



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

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May 1, 2018

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

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

Dear Supervisor Probert:

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

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

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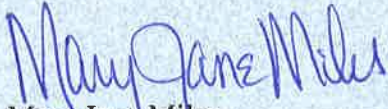
<sup>1</sup> Treaty with the Nez Percés, June 11, 1855, 12 Stat. 957.

<sup>2</sup> *Nez Perce Tribe v. United States*, Docket #175, 18 Ind. Cl. Comm. 1.

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

Respectfully,



Mary Jane Miles  
Chairman

**NEZ PERCE TRIBE'S COMMENTS ON ALTERNATIVES FRAMEWORK FOR THE  
NEZ PERCE-CLEARWATER NATIONAL FORESTS  
APRIL 2018**

**I. GENERAL COMMENTS**

- The Framework needs a strong monitoring section to implement the Forest Plan so that there is a mechanism for measuring progress toward achieving desired conditions. For every desired condition (“DC”) in the Framework, there needs to be a monitoring component to evaluate its present status and progress throughout the life of the Plan. If the DC wording does not provide adequate measureable unit(s), then there must be a quantitative or qualitative “measureable objective” associated with the DC that identifies when, where, or how progress will be measured. In short, why have a DC described in the Plan if it cannot be evaluated over time?
- Standards vs Guidelines: The Tribe cannot support the Framework’s broad attempt to move away from standards toward guidelines. The Tribe supports the use of standards as stated in our original comment letter on the proposed action dated November 14, 2014. A move away from standards is not justified or warranted under the 2012 Planning Rule.

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

- Conflicting Desired Conditions: The Tribe is concerned that the Framework has conflicting DCs for one or more resources. The four bulleted items starting on page 10 of the Framework can be interpreted to allow the pursuit of one DC at the expense of another, especially when it comes to watershed health.
- The Framework needs to state that management and protection of trust resources is a priority for the Forest. The Tribe recommends that the Forest incorporate two standards from the 1987 Clearwater Forest Plan that capture that intent. These standards read as follows: (1) “Ensure that Forest Actions are not detrimental to the protection and preservation of Indian Tribes’ religious and cultural sites, practices and treaty rights” (Page II-23, 3g Standards-3. Cultural Resources), and (2) “Ensure proposed practices and management activities are coordinated with other government agencies and Indian Tribes to insure requirements of all laws and regulations are met and terms of Indian Treaties are upheld.” (Page II-21, E(1)(d)). Both standards could be placed under Section 2.0 Tribal Trust Responsibility.
- The Framework does not make clear how the Plan will address known ecological stressors to vulnerable ecosystems supporting sensitive fish and wildlife species. The Tribe needs to understand how ecological stressors will be addressed in the Plan and will provide comments accordingly.
- The Tribe strongly recommends adding an “Invasive Species” Plan component that identifies DCs, goals, objectives, standards, and guidelines, where appropriate. This Plan component

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

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

## **II. COMMENTS ON SPECIFIC FOREST PLAN COMPONENTS**

### **Introduction to Forest Plan Components**

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

#### **1.1.1 Across the Landscape:**

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

#### **1.1.2 Forestlands:**

- The PVT framework could be used throughout the document to organize and refine terrestrial Plan components important to ecological processes. For example, the front country (MA-3) designation encompasses a broad range of ecological conditions with varying and potentially divergent management needs. This PVT framework, with the assistance of step-down structure of habitat types or fire groups, could help identify ecological boundaries for federally-listed species, species of conservation concern (“SCC”), focal species, and big game, etc.
- Understory vegetation should be managed as a core component of forestlands rather than through the lens of fuels management or timber production. As currently drafted, the Framework language only addresses “within-stand characteristics” under FW-DC-FOR-02 (specific to warmest and driest sites only) as “dominated by native grasses, forbs, and low shrubs” (what’s a “low shrub,” and why not shrubs in general?). One option may be to tier down from the PVT group-wide composition and size class information in the tables to identify desired cover, density, or etc. ranges for dominant understory species within each tree dominance type. For instance, within the ponderosa-pine dominance type in the Warm Dry PVT group, what are the DCs for the condition of major understory species like ninebark, ocean spray, etc.?
- An explanation of the present condition needs to be added in Tables 3 through 10 (pg. 17-24) where they have major deviations from desired range(s). For the benefit of the public, please provide an explanation to primary cause(s) and their history.

