



# COMMITTEE FOR IDAHO'S HIGH DESERT

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USDA Forest Service Northern Region  
Attn: Objection Reviewing Officer  
26 Fort Missoula Road  
Missoula, Montana 59804

RECEIVED

January 25, 2024

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**Subject: Nez Perce-Clearwater National Forests Plan Revision #44089 Objection**

Opening Comment: In preparing our "Objection" on the subject document, we firmly believe that our substantive comments submitted on the DEIS in our letter dated April 19, 2020 (letter #663) remain valid and clearly support the basis of our objections as detailed below. We thank you for this final opportunity to comment on this critically important forest plan amendment before any decision is made to finalize the EIS, Record of Decision, and Nez Perce-Clearwater National Forests Plans.

Objector's name and address:

Committee for Idaho's High Desert; Telephone: (208) 863-1236

Plan revision being objected to: Nez Perce-Clearwater National Forests Plan Revision #44089

Name and title of Responsible Official: Cheryl Probert; Forest Supervisor/Nez Perce-Clearwater National Forests

Statement of Issues: Our letter dated April 19, 2020, which was received in a timely manner and assigned letter #663 in your inventory, provided substantive comments on the Nez Perce-Clearwater National Forests Plan Revision Draft Environmental Impact Statement (DEIS).

As required under USFS guidelines contained in "The Objection Process for Decisions on Land Management Plans 36 CFR 219 Subpart B", the issues raised in this 'Objection' are based on:

- 1) The issues raised in our written comments previously submitted by letter dated April 19, 2020.
- 2) In accordance with your guidelines, there are other issues that need to be addressed based on new information arising after designated comment opportunities expired. These include but are not limited to a) the November 2023 listing of the North American Wolverine (*Gulo gulo luscus*) as threatened under the Endangered Species Act; and b) Executive Order 14072 (dated April 22, 2022) which directs Federal agencies to manage federal lands to restore and conserve the Nation's mature and 'old growth' forests.
- 3) *The objection process allows the public to point out potential errors or violations of law, regulation, or agency policy prior to approval and implementation of a decision. (emphasis added).*

## Issue 1.1: Public Involvement

In our letter dated April 19, 2020 (#663), our first bullet point noted the problems associated with commenting on the DEIS in a timely manner due to the Covid-19 shutdown of government offices which included the USFS offices overseeing this planning effort, libraries, etc. during the review period, among other factors. In addition, under our “Closing Remarks” we noted the following:

**“Although Covid-19 circumstances were not ideal to fully comment and participate, we thank you for the opportunity to comment and look forward to staying involved in all future activities related to the subject EIS and Nez Perce-Clearwater National Forests Plan Revision process.**

**CIHD hereby requests being added to your mailing list for all future notices and documents related to the Nez Perce-Clearwater National Forest Plan Revision and EIS process. Also, we request that we receive ‘hard’ copies of all future documents pertaining to the DEIS/ Nez Perce-Clearwater National Forest Plan Revision process.**

**We are available to discuss with you our concerns and offer our assistance as you move forward with this highly important forest planning effort. We end our comments with a final reminder of what this whole NEPA/EIS process is about - to take actions that protect, restore and enhance the environment; promote efforts which will prevent or eliminate damage to the environment and the biosphere; and enrich the understanding of the ecological systems and natural resources important to the Nation. All of us involved in this forest planning process need to live up to these expectations!”** (emphasis added).

In your USFS guidelines contained in “The Objection Process for Decisions on Land Management Plans 36 CFR 219 Subpart B”, the publication begins with noting how the National Forest System land management planning rule *has a new emphasis to foster better public involvement and collaboration . . . with the intention of resolving concerns before a decision is made; and . . . encourages participants to resolve issues with the Forest Service before a plan, plan amendment, or plan revision is approved. The objection process allows the public to point out potential errors or violations of law, regulation, or agency policy prior to approval and implementation of a decision.* (emphasis added).

In the same USFS publication under “When and How Do I File an Objection?”, the guidance states – *“A letter or email stating these documents (in this case the FEIS and draft ROD) are available will be sent out to those individuals and organizations who have submitted substantive formal comments on the proposal. The documents will be available hard copy, on DVD, or on the Forest Service web site.”* (emphasis added).

