, it appears that some content was recycled from one forest plan to another, thus explaining some generalities. Several paragraphs under "Effects Common to All Alternatives" appear to have been taken verbatim from the Custer Gallatin National Forest's Revised Forest Plan DEIS, which may be valid if discussing large-scale stressors like climate change across the region. Even so, the language and effects need to be site specific.

- Conclusive statements in the effects analysis need to be site specific, provide a measure of change, and interpret the effects. A statement such as "[t]he threats are similar for all alternatives in regards to proposed lands suitable for timber production due to approximately consistent proposed acres and overarching policies and at-risk plant components protecting these species during project activities"[23] is insufficient. Similar threats need to be explained. "These species"[24] needs to be defined.

Section 3.2.1.4 "Fire Management"

The number of fire acres and their relative severity needs to be presented for the time period from when wildfire data began to be gathered, or at least since 1987 (start of last planning cycle). The number of wildfire acres needs to be summarized by the three management areas (MA1, MA2, and MA3). Fire history information within each management area should include the total number of acres considered restoration treatment acres (BAER severity rating), standard deviation, and 90 percent confidence intervals. The purpose for this historic information in this analytical context is to extrapolate future treatment acres for the potential life of this Plan, especially for MA3. Based on some preliminary numbers from the 2012 and 2015 wildfires, a large majority of MA3 will

[22] DEIS, Sec. 3.2.1.2 at 16.
[23] *Id.* at 39.
[24] *Id.*

burn within the next 30 years. The natural fire restoration treatment projections for the next 30 years need to be presented in correlation with the Forests' proposed timber treatment acres across alternatives. Timber treatment acres added to wildfire treatment acres could potentially be 100 percent of MA3 in 30 years. This is an extremely excessive rate of forest restoration treatment. The Forest needs to provide a cumulative analysis of wildfire and timber treatment for MA-3.

The Tribe's staff looks forward to reviewing the timber volumes analyses and treatment acres analyses for MA3 that is to be provided in associated appendices.

Section 3.2.1.6 "Soil Quality and Productivity"

The "Affected Environment" section is well-written and educational. Monitoring summaries with respect to detrimental soil disturbance and coarse wood material indicates skyline harvest had much less soil disturbance, and the Forest only met wood requirements 33 percent of the time. Also relevant is the overall soil condition rating showing that "[o]ut of the 220 HUC12 subwatersheds, fifty-five percent are Functioning Properly, forty-three percent are Functioning at Risk, and two percent have Impaired Function."[25]

There is no analysis by action alternatives. The effects, indirect effects, consequences, and cumulative effects are combined into "Common to Action Alternatives"[26] discussions. The differences in soils effects between Alternatives W, X, Y, and Z need to be discussed.

Section 3.2.2.2 "Fisheries"

In this section's "Riparian Management Zones" key (priority) watersheds are mentioned in Category 4.[27] Please define key watersheds in the DEIS. The Plan mentions priority watersheds under FW-OBJ-WTR-01[28] and the Conservation Watershed Network.[29] If watersheds included in the Conservation Watershed Network are intended to replace those previously identified as key or priority, then they should not be referred to as key or priority in the DEIS.

Overall, the Tribe appreciates the description of stream conditions and trends in stream habitat using PACFISH/INFISH Biological Opinion Monitoring Program ("PIBO") data; however, the Tribe suggests explaining the time value for first year and last year within frame of reference columns in Table 3.[30] What can be done about the lack of improvement and overall index, such as in Lolo, Eldorado, and Pete King creeks? Please define "periodic re-examinations of bio-physical conditions" with respect to the 26 permanent monitoring reaches across the Forest.[31]

The Tribe agrees with the language, "[l]andslides and landslide-prone areas remain a Category 4 riparian management zone"[32] and "[f]urther clarification is provided for Category 1 riparian

[25] DEIS, Sec. 3.2.1.6 at 21.
[26] *Id.* at 30.
[27] *Id.* at 12.
[28] Plan at 43.
[29] *Id.* at 45.
[30] DEIS, Sec. 3.2.2.2 at 19.
[31] *Id*. at 21.
[32] *Id.* at 35.

management zones. The area around any stream, whether perennial or not, is considered a Category 1 riparian management zone if it contains fish at any time of the year and is 300-feet on either side."[33]

Appendix A of the Nez Perce National Forest Plan and the Clearwater National Forest Plan contain direction from a court settlement to proceed with a project only if there is no measurable increase in sediment drainages not meeting Forest Plan standards. What will replace the requirements of initiating an upward trend in habitat carrying capacity in degraded watersheds? Since the Appendix A stipulations were effective in improving habitat, what is proposed to replace or upgrade this goal of trending towards better habitat conditions? The standard FW-STD-WTR-04 is a good start to compare to the upward trend and no measurable increase of sediment requirement by minimizing project effects and not retarding attainment of desired conditions for watersheds, but this standard is not quantifiable. FW-STD-CWN-01 address Conservation Network Watersheds not meeting aquatic and riparian "Conservation Survey" desired results,[34] but how will this be measured? These two standards are not enough to replace the watershed specific goals of the past plans.

The Conservation Network Watersheds identified is not an acceptable replacement for the logging limitations of the 1998 Land and Resource Management Plan (Forest Plan/PACFISH) Consultation – Special Management Considerations for the Selway River, incorporated into the action to avoid a Jeopardy determination for Snake River steelhead trout.

If the Forest's Aquatic and Riparian Conservation Strategy ("ARCS") is replacing the past Forest plans' direction, the settlement agreement on the Clearwater Forest Plan lawsuit, PIBO, and provisions in the 1995 and 1998 Biological Opinions, then the ARCS should be included as an appendix to the Plan. Tables 6 and 7[35] help crosswalk these documents, but the new proposed language is weaker in protecting aquatic resources than the management direction in the past plans.

As this section is being finalized, please keep the unit of measure consistent by using feet. There are several studies that are cited using meters.[36] Where meters are used, please also state the conversion in feet. Please only use studies from coastal watersheds where it would be applicable to the Inland Northwest, as the climatic and elevation differences could render these comparisons moot.

Please define and clarify the use of the term "multi-scale analysis" for the reader.

Similar to the "Soil Quality and Productivity" section in Chapter 3 of the DEIS, there is a need to describe the differences in direct, indirect, and cumulative effects for Alternatives W, X, Y, and Z in the "Aquatic Resources" section rather combining them into "common to action alternatives" discussions.

[33] *Id*.
[34] Plan, at 52.
[35] *Id*. at 40-43.
[36] DEIS, Sec. 3.2.2.2 at 31-32, 44-45.

Section 3.2.3.3 "Species of Conservation Concern"

The SCC section is not available to review therefore, the Tribe cannot comment.

Section 3.2.4 "Air Quality"

Please include a map of the Montana/Idaho Airshed Group airsheds that also includes the Forest boundary and the reservation boundaries layer for the Indian reservations located in what is now the state of Idaho.