- Tables 3, 5, 7, and 9 need to show the present condition and desired range for each management Areas (MA-1, MA-2, and MA-3). Also, please provide acres within each management area (MA-1, MA-2, MA-3). This would be much more informative as to relative abundance of each dominance type and where departure occurs across management areas.
- Tables 4, 6, 8, and 10 need to include current condition for each management area and not be summarized across the entire forest. This will enable departure to be better understood by management area.
- Tables 4, 6, 8, and 10: Trees greater than 20 inches (20+) need to be broken out into additional size categories. From a wildlife habitat standpoint, additional large tree size classes would be valuable information to have.
- FW-DC-TE-05 should reflect forage resources, not just nectar resources.
- FW-GDL-TE-01 makes no mention of extirpated species that may have been eliminated through prior Forest actions or other processes but are potentially eligible for reintroduction. Activities should conserve habitat for continued persistence and support natural or assisted reestablishment and population growth.
- FW-DC-FOR-01: Please provide a historical basis for aspen representing 1% of cover on the Forest.
- FW-DC-FOR-02: Please define “low shrubs.”
- Wildlife footnote #1: These habitat types should be identified explicitly.
- FW-DC-FOR-03: These three Management Areas encompass a diverse range of warm dry PVT groups and site conditions. Is it appropriate to develop desired target ranges across such wide areas (Table 3)? What is the source of the data presented in Table 3? This DC should also include desired conditions of riparian communities, which one would expect to vary by PVT group. In relation to this DC, please provide the source of the data presented in tables 3, 5, 7, and 9. The desired cover type ranges (%) presented in all of these tables, for each PVT group, are too broad to provide meaningful information about forest conditions. The Tribe suggests that the desired target ranges (%) for the four PVT groups be broken down into smaller geographic units within each Management Area.
- FW-DC-FOR-04: Edit to read “...with live legacy trees and snags from past disturbance...” and “...distributed across the PVT group at their historic range of variability.”
- MA2-DC-FOR-01 and MA3-DC-FOR-01: “Vigorous stands” should not be the goal across all of MA2 and MA3, as some habitat types are not naturally vigorous.
- FW-DC-FOR-05: Why are only ponderosa pines and western larch identified explicitly in this language? What is the source of the data presented in Table 4? Why are the size class bins so specific at lower size ranges but truncated at 20+ inches? Additional specificity at the larger

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

- Wildlife footnote #3: These habitat types should be identified explicitly.
- MA3-DC-FOR-02: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic low and mixed severity fire patterns.
- FW-DC-FOR-06: Does western hemlock not represent a dominance type? This DC should also include desired conditions of riparian communities, which one would expect to vary by PVT group.
- FW-DC-FOR-07: Edit to read “...with live legacy trees and snags from past disturbance...” and “...distributed across the PVT group at their historic range of variability.”
- MA2-DC-FOR-02 and MA3-DC-FOR-03: Edit to read “...to promote resilient stands, consistent with their historic range of variability, dominated by...” Change “vigorous stands” to “resilient stands.” “Vigorous stands” should not be the goal across all of MA2 and MA3, as some habitat types are not naturally vigorous.
- MA3-DC-FOR-04: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic mixed severity fire patterns.
- FW-DC-FOR-09: What is the source of the data presented in Table 7? The inclusion of language regarding riparian sites is good, but why are hardwood species not identified?
- FW-DC-FOR-10: Edit to read “...across the PVT Group at their historic ranges of variability or the ranges in Table 7.”
- MA1-DC-FOR-03: Standardize language with MA1-DC-FOR-01, and -02.
- MA2-DC-FOR-05: “Vigorous stands” should not be the goal across all of MA2, as some habitat types are not naturally vigorous.
- MA3-DC-FOR-05: Edit to read “...provides for wildlife habitat, timber production, providing resilience...” “Vigorous stands” should not be the goal across all of MA3, as some habitat types are not naturally vigorous.
- FW-DC-FOR-11: What is the source of the data presented in Table 8? Why are the size class bins so specific at lower size ranges but truncated at 20+ inches? Additional specificity at the larger size classes would be valuable from a wildlife habitat standpoint.
- MA3-DC-FOR-06: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic mixed severity fire patterns.