Regardless of these guidelines, directives and the requests we noted above (i.e. to be on your mailing list, contacted about future activities, asked to receive a hard (paper) copy of FEIS and draft ROD for review, etc.), you have failed completely. **To this day we have not received a**

**single notice relative to this planning effort. Consequently, we did not receive notice of the availability of the FEIS, draft ROD and 2023 Land Management Plan (LMP); did not receive a hard (paper) copy of the FEIS and other planning documents as requested; nor were we notified of any activities related to this important planning effort since April 2020.** This lack of any direct notification related to the Nez Perce-Clearwater National Forests Plan Revision amendment process clearly violates your guidelines contained in “The Objection Process for Decisions on Land Management Plans 36 CFR 219 Subpart B”. Is this the USFS’ new emphasis on Public Involvement and Collaboration?

Another public involvement failure worth noting is whether during the DEIS review period 1) ample public meetings were actually held; 2) the DEIS and draft Forest Plan were readily available at local libraries for public review; and 3) whether ample notifications were made to inform the public of the DEIS’ availability and of the public meetings (locations, dates and times) to be held as required by law and agency guidelines.

Approximately 40 percent of Idaho’s population resides in the Treasure Valley, yet were hard (paper) copies and CDs of the DEIS and related documents readily available for public review at the many Treasure Valley libraries that serve 40 percent of Idaho’s population? With little or no notice or opportunity to participate in the planning process, nor to be able to properly review and comment on the DEIS, the public involvement program during the plan amendment’s DEIS review period was a failure.

We were never notified or aware of a public meeting held in Boise to comment on the DEIS. If we had received notice we would have attended the public meeting and given substantive and meaningful testimony relative to the plan amendments under review in the DEIS. What kind of turnout was there at the Boise public meeting? When and where was the Boise public hearing held, and what was the nature of the comments made at the hearing? Our guess is the attendance and testimony were likely meager or, more likely, no meeting was held at all! With a Covid-19 lockdown in effect at the time, were ample public meetings even held during the DEIS review period to receive public comment on the DEIS and draft Forest Plan?

Besides these significant public involvement failures and a fundamental part of this ‘Objection’ item, it is also important to note that we found out about the availability of the FEIS and draft ROD through a ‘Friends of the Clearwater’ newsletter we recently received. With limited time remaining to thoroughly and meaningfully review the large and multiple documents involved, and being limited to ‘online’ access only, our review of the FEIS, draft Forest Plan and ROD were severely compromised.

Of equal importance from a public involvement standpoint is to note that an ‘**online**’ review of **digital versions of this EIS and its related documents/appendices is extremely difficult** and highly stressful as the reviewer has to spend an inordinate amount of time just trying to navigate between the multiple documents, sections and comparisons necessary to conduct a meaningful review of the documents’ content and to easily understand the net environmental effects of each alternative under study.

For example, although there is a breakdown in the FEIS of the specific sections contained in Chapter 3 under the heading 3.1.3 “Chapter 3 Organization”, in the absence of showing the relevant page numbers associated with a particular subsection nor a direct digital link to the subsection under review, any online review is grossly hindered as the reviewer must spend an inordinate amount of time just trying to find a particular discussion of interest. Whatever happened to a “Table of Contents” showing the page numbers associated with each section and subsection at the beginning of a document! This is usually standard procedure, especially when writing a document of such length and will be reviewed by the public. Thousands of pages of material are presented much of which is irrelevant to the identification and analysis of the environmental impacts expected under the various forest plan elements under study.

Chapter 3 alone totals 1,284 pages. For illustrative purposes, Subsection 3.2.1 ‘Forestlands’ begins on page 57 with a discussion of the ‘Affected Environment’ - the ‘Environmental Consequences’ discussion doesn’t begin until page 139. Thus, the reviewer has to scroll 82 pages just to find the beginning of the ‘Environmental Consequences’ discussion. And if you have to refer back to a table or particular discussion elsewhere in the document, you must scroll around to find it, losing the page you were just reviewing. Just trying to access the “Timber” sections of the FEIS, the difficulty and time involved in trying to locate the pertinent pages and text for review, significantly hindered the review process. Oftentimes, one would just give up!

This is sheer madness as it makes document review nearly impossible and inordinately time consuming, and why, in our comment letter dated April 19, 2020, we specifically requested a ‘hard’ paper copy of any future documents (i.e. FEIS/draft ROD) prepared under this plan amendment task for our review and comment.