As defined in the Montana/Idaho Airshed Group Operating Guide, an impact zone is any area of Montana or Idaho that the Airshed Group, or a local program, identifies as smoke sensitive or has an existing air quality problem. The Clearwater River valley corridor along U.S. Highway 12 from Lenore to Kooskia includes the towns of Peck, Ahsahka, Orofino, Greer, Kamiah, and Stites. The corridor, with residences, outdoor recreationists, schools-in-session, daycares, retirement facilities, and medical clinics, should be considered a smoke sensitive area and the Forest must seek to minimize smoke impacts to this area from prescribed burning. As a result of coordination that now exists among cooperating smoke management agencies—the Forest Service, Idaho Department of Environmental Quality, and the Tribe—for prescribed burning in the Clearwater Airshed (including Montana/Idaho Airshed Group units 12A, 12B, and 13), recent years' smoke incursions in this corridor have been minimal. In the past, smoke from prescribed burning in the Forest had significant impacts on this corridor which brought about the increased cooperation and coordination among the smoke management agencies.

The Montana/Idaho Airshed Group Memorandum of Understanding, Appendix 2 to the Montana/Idaho Airshed Group Operating Guide, is missing from the Guide. Perhaps the correct reference is the Guide's Appendix 5, Airshed and Impact Zone Maps and Airshed Descriptions. Also there does not appear to be a description for Airshed Unit 13 in Appendix 5.
As the Trobe has observed in recent extreme wildfire event years, the Forest is also subject to long-distance transport of wildfire emissions from California, Canada, and Montana.

Figure 2[37] is illegible. Wind roses are too small relative to the key and do not have clear location identification. The relationship of the background map to the wind roses is unclear.

Section 3.3 "Tribal Trust Responsibilities"

This section describes and explains the treaty-reserved rights of the Nez Perce Tribe. Much of the language about tribal boundaries should be incorporated into Section 3.4.1, as the language in that section is ambiguous.

Under "Methods and Assumptions," the Plan states, "Since desired future conditions were carefully drafted to protect tribal rights and resource [sic], it is assumed all alternatives for achieving those desired future conditions protect tribal rights and resources."[38] The Tribe does not

[37] DEIS, Sec. 3.2.4 at 6.
[38] DEIS, Sec. 3.3 at 9.

agree that the Forest has "carefully drafted" to achieve these goals. This opinion of the author needs to be removed.

The second sentence of paragraph three currently reads: "At that time, Nez Perce leaders reserved hunting, fishing, gathering and pasturing rights on 'open and unclaimed land,' which courts later determined include lands now managed by the Nez Perce-Clearwater."[39] This is an inaccurate characterization of Article 3 of the Treaty of 1855 and should be corrected to state: "At that time, Nez Perce leaders reserved fishing rights at all usual and accustomed fishing places, as well as hunting, gathering, and pasturing rights on 'open and unclaimed land' which courts later determined include lands now managed by the Forest."
In the third sentence of paragraph five, please replace "increases" to "reinforces."

There is no analysis of air quality considered.

The Forest needs to include a map(s) showing the Forest area with current Indian reservation boundaries, historical Indian reservation boundaries, and Indian Claims Commission territory.

Section 3.4.1 "Cultural Resources"

The "Cultural Resource" section notes that "The assumption made… is that these federal laws and executive orders will continue to exist during the life of the new forest plan."[40] The Tribe questions why the author believes this statement is necessary, as one would assume that any Plan would be written to comply with current law. Calling this out suggests that the author advocates for some future change.

The Forest also repeats that the 1987 Forest Plan does not advocate for the enhancement of historic properties but merely for the Forest to locate and protect historic properties. Enhancement of historic properties is an admirable goal, but the Tribe wonders what proposals the Forest may have to make this possible. The only mechanism for "enhancement" described is that Forest activities will provide the opportunity to revisit unevaluated cultural resources and remove those that do not meet the National Register of Historic Places criteria for management consideration. The Forest asserts that this winnowing will "better help allocate scarce resources to those properties worthy of investment,"[41] though the Plan does not propose any specific actions or policies that will distribute resources where the Forest finds the most need. Significantly, outside of the summaries of existing laws and agency policies, the Plan language also does not discuss identification or survey of historic properties.

This section's "Past, Present, and Future Activities used in the Analysis" is awkward and should be formatted for better clarity. The negative effects of placer mining are discussed in the opening paragraph, but other activities are listed in a bulleted table with no further discussion. This may lead to placer mining being overlooked in the document, as it is not included on the list. Also, the Tribe believes that this list should include "Dispossession and Removal of Tribal Members from the Landscape" as an adverse effect to cultural resources.

[39] *Id*. at 1.
[40] DEIS, Sec. 3.4.1 at 1.
[41] *Id*. at 15.

Under "Affected Environment," the discussion of the Tribe and its ancestral territory should borrow the language used in Section 3.3, Tribal Trust Responsibilities. The current language used in 3.4 is ambiguous and does not properly acknowledge the territorial claims of the Tribe to the Forest.

"Table 1. Historic themes and general cultural resource site types of the Nez Perce-Clearwater" includes the Historic Theme, "American Indian Use." This theme is problematic because it suggests that the remaining themes, which all occur post 1805, have no connection to the Tribe or the Tribe's use of the Forest. In fact, the Nez Perce have been, and remain, involved in Aviation, Chinese settlement and mining, the CCC, Conflict - Wester Frontier, and most of the other themes included in the table.

The discussion of the Lolo Trail National Historic Landmark is very awkward. This section should state explicitly that the Lolo Trail, the Nez Perce National Historic Trail, and the Lewis and Clark Trail are the same trail system through the Forest, with different temporal and cultural significance, and each was designated by Congress. A brief description of each of these trails and why they are each significant would be helpful to the reader. The Forest should remove the expressed opinions about the relative importance of the Lewis and Clark Trail segment that coincides with the Lolo Trail. The statement that Trails are in the United States or North America is unnecessary.

Under "Effects Common to Action Alternatives," the Plan language also appears to assert that the Forest needs laws other than National Historic Preservation Act ("NHPA"), such as the Wild and Scenic Rivers Act, to protect cultural resources. This assertion unfortunately appears to reflect current Forest management priorities rather than actual federal law or agency policy. The NHPA does not require resource protection, but it does direct agencies to protect them. The NHPA regulations provide a process to be followed if the agency chooses not to protect those resources.

Under the discussion of "Motorized Travel," the Tribe recommends adding the following bullet point:

- Indirect and direct effects on the viewshed and soundscape. This is especially significant for Tribal sacred sites and traditional cultural properties, where a sense of solitude and quiet are important for their continuing use by traditional practitioners.