- FW-DC-FOR-12: These three MAs encompass a diverse range (%) of site conditions within the warm moist PVT group. We ask that this PVT group's range be broken down into subgroups within each MA (Table 9). What is the source of the data presented in Table 9? This DC should also include the DCs of riparian communities, which one would expect to vary by PVT group.
- MA1 and MA2-DC-FOR-04: Edit to read "...across the PVT Group at their historic ranges of variability as presented in Table 9."
- MA3-DC-FOR-07: Edit to read "...across the PVT Group at their historic ranges of variability."
- MA2-DC-FOR-04: Change "Vigorous stands" to "resilient stands." Vigorous stands should not be the goal across all of MA2, as some habitat types are not naturally vigorous.
- MA2-DC-FOR-08: Change "vigorous stands" to "resilient stands." Vigorous stands should not be the goal across all of MA2, as some habitat types are not naturally vigorous.
- MA3-DC-FOR-09: This language needs to include snags (across size classes) and other habitat elements along with live trees, all consistent with historic mixed severity fire patterns.
- MA2 and MA3-GDL-FOR-06: This language should be updated with more recent literature values.
- MA3-DC-FOR-10: Amounts of old-growth in all dominance types should all be "maintained or increased consistent with their historic range of variability." Reductions in some types to within their historic ranges should be accomplished through natural disturbance (i.e. allow them to decline in extent on their own, through insect/disease activity and wildfires).
- MA3-DC-FOR-12: Does timber harvest in this case mean commercial sale activity, or does it also include fuel treatments and non-timber prescriptions (which would be far more appropriate in this context)?
- MA3-STD-FOR-01: "Over the long term" needs additional definition and clarification.
- MA3-GDL-FOR-01: This guideline should apply to all dominance types, not just those listed. However, some dominance types should not be managed for increased resiliency when such trends are inconsistent with those community's underlying ecology (such as old growth grand fir).
- MA3-GDL-FOR-02: "Optimum location" needs additional definition. Inconvenient routing should not be adequate justification for fragmenting old growth stands.

- MA3-GDL-FOR-03: What are “non-desired old growth types,” particularly without reference to site conditions? Are there any dominance types that historically never met old growth definitions, anywhere on the Forest?
- MA3-GDL-FOR-04: Edit to read “...when assessed across an entire project area and at the individual stand or treatment unit level.” “[O]r none” should be removed from sentence #3. The numbers in Table 12 need reference or documentation.
- MA3-GDL-FOR-05: Edit to read “...other than snag recruitment do not count toward this number.” Species preferences should be identified here as well, by PVT group. Generally, true firs and lodgepole pine should be at the bottom of the priority list for trees retained for snag recruitment.
- Additional Plan components are needed specific to recently-burned areas, including snags, coarse woody debris, litter depth, etc.
- Additional language is needed regarding understory conditions across all PVT groups and seral stages: structure, function, presence of non-native species, disturbance agents and regimes, protective measures, etc.
- The Tribe recommends that forest inventories include indicators for assessing ecosystem health. The Tribe would like to meet with the Forest team to help develop a list of these ecosystem indicators for future monitoring across the Forest.