Another issue from a public involvement perspective is that the documents themselves are not user “friendly” to easily review nor understand. For the common person to easily compare and assimilate the environmental impact differences between the alternatives is essentially impossible as the DEIS and FEIS contain *volumes of needless detail* not relevant to the analysis of potential environmental effects, and, of greater significance is Chapter 2, ‘Alternatives Considered in Detail’, *fails to include a comparative level of detail* in describing the “Alternatives Including the *Proposed Action*” in the DEIS and FEIS, nor include a comparative summary of the environmental effects that clearly summarizes and reflects the differences in anticipated environmental effects. These failures clearly violate Section 1502.14 of the Regulations. Additional guidance and legal requirements in this regard include:

*NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (Section 1500.1(b)).*

*Writing EISs in plain language (Sections 1500.4(d) and 1502.8, and use appropriate graphics (i.e. a summary table comparing anticipated effects, both + and -) so that decisionmakers and the public can readily understand them (Section 1502.8). Note: The failure to present the environmental impacts (emphasis added) of the proposal and the alternatives in comparative form clearly violates Section 1502.14 of the Regulations.*

*EISs shall be analytic rather than encyclopedic (Section 1502.2(a)), emphasizing the portions of the EIS that are useful to decisionmakers and the public (Sections 1500.4(f), 1502.14, and 1502.15) and reducing emphasis on background material.*

*Agencies shall avoid useless bulk in statements and shall concentrate efforts and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an EIS (Section 1502.15). If the statement is unusually long, the agency may circulate the summary instead (Section 1502.19). Please note that neither the DEIS or FEIS prepared for the forest plan amendment included a 'Summary' at the beginning of the document, as required under Section 1502.12, 'Summary'.*

*The text of FEISs (paragraphs (d) through (g) of Section 1502.10), which includes Purpose and Need, Alternatives Including the Proposed Action, Affected Environment, and Environmental Consequences, should normally be less than 150 pages and for proposals of greater complexity should normally be less than 300 pages. The current FEIS is 1800 pages to cover these chapters alone!*

**Please note that Issues 1.6 and 1.7 below provide additional information regarding the problems with the comparative discussion and impact summary of the alternatives that an EIS require.**

**Issue 1.2: No Proposed Action/Preferred Alternative Identified in DEIS**

Sections 102(2)(C)(i) and (iii) of the Act clearly indicate that “the environmental impacts of the proposed action” and “alternatives to the proposed action” must be evaluated in environmental documents prepared under the Act. This point is further emphasized in Section 1502.14 of the Regulations entitled “Alternatives Including the Proposed Action”. The section title in itself makes it obvious that a “Proposed Action” needs to be identified and evaluated in the DEIS.

Section 1502.14 states “. . . the environmental impacts of the proposal and the alternatives be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public”.

Other references in the Regulations that clearly indicate the need to include a Proposed Action in the DEIS are:

- Section 1502.14(b): “Devote substantial treatment to each alternative considered in detail including the **proposed action** so that reviewers may evaluate their comparative merits”;
- Section 1502.14(e): “Identify the agency’s **preferred alternative** or alternatives. . . unless another law prohibits the expression of such a preference”;
- Section 1502.14(f): “Include appropriate mitigation measures not already included in the **proposed action** and alternatives, and

- Section 1502.16, Environmental Consequences: “. . . The discussion will include the environmental impacts of the alternatives including the **proposed action** (emphasis added).

Based on the Regulations referenced above, the DEIS' failure to identify and evaluate a 'Proposed Action/Preferred Alternative' clearly fails to meet the legal requirements for DEIS document preparation. The Forest Service acknowledged this failure in the DEIS stating:

“A proposed action or preferred alternative is not identified in the DEIS. Any individual component of any alternative analyzed in the DEIS may be combined into a preferred alternative. A preferred alternative will be identified with the release of the FEIS and Draft ROD in 2021.” This failure is further acknowledged in footnote 6 on page 20 of the FEIS which states:

“The 2014 Proposed Action was a scoping document originally intended to be an alternative analyzed in the Draft Environmental Impact Statement. However, based on internal and external comments, that alternative will not be analyzed in detail in the Environmental Impact Statement (EIS). The issue statements from the Proposed Action helped to form all action alternatives in the EIS. References to the proposed action refer to the 2014 scoping document, not a proposed or preferred alternative in the Draft Environmental Impact Statement”.

