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).