### **1.1.3 Meadows, Grasslands, and Shrublands:**

- The Tribe would like to see a thorough description of desired conditions for the meadow, grassland, and shrubland broad vegetation types present on the Forest. Each description should include a narrative about site potential, which may be based on habitat type descriptions or ecological site conditions. These habitat types are characterized by more than just the absence and/or presence of dominant plant species (i.e. soil conditions, hydrologic regime, disturbance regime, etc.)
- FW-DC-GS-08 and GS-DC-GS-09: Define “persist” and consider changing these DCs to guidelines.

### **1.1.4 Soils Quality and Productivity:**

- The Tribe recommends including limited Detrimental Soil Disturbance (“DSD”) similar to the Forest’s current practice of following Region 1 guidance of 15% DSD across all alternatives.
- The Tribe would also like to see an alternative where MA2 and MA3-GDL-SOIL-01 avoids areas of high mass wasting.



### **1.1.5 Fire:**

- In attempting to move towards a more fire-dependent system, how will fire management be incorporated in MA-3? Will Fire Management allow some fires to burn in MA-3? Under what conditions? The Tribe asks that the Forest include any maps in the Fire Management Plan that identify potential “let burn” areas in the Framework and include them in the Plan alternatives. In the Tribe’s opinion, the Framework needs to show where the forestlands need fuel reductions and where fire can be promoted. Such pre-designation of “let burn” areas could result in large fire-fighting costs savings.
- Areas with exceptionally high fuel loads in MA-3 (roaded front) and MA-2 (Roadless), where there is an unacceptable risk of fire to high valued resources (not just Community Protection zones or WUIs), need to be identified. A map should be developed and shared where these high-risk areas occur; this map should also show areas likely eligible for a “let burn” designation, as described in the bullet above.
- Please provide tree retention targets for WUIs and CPZs.
- WUI and defensible spaces: Please articulate how aquatic/riparian areas will be managed long-term within these special fire management areas when emphasis is on more natural stocking levels. Please provide a map that illustrates their respective boundaries in MA-1, 2, and 3.

### **1.2 Aquatic Ecosystems:**

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

#### **1.2.1 Water and Aquatic Resources:**

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

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

### **1.2.2 Conservation Watershed Network:**

- The Tribe supports making PACFISH/INFISH rules permanent by incorporating them into the Plan. The Tribe supports use the Central Idaho Matrix for monitoring.
- The Forest should follow the “Updated Interior Columbia Basin Strategy: A Strategy for Applying the Knowledge Gained by the Interior Columbia Basin Ecosystem Management Project to the Revision of Land Use Plans and Project Implementation” (“Interior Columbia Basin Strategy,” developed 2003, revised 2014). This interagency memorandum applies to Forest Service Regions 1, 4, and 6. The memorandum identifies fundamental elements for revised Forest Plans when replacing PACFISH/INFISH. These elements are intended to promote and achieve conservation of aquatic and riparian resources. The Tribe is curious whether an Aquatic and Riparian Conservation Strategy will be developed specific to the Forest.
- Population Strongholds: The Framework acknowledges the importance of population strongholds and the desire to meet recovery goals for listed fish. The FW-STD-CWN-01 is a starting point for achieving recovery goals but stops short of any specific guidance or direction to prevent long-term reductions in stream habitat, such as the limitations set forth in PACFISH/INFISH. The Tribe suggests that the Forest include parameters of the Central Idaho Matrix in the Plan as sideboards to assist in limiting adverse effects to listed fish.

### **1.2.3 Riparian Management Zones (RMZs):**

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

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

## **Additional Aquatic-Related Comments:**

### Management Areas

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

### Climate Change

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

## **1.3 Wildlife:**

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

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

- A final SCC list is urgently needed, as standards or guidelines need to be developed to ensure protection of all SCCs as well as other species or guilds of conservation or cultural concern. To provide thematic protection for all federally listed species, SCCs, and other sensitive and rare species, the Tribe recommends the following:
  1. Standard: Management activities shall be designed and implemented such that progress toward recovery of populations of federally listed (Threatened, Endangered, and Candidate) species as well as SCC species is not adversely affected or hindered over the short- or long-term.