To not identify the “Proposed Action/Preferred Alternative” until publishing the Final EIS clearly violates the NEPA regulations and denies the public the critical opportunity to review and comment on the Proposed Action/Preferred Alternative during the DEIS review process which includes the public meetings held in accordance with the Act. More specifically, in the absence of identifying a Proposed Action/Preferred Alternative in the DEIS, the impacts of the Proposed Action/Preferred Alternative identified in the FEIS were never specifically identified and evaluated in the DEIS nor were they presented in comparative form against the other alternatives carried forward for detailed evaluation in the DEIS. This failure alone clearly violates the spirit and intent of NEPA and its regulations.

NEPA also requires and encourages public involvement throughout the EIS review process. For the public not to have the opportunity to comment on the Proposed Action/Preferred Alternative until the FEIS and draft Record of Decision were released further violates the spirit and intent of NEPA and the Forest Service's supposed commitment to meaningful public involvement.

Based on these failures and violations, Section 1502.9(a) of the Regulations state:

**“If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. The agency should make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the *proposed action*”** (emphasis added).

and Section 1502.9(c) directs that agencies:

**“(1) Shall prepare supplements to either draft or final EIS’s if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action and its impacts.”**

### Issue 1.3: The Range of “Reasonable” Alternatives Identified and Evaluated in DEIS

As noted below, NEPA and its Regulations state the following purposes and policies to guide the NEPA planning process and the development of a range of ‘reasonable’ alternatives to be evaluated in an EIS:

- Use the NEPA process to **identify and assess the *reasonable* alternatives to proposed actions that will avoid or minimize adverse impacts of these actions** upon the quality of the human environment [see Section 1500.2(e)];
- **Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions** upon the quality of the human environment [see Section 1500.2(f)].  
(emphasis added)
- The NEPA process is intended to help public officials **take actions that protect, restore and enhance the environment** [see Section 1500.1(c)];

NEPA is intended to help public officials make decisions that are based on understanding environmental consequences, and take actions that protect, restore, and enhance the environment. Based on the above, we offer the following specific comments relative to the alternatives developed and evaluated in detail in the DEIS and FEIS; and the absence of (1) clearly defined mitigation measures that will avoid or minimize adverse environmental impacts; (2) mandatory and quantitative standards and appropriate guidelines to be applied forest-wide that protect, restore, and enhance the environment; and (3) the lack of monitoring plans that measure and track the effects of management actions and their effectiveness.

***Furthermore, the objection process allows the public to point out potential errors or violations of law, regulation, or agency policy prior to approval and implementation of a decision.***

#### 1.3.1 Alternative X is clearly not a “reasonable” alternative and should be discussed under “Alternatives Considered but Eliminated from Detailed Study”.

Considering Alternative X

- quadruples the timber output/harvest (240-261 mmbf) compared to the No Action/present condition (50-60 mmbf) and exceeds the forests’ sustained yield limit by 20 million board-feet per year;

- includes no recommended wilderness areas nor any eligible and suitable wild and scenic river designations;
- would remove proposed wilderness designations that were identified in the existing 1987 Forest Plans;
- has the greatest level of motorized recreation and access; and
- includes changes in existing standards and guidelines which will increase adverse environmental impacts forest-wide (i.e. reduced riparian protection due to a reduction in stream buffers by 50% - 67%)

Alternative X clearly fails the test of “reasonableness” as it grossly fails to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects. Under Alternative X, adverse impacts on wildlife, threatened and endangered species, soil erosion, water quality, fish and wildlife habitats, mature/old growth and snag availability, etc., in essence all environmental components except logging revenues, would be significantly and adversely affected. The alternative provides a 4-fold increase in timber harvest, prescribed burning, and motorized access with little regard to other resource values and concerns important to the public as identified during scoping. *Alternative X clearly fails to meet the purposes of NEPA or meet the Regulations noted above as the adverse environmental effects of this alternative are totally unreasonable and unacceptable.*

### 1.3.2 Alternative W is Not a “Reasonable” Alternative as Formulated.

The four-fold increase in annual timber output proposed under Alternative W from 50-60 mmbf (the present ‘No Action’ condition) to 221-241 mmbf - the maximum sustained yield identified for the Forests, fails the test of ‘reasonableness’. What justifies a four-fold increase from current harvest levels and the adverse environmental impacts that would occur from this level of timber harvest? A doubling of harvest is more reasonable in the foreseeable future provided adequate criteria, standards and guidelines that protect the environment direct the harvest. We cannot predict what future resource conditions will be with climate change, fire, insect infestations, etc. But wilderness/roadless protection and minimal human management and interference on ecosystems overall provides the highest level of environmental and ecological benefit and protection than any other comprehensive resource management strategy. Nature, and the multiple natural resource benefits it provides, has been shown to do best when just allowed to do what millennium of evolution and ecosystem resilience naturally provides.