Section 3.4.2 "Recreation Settings and Opportunities" – "Access"

Management areas MA1, MA2, and MA3 have different levels of active management and therefore different amounts of access and type of access. The DEIS must present how Recreation Opportunity Spectrum ("ROS") classes provide recreation opportunities within the three management areas because of their respective differences in access. The Plan and DEIS must present ROS classes of the No Action, their relative distribution across management areas, and must provide comparisons to the proposed changes under each new alternative.

These changes can be added to Table 4 by providing acres and percentage of ROS class for summer and winter within management areas MA1, MA-2, and MA3. The narrative needs to articulate that

present condition is the No Action. This section, or an Appendix, needs to provide corresponding map(s) identifying the existing ROS distributions across management areas.

Table 5 is inserted twice; one needs to be removed.

Section 3.4.2 "Developed and Dispersed Recreation"

Table 4 information needs to be associated with the information presented in Tables 10 and 11. There is a need to show the acres and percent of present condition of the No Action and compare that information to the acres and percent of change by ROS categories proposed within each alternative. Similarly, maps of each new alternative needs to be provided that spatially represents the areas changing from the present condition—Table 4 information. The tables and the maps need to show management area boundaries of MA1, MA2, and MA3 and show polygons reflecting proposed ROS class changes from the present condition.

Tables 12 and 13 that represent summer and winter motorized and non-motorized recreation needs to include information of the present condition (No Action) and be broken down by management areas MA1, MA2, and MA3. The narrative in this section needs to emphasize the acres and percent of change relative to present conditions of the No Action alternative. Also needed are maps that provide spatial representation of the areas being proposed for change within each new alternative based on the present condition of the No Action.

In summary, the Tribe's recommendations on proposed changes to ROS will be difficult when the DEIS is released unless the Forest provides a better summary of the present ROS conditions by management areas and then provide comparisons of each new alternative based on changes within those management areas. The Forest also needs to include a summary of ROS as a whole for the entire Forest. The Tribe needs to know the location of ROS change proposed within the three management areas and how those changes relate to changes in over access within each.

The second paragraph on page 18 refers to "[d]eveloped campground capacity maxes out during summer weekend peak time periods."[42] Beyond peak time periods, assuming these refer to Memorial Day and Labor Day holiday weekends, please provide a more robust evaluation of seasonal campground use versus capacity. As presented, the Forest is managing for peak weekend periods only based on growth of recreation. The current analysis does not discuss if non-peak summer weekends are adequate to handle present and future growth. There is a need for further analysis of typical "use versus capacity" for varied times of the year. The Tribe suggests the following:

Please provide vacancy rates for broader time periods and compare to peak weekend summer times to see if developed sites are adequate for a majority of the varying seasonal use periods. Heavy use summer weekends mentioned in the narrative should be balanced against the occupancy rates of week, month, or seasonal occupancy. To support this argument, the "Visitor Use" section on page 6 states "three quarters of visitors indicat[e] that there [sic] visit included use of an undeveloped or general forest area. Just one-third of visitors did visit a developed day-use site while only about one-tenth of visitors indicated using a developed overnight facility."[43] This trend shows that a

[42] DEIS, Sec. 3.4.2 at 18.
[43] *Id*. at 6.

majority of users are not using developed sites, and those who are might only be on those few high-volume summer weekends. Based on the limited information presented, the Tribe cannot discern what one-third or one-tenth of visitors means relative to weekly, monthly, or seasonal capacity.

The Tribe assumes these percentages could be turned into visitor numbers and then used to generate campground occupancy rates, if the Forest does not have them for generating average use rates over various time frames. Present narrative does not answer the fundamental question whether present campground use and trends (on average) are way below capacity or near capacity.

Emphasis on peak summer weekend use rates without comparison to daily, weekly, monthly, or seasonal use rates seems an inadequate analysis to propose more campgrounds. These comparisons should also look at use rates by management area. Likely the high summer weekend occupancy is in MA3 but much less so in MA1 and MA2. Comparison data would also be useful in justifying where future developed campgrounds are needed.

The Forest needs to provide an overall presentation of how the different facility types are meeting present and future recreation demand. Recreation is a very consistent and growing economic value of the Forest. Dispersed recreation is the larger and faster growing component of recreation. A need may exist for more dispersed sites, but the information in this section does not currently provide the necessary justification. The Forest needs to breakdown developed and dispersed by the three management areas and then compare occupancy/vacancy through weekly, monthly, or seasonal averages. This information is needed to make the argument of what types, and more importantly, where these expansions need to meet growing demand.

For Alternative W on page 20, please better articulate where and how there would be an increase in motorized access in Idaho Roadless Areas (MA2). Is this Alternative referring to un-motorized trails becoming motorized trails? What is meant by backcountry restoration theme?

The Trails section on page 21 needs to include a discussion of seasonal conflicts with elk and provide supporting references (please see the below comments relative to "Wildlife Management.")

As stated earlier, there are no maps indicating the proposed changes to ROS classifications by alternative. Please provide a map of each alternative's proposed ROS changes to the No Action. The Plan and DEIS need to show the amount of proposed change and the location relative to present conditions. The Tribe needs to understand where these changes in recreation use will occur during the life of the Plan.

The "Wildlife Management" section states, "However, if many miles of roads were placed into closed status for wildlife purposes, recreationist would have fewer areas to legally enter, which could lead to crowding and other undesirable ecological impacts on the remaining open routes in the area."[44] The Forest provides no supporting data for this statement. Research has well documented that motorized recreation displaces elk from important calving areas in spring and

[44] *Id*. at 24.

hiding/escape cover during elk season (please see the comments on the "Elk Management" section). Road and trail closures lead to more elk survival.

Elk are culturally important to the Tribe. The Forest has a trust responsibility to protect elk and elk habitat. The Tribe's Wildlife Department staff can work with the Forest's and Idaho Department of Fish and Game's biologists to determine where seasonal road and trail closures are necessary to the biological management of elk.

Why does Alternative Z, an environmentally passive management-themed alternative, have the greatest increase in over-snow use? Increased snowmobile use in Alternative Z is in direct conflict with its passive management intent. This component is in conflict with too many other ecologically based components.

Section 3.4.1 "Timber"

The Tribe needs access to the Appendix data that represented how each alternative's timber volume and treatment acres were generated. Without having the ability to review this information during the current comment window, the Tribe will need to address our concerns with this component at a later date. This information is critical to our overall review of the Plan and DEIS and is necessary to provide adequate response to minimizing potential timber conflicts with other Plan components.

Even without access to the timber data Appendix, the Tribe's preliminarily review of timber harvest levels ("MMBF") in Alternative W and X are at and above maximum sustainable harvest levels with a large majority of this volume coming from MA3. Alternative W is 220-241 MMBF while Alternative X is 241-261 MMBF. These are nearly the same. The next nearest alternative, Alternative Y, has harvest levels at 120-140 MMBF, a difference of roughly 80-100 MMBF. There needs to be another alternative harvest level between 140 and 220 MMBF. This same comment was made to the Forest's planning team during the Tribe's preliminary review of alternatives on September 25, 2018. The Tribe's concern then and now is that such high rates of timber harvest in Alternatives W and X could risk important ecological function of culturally important fish and wildlife species listed under the Endangered Species Act or SCC. Please see our related comments on the "Terrestrial Ecosystems" section of Chapter 2.