2. Objective: Progress towards the conservation of all federally listed species, SCCs, Forest sensitive species, and rare and/or at-risk plant, aquatic, or wildlife species is made by completing at least one project a year with design features that help restore habitat and/or populations of such species.
    - a. The Forest should consider identifying more than one focal species to serve as indicators of ecological integrity and management effectiveness. The Plan should clearly identify the relationship between desired ecological conditions and monitoring of key ecosystem characteristics and focal species. The Tribe recommends scheduling discussions about monitoring to develop a meaningful and feasible list of key ecosystem conditions and focal species.
- The Tribe recommends the following additional DC components to promote biodiversity and general population resiliency:
    1. A diversity of wildlife species is present on the Forest, each contributing to ecological processes such as predator-prey relationships, nutrient cycling, hydrologic function, and vegetation composition and structure within their natural range of variation, as well as cultural, social, and economic benefits such as wildlife viewing, photography, and hunting.
    2. Biotic and abiotic conditions exist within their natural range of variation, thereby providing resources needed for feeding, breeding, and sheltering by all native species, particularly during periods of high energy demands, such as reproductive seasons and winter.
    3. Human-related food and attractants are unavailable to most wildlife species. Natural wildlife foraging patterns are the norm, while food conditioning and/or human habituation of wildlife and associated human-wildlife conflicts do not occur.
    4. Landscape patterns provide habitat connectivity for native species, particularly wide-ranging species such as medium to large carnivores and wild ungulates. Resulting habitat connectivity facilitates daily, seasonal, and dispersal movement of animals to maintain genetic diversity.
    5. There is low risk of disease transmission between domestic animals and wildlife.
  - FW-DC-WL-02: Edit to read "...populations of species of conservation or cultural concern over the long term, consistent with their natural range of variation."
  - FW-DC-03: Edit to read "Species are able to move freely..." (i.e. not just wide-ranging species, but those with long-distance dispersal or reproductive traits).
  - FW-DC-WL-04: The persistence of fisher (and other species of concern) is captured by FW-DC-WL-01 and -02. This language should be condensed and re-cast as a standard or guideline to protect fisher habitat conditions across the Forest. Fisher are recognized as a species of

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

- FW-DC-WL-05: The persistence of bighorn sheep (and other species of concern) is captured by FW-DC-WL-01 and -02. Additional standards to protect bighorn sheep populations and habitat conditions are recommended further below.
- FW-DC-WL-06: The persistence of harlequin ducks (and other species of concern) is captured by FW-DC-WL-01 and -02. This language should be condensed and re-cast as a standard to protect harlequin duck habitat conditions.
- FW-DC-WL-07: The persistence of bat species (and other species of concern) is captured by FW-DC-WL-01 and -02. This language should be condensed and re-cast as a standard to protect bat habitat conditions.
- For protection of bighorn sheep populations across the Forest, the Tribe recommends that the following standards replace FW-STD-WL-03:
  1. Domestic sheep or goats used for weed control purposes shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.
  2. An effective monitoring program shall be in place to detect the presence of bighorn sheep and stray domestic sheep in identified high-risk areas, based on a quantitative risk assessment, when authorized domestic sheep or goats are present on adjacent or nearby allotments.
  3. Trailing of domestic sheep or goats shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.
  4. Permitted domestic sheep and goats shall be counted onto and off allotments by Forest Service personnel using an automated, reliable system which produces a verifiable record of the count. A full accounting of any missing sheep shall be made.
  5. Implement emergency actions when bighorn sheep presence is detected within a certain distance (miles) (derived from a quantitative risk assessment) of active domestic sheep or goat grazing or trailing. Actions to be taken shall ensure separation between bighorn sheep and domestic sheep or goats and be consistent with the emergency response plan.