Also, to include the largest “Wilderness Recommendation” (856,932 acres) with a four-fold increase in the annual timber harvest limit (221-241 mmbf) just polarizes the issues trying to be resolved through the forest planning process rather than coming up with an acceptable, more ‘reasonable’ course of action. As currently formulated, the combination of plan elements included in Alt W is illogical and impractical considering the volatility of the issues and concerns relevant to this planning effort.

Of the ‘action’ alternatives evaluated in the DEIS, Alternative Z is the most ‘reasonable’ of the four evaluated. Changes are needed, however, to eliminate non-conforming motorized/mechanized uses which violate the Wilderness Act of 1964 from the wilderness proposal (i.e.



why is Alt Z the only alternative that allows winter over-snow motorized winter travel in areas recommended for wilderness) and ideally would add Bighorn-Weitas (260,000 acres) – the largest wildland/undeveloped area on the forests, to the wilderness recommendation list. Together, this revised level of wilderness protection (about 27% of the forests' land base) balanced with the more moderate timber output of 60-80 mmbf annually would be 'reasonable' as it provides some level of balance between the two opposing factions (wilderness and timber harvest) and insures a moderate level of protection for the forests' important ecosystems that provide natural and human benefits. This is supposedly the 'environmentally friendly' alternative in the current mix of EIS action alternatives, so let's make it so.

What is particularly confusing is how can less wilderness under Alt Z result in less acres of timber harvest and timber output/sale quantity compared to Alt W which has 287,177 acres more wilderness! According to Table 4 in the FEIS, 'Overview of Alternatives', Alt W recommends 856,932 acres of wilderness, shows 12,600 acres of timber harvest, and a 221-241mmbf timber output/sale quantity compared to Alt Z which recommends 569,755 acres of wilderness, shows 3,700 acres of timber harvest, and a 60-80 mmbf timber output/sale quantity. The values and differences in timber harvest, timber output and sale quantity under Alt Z make absolutely no sense! What is the rationale for these discrepancies in the values shown in Table 4 relative to Alternatives W and Z? Something just isn't right!

Another example where something isn't right, nor 'reasonable', is Alt Z is the only alternative that allows winter over-snow motorized travel within recommended wilderness additions. This makes absolutely no sense either!

Such biases have been built into the alternatives so as to add confusion and make any environmental analysis further flawed. One example is contained in the description of Alt Z on page 42 of the FEIS which states: "Timber outputs would also be lower and near a lower threshold needed to provide for economic sustainability and sustain rural economies." Remember, as we noted above, Alt W, which recommends 856,932 acres of wilderness shows 12,600 acres of timber harvest, and a 221-241mmbf timber output/sale quantity compared to Alt Z which recommends 287,177 less acres of wilderness shows 3,700 acres of timber harvest, and a 60-80 mmbf timber output/sale quantity. Such biases throughout the FEIS document grossly misleads the public and brings the integrity of this critically important planning effort into question.

A 'reasonable' range of action alternatives for evaluation would better reflect the environmental impacts and tradeoffs involved if based on a particular 'emphasis'. The "No Action" alternative would continue management under existing forest plans and related amendments.

An 'Environmental Emphasis' or 'Conservation Emphasis' Alternative could include the following.

- A wilderness recommendation for Hoodoo; Mallard-Larkins; East Meadow Creek; Rapid River; Bighorn-Weitas, the Selway-Bitterroot wilderness additions which include West Meadow Creek, Rackliff-Gedney, Lochsa Slope, North Fork Spruce, and Sneakfoot Meadows; Pot Mountain, Fish and Hungry Creeks; Upper North Fork; and the Frank

Church River of No Return and Gospel-Hump wilderness additions. All area recommended for wilderness designation would be managed without motorized or mechanized uses in accordance with the Wilderness Act of 1964.