Section 3.4.3 "Scenery"

In this section, the Forest needs to add a discussion/analysis of the visibility/air quality aspect of scenic quality and a discussion/analysis of prescribed burning and smoke management on visibility and scenic quality, especially for the Class I area(s). The Forest needs to include the Environmental Protection Agency's ("EPA") Clean Air Act and Regional Haze Rule under this section's "Relevant Laws, Regulations, and Policy." Also, in this section, the Forest needs to include "visibility" under "Measurement Indicators" and the "Air Quality" discussion.

Section 3.5.2 "Energy and Minerals"

Under this section's "Relevant Laws, Regulations, and Policy," the Forest needs to include EPA's Clean Air Act and Regional Haze Rule and the Idaho Department of Environmental Quality's air quality rules relating to fugitive dust emissions. The Forest also needs to include "visibility

impairment" under "Common effects of mineral development" (p.13) and "visibility and consideration of potential impacts" under the "Air Quality" (p.19) and "Scenery" (p.20) sections.

Section 3.5.3 "Livestock Grazing"

Several conclusive statements in the "Livestock Grazing" section lack citations and/or are not backed by supporting data, such as "[i]mpacts resulting from livestock grazing in the past are thought to be more significant than impacts resulting from present livestock grazing practices."[45] What supporting evidence does the Forest have to back this statement, and how are the impacts significant? Other conclusive statements of concern are in reference to conflicts with wildlife habitat and recreation. The statements, "[n]o conflicts between big game forage requirements and livestock grazing have been documented on the Nez Perce-Clearwater National Forests in the past ten years"[46] and "[n]o significant conflicts between livestock grazing and recreation use have been documented on the forest to date"[47] need to be substantiated using the Forest's data. The Forest stated that data on rangeland conditions are generally lacking or limited,[48] so how can the Forest make the aforementioned statements? The DEIS needs to disclose supporting information to back any judgements and conclusions.

Effects from Wildlife Management (coarse filter/fine filter approach, SCCs, habitat connectivity, key linkage areas, forage utilization, maintaining ecological integrity, etc.), Recreation (e.g., changes in recreation over time), and Access Management (changes in traffic, routes, trails, etc.) need a much more in-depth analysis than what is currently presented in the DEIS for livestock grazing.

Section 3.7 "Life Safety and Risk Management"

The draft Life Safety and Risk Management Report needs to include a discussion and analysis of the risk of smoke exposure to health and safety as it relates to land management scenarios among the Alternatives. "Smoke" needs to be included to the list of exposures in the fourth paragraph of the draft Report. The Nez Perce Tribe Natural Hazard Mitigation Plan 2019 needs to be included as well as the Nez Perce Reservation boundary on the map.

Section 3.8.1 "Economic Sustainability"

Please include the Nez Perce Reservation in the narrative and include the Nez Perce Reservation boundary on the map (Figure 1). Air quality and visibility impacts on tourism and recreation economy and overall quality of life (in the context of scope/scale of vegetative management and prescribed burning, as well as wildfire management in the Forest) are critically important for social and economic sustainability and contribute to total economic value.

[45] DEIS, Sec. 3.5.3 at 4.
[46] *Id*. at 18.
[47] *Id*. at 19.
[48] *Id*. at 10.

Section 3.8.2 "Social Sustainability"

Please include the Nez Perce Reservation in the narrative and include the Nez Perce Reservation boundary on the maps (Figure 1 and Figure 2).

The Tribe recommends parsing out wildfire smoke from the third paragraph of this section. The Tribe's recent PM2.5 monitoring data from the region's extreme wildfire events show that the communities within the primary social analysis area are highly vulnerable to air quality negatively impacted by wildfire smoke. This area has suffered multiple days in the unhealthy, very unhealthy, and hazardous Air Quality Index levels. Smoke from wildland fire can linger for days during the summer months and can have an impact on recreational activities. Prescribed fire and agriculture burning smoke rarely linger for days, especially in light of improved smoke management by the Forest over the past ten years.

Contrary to the Forest's discussion, wildfire smoke from increased fires due to climate change could reduce wildlife viewing and hunting.

When completed, the Tribe looks forward to reviewing the "Environmental Consequences" section including a discussion of the impacts of landscape management and prescribed burning alternatives as well as wildfire smoke on hunting and wildlife viewing, inspiration and health, aesthetics, and recreation.

I. SPECIFIC COMMENTS ON THE DRAFT REVISED FOREST PLAN

Section 1.1 "Forest Plan Revision"

Section 1.1.2.4.1 is overly-detailed and narrowly-focused for this portion of the document. Consider reframing 1.1.2.4.1 as a more general, holistic narrative of species groups of priority interest or subsume that information directly within 1.1.2.4.

Please include a section in Chapter 1 summarizing the use of best available scientific information. For example, see the Flathead National Forest Land Management Plan[49] and Draft Revised Forest Plans for Custer Gallatin[50] and Helena-Lewis and Clark National Forests.[51] In addition, include a statement about how the Forest will maintain the Plan and adapt to new information such as how will the Forest implement an adaptive management. These are critical pieces of information that are missing from the Plan.

Section 1.1.1 "Planning Area: The Nez Perce-Clearwater"

Please identify tribal and treaty reservations on the Plan's Vicinity Map and include the Tribe and the 1863 Nez Perce Reservation narrative in the first paragraph of this section.

[49] USFS. 2018. Flathead National Forest Land Management Plan. USDA, Forest Service, Northern Region. pp. 6-7.
[50] USFS. 2019. Custer Gallatin National Forest. USDA, Forest Service, Northern Region. p 13.
[51] USFS. 2018. Helena-Lewis and Clark National Forest. USDA, Forest Service, Northern Region. pp. 11-12.

Section 1.2 "Plan Elements"

The Forest needs to include a reader's index that cross-references Plan components related to resource topics that are commonly of interest or those that are found in many sections.

Section 1.6 "Consistency with Plan Components"

Direction regarding guidelines should be elaborated to describe the basis against which project documentation will be evaluated. What constitutes adequate explanation in the project record for deviating from the exact wording of a guideline? This needs to be described explicitly, relying on past monitoring outcomes and use of the best available science.

Section 2.1 "Terrestrial Ecosystems"

FW-GDL-TE-01 is inappropriately specific. This guideline should be generalized to encompass all species associated with habitats described in FW-DC-TE-02 or mirror language from FW-GDL-BIOPHY-04.