6. To maintain separation, when bighorn sheep are found within a certain distance (miles) (derived from a quantitative risk assessment) of an active domestic sheep and goat allotment, implementation of the emergency response plan shall occur, and the appropriate state agency shall be informed on the location of the bighorn sheep.
  7. Domestic sheep or goat grazing shall not be authorized or allowed in the absence of an emergency response plan designed to maintain and rapidly reestablish separation of at least a certain number of miles (derived from a quantitative risk assessment) from bighorn sheep.
  8. Stocking of allotments not currently authorized for domestic sheep and goats shall only be permitted after a complete quantitative risk assessment has been completed.
  9. New, permitted grazing by domestic sheep or goats shall not be authorized or allowed on lands where effective separation from bighorn sheep, as defined by a quantitative risk assessment, cannot be reasonably maintained.
- FW-GDL-WL-01: This guideline should be generalized to ensure habitat connectivity and landscape patterns consistent with their natural ranges of variation.
  - FW-GDL-WL-02: Edit to reference a broader array of infrastructure: roads, bridges, culverts, administrative sites, recreational sites, etc.

### **1.3.1 Multiple Uses-Wildlife:**

- References to species of economic, social, and cultural importance here provide helpful context. With respect to elk, it is important to also reference the long-term natural range of variation in elk population abundance within the Forest. The strong desire by some groups to “recover and grow elk populations” needs to be balanced against inherent ecological constraints, holistic ecosystem health, and the recovery of species of conservation concern. However, additional plan components are also needed to reverse long-term declines in elk habitat security and ensure robust, comprehensive evaluations of project-level impacts. These components should not vary by alternative. The Tribe recommends scheduling additional discussions and evaluations to develop these components.
- FW-GL-WLMU-01: Edit to read “Habitat contributes to the persistence and resiliency of populations of priority species as identified by the Nez Perce Tribe, Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, and other regulatory agencies.”
- FW-DC-WLMU-01: The second sentence is vague. Consider editing to read “Wildlife are well-distributed within their annual and seasonal ranges, consistent with their natural ranges of variation.”
- FW-DC-WLMU-02: Edit to read “Habitat conditions within each PVT group are consistent with their natural range of variation and contribute to wildlife population persistence and resiliency.”

- FW-DC-WLMU-04: Edit to read “Winter and summer habitats for elk provide forage, security, connectivity, and other habitat characteristics within their natural ranges of variation.”
- FW-DC-WLMU-05: Edit to read “...old yew thickets occur within their natural range of variation and provide high-quality moose winter habitat.”
- FW-DC-WLMU-06: The intent of this DC is unclear.
- FW-GDL-WLMU-01: Edit to read “When designing and implementing projects, take action to reduce or mitigate human disturbance, unauthorized motorized use, and other threats to wildlife habitat security.”
- FW-GDL-WLMU-03: “[B]ig game winter range” needs to be formally identified, if the old MA-Winter Range designation will no longer be used.

#### **1.4 Air Quality:**

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

#### **2.0 Tribal Trust Responsibility:**

- The Tribe supports the development of Section 2 Trust Resources as a component of the Framework to articulate to the public how trust resources will be managed in a broad sense. However, the Tribe believes that Trust Resource management cannot be limited to Section 2; management of trust resources must be overarching with specific management and protection needs stated within various components of the Framework. The Tribe believes that this specificity within component standards, guidelines, measurable objectives, and/or monitoring is the best way to ensure the good management of Trust Resources.
- Trust Resource protections and management should not vary by alternative.
- Any Tribal Trust Responsibility Forest Plan component (e.g. DC, goal, etc.) should have a corresponding monitoring question, indicator, etc., identified in the Monitoring Plan.
- The Tribe recommends the following Plan components:
  1. Standard: Ensure that Forest actions are not detrimental to the protection and preservation of Indian Tribes’ religious and cultural sites, and practices and treaty rights (taken from the Clearwater National Forest Plan 1987, Page II-23, 3g Standards-3. Cultural Resources).
  2. Standard: Ensure proposed practices and management activities are coordinated with other government agencies and Indian Tribes to insure requirements of all laws and regulations are met and terms of Indian Treaties are upheld (taken from Clearwater National Forest Plan 1987, Page II-21, E(1)(d)).

3. Goal: Protection of fish, wildlife, and plant species will be a Trust priority of the Forest. Resources used by the tribe members must be maintained at harvestable populations.
4. Goal: Habitat restoration of known degraded habitats that support, or have the potential to support, fish, plant, and wildlife species will be a priority for the Forest Service.
5. Desired Condition: Forest actions or projects implemented in MA-3 will occur at a rate and/or scale to maintain long-term viability of fish, wildlife, and plants while also avoiding and/or minimizing the short-term negative effects to same resources.
6. Guideline: Monitor habitats at appropriate spatial and temporal scales to provide effective feedback for all management activities.

### **3.0 Human Use of the Forest:**

#### **3.1 Cultural Resources:**

- Please add a definition for historic trails.
- The definition of historic properties in the document does not mirror that found in the National Historic Preservation Act. Please replace with the language from the Act.
- What sort of training and education do permitted outfitters receive about cultural resources, including historic trails and their preservation? Does the Forest track the efficacy of any training or education that outfitters receive?
- Pilot Knob Protections: Tribal Resolutions regarding Pilot Knob were given to Forest Planner Zach Peterson on February 16, 2018. The Tribe hopes to work with the Forest Planning team to develop DCs, standards, and guidelines that reflect those Resolutions.

#### **3.2 Recreation (or 1.2.8 or 1.3):**

- The Framework needs to include a summary of commonly known recreational uses and their trends over time. Please provide a table of recreation days for commonly understood recreational users (motorized, unmotorized, bicycling, trail hiking, fisherman, hunters, campers, snow sports, water sports, wildlife viewing, day users, and any other measured recreational categories). Without this information being presented in the Framework, the Tribe cannot provide informed recommendations on the present Recreation Opportunity Spectrum (“ROS”) alternative or recommendations on a range of ROS alternatives.
- Proposed new Recreation Goal: Work to provide recreation opportunities that help people connect to the land through increased awareness of ecological, traditional, visual, and historical perspectives.



- The “Recreation” component needs to discuss potential user fees as a vehicle for revenue generation. Recreation in Idaho has now been recognized as one of the largest economic drivers and job creators in Idaho. (Outdoor Recreation Economy Report 2017)
- Recreation Opportunity Spectrum Tables # 15 and 16 in the Alternatives Framework (pg. 50) need to be completed based on the changes in the proposed ROS from the present ROS condition. Without a summary of recreational activities and their trends, as previously requested in the first bullet under 3.2 Recreation, the Tribe cannot provide informed recommendations on the proposed ROS alternative or range of ROS alternatives.