Section 2.1.3 "Forestlands"

Throughout, the emphasis on resiliency to stand-replacing disturbance within MA3 and to a lesser extent MA2 inappropriately minimizes the natural role of severe disturbance within some habitat types, particularly the Warm Moist and Cool Moist groups. Stand-replacing events are intrinsic to these systems, and management should not be aimed at hindering natural ecosystem processes at a programmatic level such as across such broad habitat type groupings. Desired conditions with respect to species composition, stand densities, size class distribution, landscape pattern, and patch size should be revised to better reflect natural ecosystem processes within MA3 and MA2.

As stated in the Tribe's general comments, the Forest needs to determine an acceptable "percent of short-term upland disturbance" per watershed in order to prevent stand replacing events like wildfire and timber treatments causing cumulative negative effects to downslope instream sedimentation and temperature by altering normal seasonal flows. Once more than 20 percent of a watershed's area had been clearcut, measurable increases occur in flow and sediment in the winter times and similar rates of decrease in summer base flows and increased summer water temperatures. As incremental increases over 20 percent removal saw a proportional increase in peak winter runoff and decreases in summer flows.[52]

The more spatially dispersed and smaller the individual harvest areas were within a watershed the lower the impact to seasonal flows and associated sediment and temperature. The same results were also shown when thinning or selective harvest methods were used instead of clearcutting. When the extent of harvest area was proportionately higher, the suspended sediment levels remained elevated for many years. One to two decades of revegetation time are required to counter these negative effects on downstream hydrologic function. Anticipated short-term impacts of timber harvest can become longer-term impacts if the scale and pace of stand-replacing harvest

[52] National Research Council. 2008. *Hydrologic Effects of a Changing Forest Landscape*. Washington, DC: The National Academies Press. https://doi.org/10.17226/12223, pp. 61-70.

and fires disrupt too much area without adequate time for vegetation regrowth within any single watershed.

The ARCS, as a replacement for PIBO, provides good protection and restoration measures within Riparian Management Zones ("RMZ"). However, the ARCS does not address the potential negative hydrologic disturbance to sediment and temperature from altered seasonal flows if the pace and scale of stand-replacing disturbance in the upland forested areas are too great.

All the referenced studies do not consider stand replacing events of wildfire. The Tribe recommends that a cumulative forest vegetation disturbance ratio be developed and tracked during the life of this Plan for each watershed in MA3.

The Tribe's watershed and timber staff would like to work with the Forest Planning team to better define the "percent forest disturbance per watershed" and set appropriate language in the Plan. The Forest could address this issue with the creation of a desired condition or with a standard or guideline.

There may be stand replacing fires and timber treatments at a scale and frequency that could cumulatively alter the hydrologic function of an individual watershed's ability of retaining and releasing moisture over time. Without some kind of ongoing analysis of upland vegetation disturbance, any watershed within MA3 could be vulnerable to long-term shifts in downslope seasonal flows that could increase instream sedimentation and temperatures.

As an exercise to represent this point, the average burn areas of MA3 and the 5-year measurable objectives of each PVT group for Alternative W (pages 31-32) in MA3 were extrapolated for 30 years and ended with over 100 percent of the MA-3 being treated. These alternatives do not include the potential treatment acres of wildfire that could alter thousands of acres of upland vegetation in MA3. The Tribe is asking for a comparative evaluation of Forest restoration actions against watershed health restoration/protection actions, especially for MA3. The DEIS and the Plan present forest restoration primarily as a timber treatment solution under Alternatives W and Z without considering their impact in conjunction with the impact of wildfires. The cumulative effect of wildfire and the pace and scale of harvest needs to be evaluated as a measurable watershed attribute and needs to be monitored over time.

Each watershed across MA3 needs to be evaluated to determine the ongoing overstory disturbance ratio based on recent fire severity and timber treatments. The pace and scale of timber prescriptions also should be evaluated as post-fire evaluations (BAER) are completed over time. RAS could generate this recommended watershed disturbance ratio and also be used to provide pre- and post-project analyses when implementing the Plan.

The largest size class bin in Tables 4, 6, 8, and 10 (20"+ DBH) is inappropriately broad in comparison to the other bins and precludes the evaluation and management of truly large, mature trees of many key species (e.g. ponderosa pine, Douglas-fir, and western red cedar).

Desired conditions regarding landscape pattern and patch size for MA3 should more closely mirror those described for MA1/MA2 with respect to historic fire regimes, topography, and land type changes. The MA3 language appears to be overly-prescriptive in ways that may force

inappropriate departure from natural range of variation ("NRV"). Why are landscape pattern and patch size important? Please explain the connection to ecological integrity, wildlife habitat, etc. Desired conditions for landscape pattern and patch size should not read the same for each PVT. Does the Forest have data to show desired patch size distribution for each PVT? Please describe and quantify landscape pattern and patch size in each PVT across the alternatives for each desired condition.

In general, desired conditions specific to size classes do not vary by MA, which is appropriate. However, desired species compositions vary by MA without justification. MA3 provides critical habitat for a wide array of wildlife species dependent upon structural diversity afforded by tree species compositions within NRV.

MA3-DC-FOR-07 references habitat for cavity-nesting wildlife that should be mirrored across all DCs, MAs, and PVT Groups.

Root rot and other pathogens should be added to the list of areas with highest snag densities under MA3-DC-FOR-11.

MA3-DC-FOR-12 is ecologically inappropriate and likely impossible to achieve. Timber harvest is an inappropriate tool to manage understory vegetation particularly in a fuels reduction context, Understory vegetation constitutes a large proportion of the "vegetation" within MA3. Wildland fire can still be expected to more "dominantly" affect the composition, structure, and pattern of vegetation within MA3 than even the most aggressive timber harvesting program. A reversal of that trend by either a major reduction in wildfire extent/severity or major increase in timber harvest activity would result in a massive departure from historic fire regimes, which is an inappropriate desired condition in MA3.

MA3 restoration objectives should incorporate prescribed fire and wildland fire as well as timber harvest. Timber harvest alone is unlikely to constitute "restoration" in many fire-prone habitat types, particularly when viewed holistically (e.g. soil restoration, understory vegetation community restoration, wildlife habitat restoration, etc.).

The Tribe appreciates the whitebark pine being identified as a priority restoration objective in key PVT groups (MA2-OBJ-FOR-07).

Although perhaps uncommon, old growth grand fir stands were historically present within MA3 and provide important habitat conditions for fisher and other wildlife species. Protection of those stands is important to the long-term persistence and legal status of fisher in the Forest. MA3-STD-FOR-01 and MA3-GDL-FOR-02 through -04 should be revised to afford some protection to ecologically appropriate stands where site conditions promote longer-than-normal fire return intervals.

MA3-GDL-FOR-05 and MA3-GDL-FOR-06 should be expanded to also include MA2.

MA3-GDL-FOR-05 inappropriately references snag densities across the Plan area, the boundary of which often appears to be arbitrary and encompassing large untreated areas. This language could easily be met through retention of snags outside of harvest units alone, resulting in no residual

habitat structure for cavity-dependent species within harvest units. MA3-GDL-FOR-05 should be revised to measure snag densities per 100 acres across all treatment units.