### **3.6 Lands Special Uses:**

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

### **4.0 Production of Natural Resources:**

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

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

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

#### **4.1 Timber**

- Would adaptive management allow for the 375-acre harvest unit to change in size within the life of this Plan when considering possible changes in fire frequency, fire size, and climate change?
- Please provide the Tribe with the present Sustained Yield Limit (“SYL”) calculation and supporting analysis.
- What is the fractional yield calculation (%) for harvestable timber acres within the outer RMZ? The calculation needs to be included in the “Suitability” section, especially Table 19.
- The Tribe asks that the Forest remove any language about complying with the Idaho Forest Practices Act (“IFPA”). IFPA has no relevance to federal rules, laws, policies, or standards pertaining to timber harvesting or associated activities.
- The Tribe expects wildfire acres to be included in calculating and tracking total treatment acres in MA-1, MA-2 and MA-3 for the “Forestland” section. However, what amount of wildfire (acres or %) would have to occur in MA-3 to trigger a recalculation of the SYL?
- Salvage harvest volumes should be included in meeting timber harvest objectives.
- Please provide a map from the Fire Management Plan that shows areas in MA-1, MA-2, and MA-3 where the Forest may allow wildland fire to return. In other words, where does the Fire Management Plan identify in MA-3 that wildfires might be allowed to burn?
- How does the Fire Management Plan and recent fire history influence the SYL calculation and its possible change over the life of the Plan?

#### **4.2 Energy and Minerals:**

- Create a new DC titled: FW-DC-EM-07. Mineral and Energy development will be done in a manner that supports the long-term sustainability of fish and wildlife habitats while avoiding and/or minimizing their short-term negative impacts. This DC should also be added to the Timber and Grazing sections.
- Proposed Standard: Actions will not conflict with fish and wildlife habitats identified as needing ecological recovery/restoration.
- Proposed DC: Energy and mining will be done in a manner that does not infringe on treaty-reserved rights and resources.

#### **4.3 Livestock Grazing:**

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

- Proposed Standard: Grazing will be done in a manner that does not infringe on treaty-reserved rights and resources.
- Proposed Standard: Grazing will be done in a manner that does not limit or degrade habitat conditions in areas known to support treaty-reserved cultural activities. An example would be to exclude negative impacts of livestock grazing on known camas root diggings sites.
- Proposed Standard: Actions will not conflict with federally listed species, SCCs, Forest sensitive species, and rare and/or at-risk plant, aquatic, or wildlife species and their habitats, especially those that are degraded and need restoration.
- FW-GDL-GRZ-03. Please provide literature reference for 45% utilization of upland forage. Please describe how the Forest will develop utilization guidelines during allotments' environmental analyses and planning, given the lack of short- and long-term monitoring of upland habitats. Please also identify the plant species that will be used to assess utilization.
- Proposed Guideline: New fences and reconstruction of existing fences should be located and designed to minimize collision hazards for wildlife and to prevent barriers to wildlife movement.
- Proposed Guideline: New or reconstructed water developments should be designed to be wildlife friendly and to facilitate escape.

#### **4.4 Special Forest and Botanical Products**

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

#### **4.5 Suitability**

- The Tribe believes there should be no outer RMZs areas eligible for timber harvest. The interim PACFISH/INFISH rules should be made a permanent part of the Plan.
- Adaptive management should make it possible for adjustments in suitable acres calculations throughout the life of the Plan.
- The "Suitability" section needs a livestock grazing suitability classification similar to timber. If stream and riparian monitoring indicates that a watershed is degraded below an acceptable threshold based on temperature/sediment modeling, then livestock grazing should be excluded from the watershed, at least until the area has recovered.

### **5.B.1 Recommended Wilderness:**

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

### **5.B.2 Suitable Wild and Scenic:**

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

### **5.C.3 Pilot Knob:**

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

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

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

## **III. ADDITIONAL COMMENTS**

### **Monitoring and Evaluation Component:**

- The Framework does not have a Monitoring and Evaluation component. This made Tribal staff's review of the Framework difficult and incomplete. Please share a monitoring component with the Tribe as soon as conveniently possible so the Tribe can provide constructive feedback. The Tribe believes its staff needs to understand this important element before the Forest's planning team finalizes the development of alternatives beyond the Framework.
- The Tribe asks that the following statement from the 1987 Clearwater Plan, page IV-9, be included in the Monitoring and Evaluation Component:

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

There will be no deviation from standards established for threatened and endangered species conservation and protection unless a biological evaluation concludes that such deviation would have no effect on the recovery of the species and there has been consultation with the Fish and Wildlife Service.

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

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

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

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

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

#### **Conservation Alternative:**

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