MA3-GDL-FOR-06 confusingly references live tree densities across both harvest units and timber sale units.

The minimum snag densities identified in Tables Y-12 and Z-13 are inappropriately low and in some cases, based upon the data presented in Bollenbacher et al. 2009, particularly in the case of the Warm Dry PVT (see Table 11 [Nez Perce National Forest] within Bollenbacher et al. 2009). In addition, minimum snag densities for the Cold PVT Group should be designated separately from Cool Moist, as numbers for the former area differ substantially from the latter. Densities should be based on ecological reference data (Roadless/Wilderness) to provide levels consistent with restorative forest management and wildlife habitat recovery desired conditions rather than "status quo" levels measured within historically managed stands. Literature regarding historic snag densities in Inland Northwest forests should be evaluated and used alongside data from Bollenbacher et al. 2009 as well.

Section 2.1.5 "Meadows, Grasslands, and Shrublands"

The common names for *Lomatium triternatum* and *Eriogonum heracleoides* are switched.

Desired conditions for meadows, grasslands, and shrublands are ambiguous and thus provide tremendous management flexibility and discretion with respect to the amount and degree of plant composition and cover, biological soil crusts, bare ground, litter, and tree presence.

The Forest needs to avoid the following terms because they lack clear meaning: low, dominant, moderate, more, rarely, persists, largely free, generally, greatly, common, present, and little. For example, "[b]are ground is present" (see FW-DC-GS-03) is an insufficient management target and not specific enough. To what degree is bare ground present for the Xeric Shrubland Habitat Type Group? The same critique applies to plant species dominance. The desired conditions need to include some qualitative or quantitative ranges for, at least, percent cover of biotic and abiotic characteristics. The Forest needs to refer back to the Habitat Type Groups and describe them more thoroughly in the Plan and/or in the management approach. Otherwise, without targeted monitoring, the Forest will not be able to assess meeting the desired conditions or justify future activities for these habitat types.

Please report current and desired conditions including percent distribution, number of acres Forest-wide, and by management area for meadows, grasslands, and shrublands.

Section 2.1.6 "Fire"

FW-GDL-FIRE-04 references the Wildland Urban Interface/Intermix, but these areas are not defined. The Forest should develop and adopt a consistent metric Forest-wide rather than rely on local counties to define these areas.

Section 2.1.7 "Invasive Species"

FW-DC-INV-01 references plant species composition, which is an inappropriate basis to evaluate the dominance of invasive weeds (e.g. one or two species can dominate many thousands of acres of native communities). The Forest should consider referencing percent cover. Without intensive monitoring, achieving FW-DC-INV-01 will be challenging.

The Forest needs to define the term "significant" in FW-GDL-INV-01.

Language from FW-GDL-INV-02 should be used to establish a new guideline requiring the inspection and cleaning of all equipment moving into, out of, or within upland/terrestrial areas, especially if the Forest wants to achieve FW-DC-INV-01.

FW-GDL-FIRE-03 needs to clarify "measures should address…" What does "measures should address" mean?

Section 2.1.8 "Soil Quality and Productivity"

The Tribe agrees with the objective FW-STD-SOIL-01 that all land management activities shall be designed and implemented in a manner that conserves soil physical, chemical, and biological function, and improves these functions where impaired. However, the standard should not be written to allow or deem acceptable limited short-term or site-scale effects from activities even if they support long-term benefits to soil resources. This may undermine the NEPA process, especially at the project-level.

A definition of "activity area" and "local ecological type" in FW-GDL-SOIL-02 needs to be included containing spatial scale and context.

MA2 & MA3-GDL-SOIL-01 sets a 45 percent slope guideline for ground-based equipment, then states tractor skidding of logs should only occur on slopes less than 35 percent to limit detrimental soil disturbance.

The Plan proposes restoration of impaired soils on 900 to 4,500 acres annually but does not define or describe "restore." Please write a description of FW-OBJ-SOIL-01 for each alternative. These values should be an absolute minimum acres restored, and the Forest needs ambitious but realistic objectives set to preserve the long-term resilience of ecosystems.

What are "post wildland fire vegetation management activities" in MA2 and MA3-GDL-SOIL-04? What does the Forest consider "permanent soil impairment?"

What indicator(s) will the Forest use to evaluate "soil function" in MA2 and MA3-GDL-SOIL-05?

Section 2.2 "Aquatic Ecosystems"

The results of past cobble embeddedness monitoring showed the 1987 Nez Perce Forest Plan, as amended by PACFISH, was effective in reducing fine sediment in that Forest's streams. The Tribe is pleased to find much of PACFISH retained in the draft plan and all of the alternatives.

Implicit in the PACFISH amendments is the concept of "do not retard." In other words, the amendments are intended to hold the line on aquatic conditions until such time as site-specific direction are developed through forest planning.

The Conservation Watershed Network ("CWN") components are intended to provide a pattern of protection across the landscape in which the habitat of migratory salmonids receives special attention and treatment.[53] This CWN is intended to replace key or priority watersheds in the Plan, but the words key and priority are still used in the Plan. Please clarify this issue.

Standards FW-STD-CWN-01 and -02[54] are supported by the Tribe and should only be strengthened, not weakened, for the protection of aquatic and riparian desired conditions and federally listed species.

The Tribe supports the level of restoration proposed in the objective tables within the Soil, Water and Aquatic Resource section. Comparing these numbers to existing conditions would be valuable. Baseline numbers would be helpful in evaluating the realistic attainment of these objectives.

The Tribe strongly supports FW-STD-WTR-04, which states that projects need to maintain aquatic and riparian desired condition. Where these desired conditions are not yet achieved, the project needs to restore and in no way retard attainment of the desired conditions. This standard is important and should only be strengthened, not diluted in any way.

FW-STD-WTR-04 should be edited to make clear that the sentence beginning with "Short term adverse effects…" represents a specific exception to the standard itself. This sentence should not be construed as a basis for circumventing other Plan language or federal law regarding adverse effects to wildlife or plant species or their habitats.

"Ignition will occur no closer than 150 feet to category 1 RMZs, 100 feet to category 2 and 3 RMZs, and 50 feet to category 4 RMZs."[55] This sentence should be worded that ignition should be outside of the RMZ, such as 300 feet for Category 1. If there are exceptions, they need to be specific, such as in FW-STD-RMZ-01.

The Stream Condition Table referred to in the Plan (pages 55, 56) is unavailable. This table, along with completed numeric values, needs to be included in the Plan in order to be reviewed along with associated text.

The Tribe commends the Forest on defining the RMZs consistent with PACFISH, especially the landslide prone buffers which are so important to stability of landforms.[56]

The stated purpose of Section 2.2 is described in terms of listed fish species, aquatic species of conservation concern, and compliance with the Clean Water Act. However, riparian areas support disproportionately diverse communities and populations of wildlife and plant species as well. The conservation and restoration of riparian-associated wildlife and plant species should be explicitly

[53] Plan at 45.
[54] *Id.* at 52.
[55] *Id.* at 56.
[56] *Id.* at 53 and 54.

identified as among the purposes and within the scope of this section. This purpose should be used to amend language throughout Section 2.2 that explicitly describes wildlife- and plant-specific habitat desired conditions, goals, objectives, standards, and guidelines applicable within riparian areas.

FW-DC-WTR-09 should be edited to condition this language on the life history and behavior of beavers and the natural range of variation of beaver distribution and habitat conditions.

FW-DC-RMZ-01 should be edited to reference biological processes as well as conditions.

The second sentence within FW-GDL-ARE&M-01 should be edited to provide direction to the Forest Service rather than operators. In addition, sentences 4 and 5 should dropped as Plan components are only ever applicable when the Forest Service has jurisdiction. This existing language simply duplicates Plan language elsewhere.

FW-STD-ARE&M-01 and -03 need to be amended to include terrestrial wildlife and plants.

Section 2.3 "Wildlife"

A list of designated SCCs and fine-filter Plan components to protect them are not yet included in the Plan. Standards and guidelines need to be developed to ensure the protection of all such species as well as other species or guilds of conservation or cultural concern. Reliance on desired conditions alone to provide "coarse-filter" protection for SCCs is inappropriate and should be coupled with species-specific standards and guidelines to function as backstop protections for SCCs.

FW-GL-WL-01 should be expanded to include SCCs and at-risk endemic species.

FW-GL-WL-02 should be expanded to read "...over the long term, consistent with their natural range of variation, with sufficient distribution…"

FW-DC-WL-04 and -05 are overly-specific. This level of detail should either be applied to all other species of concern on the Forest or dropped. FW-DC-WL-02 provides programmatic direction for fisher, bighorn sheep, and other species of concern.

The following new desired conditions should be established specific to wildlife:

- A diversity of wildlife species is present on the Forest, each contributing to ecological processes such as predator-prey relationships, nutrient cycling, hydrologic function, and vegetation composition and structure within their natural range of variation, as well as cultural, social, and economic benefits such as wildlife viewing, photography, and hunting.

- Biotic and abiotic conditions exist within their natural range of variation, thereby providing resources needed for feeding, breeding, and sheltering by all native species, particularly during periods of high energy demands, such as reproductive seasons and winter.

- Human-related food and attractants are unavailable to most wildlife species. Natural wildlife foraging patterns are the norm, while food conditioning and/or human habituation of wildlife and associated human-wildlife conflicts do not occur.

- Landscape patterns provide habitat connectivity for native species, particularly wide-ranging species such as medium to large carnivores and wild ungulates. Resulting habitat connectivity facilitates daily, seasonal, and dispersal movement of animals to maintain genetic diversity.

- There is a low risk of disease transmission between domestic animals and wildlife.

A new objective should be established to complete at least one project per year with the purpose of restoring habitat and/or populations of listed species, SCCs, or at-risk wildlife species.

To provide thematic protection for all federally listed species, SCCs, and other sensitive and rare species, a new standard should be added as follows: "Management activities shall be designed and implemented such that progress toward recovery of populations of federally-listed threatened, endangered, and candidate species as well as SCC species is not adversely affected or hindered over the short- or long-term."

The 16-mile buffer between wild and domestic sheep is outdated science. FW-STD-WL-03 should be replaced with the following standards:

- Domestic sheep or goats used for weed control purposes shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.

- An effective monitoring program shall be in place to detect the presence of bighorn sheep and stray domestic sheep in identified high-risk areas, based on a quantitative risk assessment, when authorized domestic sheep or goats are present on adjacent or nearby allotments.

- Trailing of domestic sheep or goats shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.

- Permitted domestic sheep and goats shall be counted going on and off allotments by Forest Service personnel using an automated, reliable system which produces a verifiable record of the count. A full accounting of any missing sheep shall be made.

- Implement emergency actions when bighorn sheep presence is detected within a certain distance in miles derived from a quantitative risk assessment of active domestic sheep or goat grazing or trailing. Actions to be taken shall ensure separation between bighorn sheep and domestic sheep or goats and be consistent with the emergency response plan.

- To maintain separation, when bighorn sheep are found within a certain distance derived from a quantitative risk assessment of an active domestic sheep and goat allotment,

implementation of the emergency response plan shall occur, and the appropriate state agency shall be informed on the location of the bighorn sheep.

- Domestic sheep or goat grazing shall not be authorized or allowed in the absence of an emergency response plan designed to maintain and rapidly reestablish separation of at least a certain number of miles derived from a quantitative risk assessment from bighorn sheep.

- Stocking of allotments not currently authorized for domestic sheep and goats shall only be permitted after a complete quantitative risk assessment has been completed.

FW-GDL-WL-01 should be generalized to ensure habitat connectivity and landscape patterns consistent with their natural ranges of variation.

FW-GDL-WL-02 should be edited to reference a broader array of infrastructure: roads, bridges, culverts, administrative sites, recreational sites, etc.

FW-GDL-WL-05 should be expanded to apply to domestic sheep grazing as well as goat packing.

Section 2.3.1 "Multiple Uses – Wildlife"

The introductory narrative provides a non-exclusive list of primarily game species. If retained, the sentence should be edited with an "*e.g.*" preceding the list. The introductory narrative should include a brief sentence acknowledging the need to balance multiple use wildlife species with ecological constraints, holistic ecosystem health, and the recovery of species of conservation concern. This would provide important context for some of the qualifiers already and properly embedded in the desired conditions.

Reference to "Federally Recognized Tribes" should be changed to "Nez Perce Tribe."

FW-GL-WLMU-01 should be edited to read: "Habitat contributes to the persistence and resiliency of populations of priority species as identified by the Nez Perce Tribe, Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, and other regulatory entities."

The second sentence of FW-DC-WLMU-01 is inappropriately vague and should be edited to read: "Wildlife are well-distributed within their respective seasonal ranges, consistent with their natural ranges of demographic and spatial variation."

FW-GDL-WLMU-01 should be edited to read: "When designing and implementing projects, . . .".

The first sentence of MA2-DC-ELK-02 should be edited to protect areas 5,000 acres in size from diminishment. This desired condition should also be split, with the second sentence elevated to be a standalone desired condition.

Adjacency needs to be defined for MA2-GDL-ELK-01.

MA2-GDL-ELK-02 should be edited to read: ". . . habitat for elk, vegetation management projects should be designed . . ."

A new elk guideline should be established to limit the creation of road-adjacent sight lines greater than 500 yards within openings created pursuant to FW-STD-TBR-05.

Section 2.3.5 "Management and Geographic Areas"

The Tribe appreciates the Forest designation of Pilot Knob as a Special Management Area because of its religious and cultural significance to the Tribe. However, the Tribe does not believe that NEPA requires the Forest to explain in detail in the DEIS why Pilot Knob is important to the Tribe or what spiritual activities occur there. The Tribe requests that the Forest revise this section to note that the area is culturally significant to the Tribe and state that the Tribe believes that the existing communication facilities negatively impact the values that make it significant.

Section 2.4 "Air Quality"

This section is not complete. The Forest needs to include goals to minimize emissions of fugitive dust due to mining, road building, logging, and other such landscape disturbances. FW-GL-AIR-01 needs a revised goal for the Forest to: "Coordinate with local and regional partners prior to planned ignition activities to minimize cumulative air quality impacts from smoke." Additionally, FW-DC-AIR-01 should have a revised goal for the Forest to: "Good air quality supports human and ecosystem health, safety, and quality of life over the long term. It enhances visibility, scenic quality, and the visual aesthetics of the planning are over the long term. It supports economic and social sustainability of the planning area over the long term."

The Clean Air Act is a legal mandate designed to protect the public *and the environment* from air pollution. The language "and the environment" is missing from the Plan. The National Ambient Air Quality Standards establish: (1) primary standards provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly; and (2) *secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.* The secondary standards are missing from the Plan.

Section 2.6 "Alternatives Considered in Detail"

The Tribe appreciates the Forest's inclusion of a variation in Alternative Y not to renew the communication site in the Pilot Knob Geographic Area. This language should be included in all alternatives.

Chapter 3. Tribal Trust Responsibilities

FW-DC-TT-04 is written at too broad a spatial scale, such that gathering opportunities may be relegated to roadless or wilderness areas. This desired condition should be edited to read: "Culturally important botanical species are present and vigorous within their natural or historic range of spatial variability."

FW-GDL-TT-01 should be edited to apply to the production of forest products generally (i.e. timber harvest), not simply special forest products. What makes one forest product more worth damaging cultural resources than another?

Section 4.3 "Sustainable Recreation Management"

Tables 15 and 17 on page 71 need to show the percent change and acres in comparison to the No Action within MA1, MA2, and MA-3. The Tribe assumes that not all proposed ROS changes for the eventual preferred alternative will be in the roaded front (MA3). The Tribe wants to see where most of the changes will occur and the extent of change (acres/percent) of the different classifications.

There is no Table 16. Was table 17 supposed to be labeled 16, or is a separate table missing?

There is a need for maps that show the spatial change within MA1, MA2, and MA3 of the eventual preferred alternative when compared to the No Action. Without reviewing the spatial representations of the ROS changes by alternatives presented in the DEIS, the Tribe has difficulty supporting a preferred alternative to similarly be presented here. The Tribe cannot provide adequate recommendations when the DEIS provides inadequate comparisons to the present condition of the No Action alternative.

Once a preferred alternative is selected, this section needs to provide a simple narrative of the amount of change and location of the most significant/obvious changes in ROS classes when compared to the No Action and also be shown on a map. The Tribe assumes the greatest change will be from summer non-motorized to motorized due to expanded timber harvest in MA3 plus the desire of providing long loop routes connecting motorized trails across MA2 and MA3.

Expanded motorized snowmobile riding should not be in Alternative Z, but some portion of expanded winter use is expected to be part of the preferred alternative. Alternative Z has the greatest increase in winter motorized expansion which is in direct conflict with the theme as a passive management alternative. This component of recreation seems at odds with Z and should be removed. Alternative Z numbers are not provided in Table 17. Either remove this component from Alternative Z or show the numbers in the table.

Section 4.7 "Suitability"

The Forest needs to report suitability of lands in number of acres per activity for each alternative and explain the difference between timber production and timber harvest.

Section 5.1 "Timber"

FW-STD-TBR-11 inappropriately exempts salvage and sanitation harvest from being counted against the annual sustained yield and sale quantity limits. These actions result in project activities on the Forest, generate a flow of timber to local economies, and represent a change in several conditions consistent with many of the stated desired conditions specific to forestlands on the Forest. A harvest schedule divorced from wildfire losses would result in an inappropriate level of total harvest and disturbance in many areas.

Are FW-GDL-TBR-01 and -02 really guidelines? They do not appear to be "constraints on project or activity decisions" as defined under 1.2.4.

Please report number of acres suitable for timber production for each alternative.

Are the SYL, PWSQ, and PTSQ management targets? If so, are they based on reasonable expectations about the fiscal capability and organization capacity to achieve the desired conditions and objectives in the Plan?

Tables 24 and 26 need to be completed.

Section 5.2 "Energy and Minerals"

This section needs an introduction of the types of minerals and energy that exist on the Forest and needs components for abandoned mines, caves, and CERCLA sites, if necessary.

Why does the Forest fail to propose no "constraint[s] on project or activity decision making" (1.2.3, 1.2.4) specific to energy and mineral development activities? Are there no industry BMPs that would be appropriate to institutionalize as standards or guidelines?

Section 5.3 "Livestock Grazing"

The Forest needs to provide a concise, informative introduction of livestock grazing across the Forest.

FW-DC-GRZ-01 is not, as written, a desired condition. Salting should be excluded from all threatened, endangered, and candidate terrestrial and aquatic species' habitats, as well as SCC, at-risk, and culturally important plant and animal species' habitats.

FW-GDL-GRZ-02 should be edited to read "...occupied habitat as needed," rather than restricted to the active growth period as damage can occur during non-growth periods as well. Furthermore, as written, the guideline would do little to encourage the recovery of species in unoccupied, but suitable, habitat. FW-GDL-GRZ-02 should capture all threatened, endangered, and candidate terrestrial and aquatic species, as well as SCC, at-risk, and culturally important plant and animal species.

The Tribe has great concern that the Forest will not be able to adapt forage utilization values over time to meet FW-GDL-GRZ-03 because the Forest has a limited record of long-term monitoring and evaluation of rangeland ecological conditions across the Forest to date. The Forest is already behind on updating rangeland allotment management plans. How will this guideline also meet the habitat needs of wildlife and plant species at both the coarse and fine filter scales over time?

Section 5.4 "Special Forest and Botanical Products"

The section needs an introduction that defines and describes special forest and botanical products.

Section 6.2 "Recommended Areas and Roadless Areas"

MA2-DC-IRA-04 should be edited to read: "...increase elk herds consistent with desired conditions and the natural range of variation of habitats within MA2."

Section 6.3 "Geographic Areas"

GA-DC-SR-01 should be edited to read: "...is available consistent with its natural range of variation."

Appendices

Appendices were not available for review. Tribal reservation boundaries should be included on all regional maps. The monitoring plan needs to be a chapter of the Plan, not an appendix. How best available scientific information was used to inform the assessment, plan, and monitoring plan needs to be summarized in Chapter 1, not in an appendix.