- Wild and scenic river designation for 16 suitable segments including Fish Creek, Hungry Creek, Johns Creek, Kelly Creek, Little North Fork, Meadow Creek, Middle Fork Kelly, North Fork Kelly, Salmon River, South Fork Kelly, Weitas Creek, Johns Creek, Lake Creek, Cayuse Creek, and the South Fork and North Fork Clearwater. In addition, Meadow Creek, Fish Creek, Hungry Creek, and Weitas Creek would be designated "wild" rather than "scenic or recreational".
- Research Natural Area designation for Hemlock Creek and Bimerick Creek Meadows.
- Retain streamside riparian buffers of at least 300-feet on each side of streams and rivers and measurable, quantifiable standards on sediment limits to protect stream substrate, fish and water quality. Such standards must be met before, during and after logging or other developments, and to authorize activities such as motorized travel in areas that may result in soil erosion and water quality degradation from sediment due to unacceptable levels of soil disturbance.
- Develop and implement quantitative standards and guidelines to fully protect sensitive soils and steep slopes, and insure temporary road closure and restoration.
- Expand the list of 'Species of Conservation Concern' (SCC) on the Nez Perce-Clearwater Forests to include black-backed woodpecker, pine marten, goshawks, peregrine falcon, bald eagle, black swift, common loon, bog lemming, western toad, and ringneck snake.
- Update and expand the Forests' list of focal/indicator species which the regulations define as "species whose status and trends provide insights into the integrity of the larger ecological system to which it belongs." Develop and implement a science-based program to monitor 'focal' species populations and trends.
- Retain existing timber harvest levels of 50-60 million board feet, annually. Prohibit logging in roadless areas or old growth, on sensitive soils or steep slopes.
- Limit motorized travel to existing roads and trails, and implement seasonal restrictions that minimize adverse impacts on wildlife especially during the winter months when species are most vulnerable. No motorized use would be allowed in roadless areas recommended for wilderness designation.
- Permanently close 'vacant' grazing allotments which have not been used for years.

Similarly, other emphasis based 'action' alternatives could be formulated based on the following themes: Sustainable Forestry/Logging, Economic Emphasis, and/or a Recreation Emphasis. We assume you get the idea of how this approach could work.

Issue 1.4: Include and Evaluate the “Citizen-Science Alternative” Submitted by Friends of the Clearwater (FOC) as an Action Alternative in the EIS.

Section 1501.2(c) of the Regulations states “Study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by Section 102(2)(E) of the Act.”

The inclusion of the “Citizen-Science Alternative” submitted by Friends of the Clearwater (FOC) and the discussion of its environmental consequences and impacts in the EIS will allow decision makers and the public to better understand and compare the merits of this alternative against the other action alternatives evaluated. CIHD is of the opinion that it is possible to designate all Idaho Roadless Rule areas (about 1.5 million acres) as wilderness and still have a high sustainable level of timber outputs from timber harvest and restoration in Management Area 3 and portions of Area 2 to support local economies and diverse recreation opportunities. Through designated ‘wilderness’ protection, positive impacts on wildlife, fisheries, watershed, soils, old growth, primitive recreation, and water quality would be high, and positive economic benefits to local communities, outfitters and guides, etc. would be realized due to the primitive and dispersed recreation opportunities these protected lands and waters will offer. Economic prosperity and tourism in areas such as Stanley, Ketchum, Riggins, etc. greatly benefit from nearby designated wilderness and wild and scenic rivers.

The value of wilderness designation cannot be overemphasized as the diverse vegetative communities on the Nez Perce-Clearwater provide terrestrial habitats that support regionally unique native wildlife populations. This includes native lineages of fisher and bighorn sheep, as well as mountain quail, white-headed woodpecker, and Harlequin duck. More importantly, the extensive acreage of undeveloped lands both on the Nez Perce-Clearwater and interconnected neighboring public lands and designated wilderness areas provide critical wildlife corridors, habitat security and linkage for wide-ranging species such as grizzly bear, Canada lynx (federally listed as threatened), wolverine (recently listed as threatened), and other carnivores. Historic large herds of elk benefit as well. Wolverines, for example, need wilderness and the Clearwater has the second largest population in the lower 48 states. Fisher, a sensitive species, is adversely affected by heavy logging. With a “likely adverse effect” finding in the draft Biological Assessment prepared by the U.S. Fish and Wildlife Service on listed T&E species under the Proposed Action/Preferred Alternative is further support for additional wilderness.

We can’t overstate the critical importance of these undeveloped ‘wilderness’ worthy lands. The ecosystem and natural resource functions these lands provide uniquely support the diverse habitats and connectivity that is so essential for threatened and endangered (T&E) and sensitive species restoration and protection efforts as well as the future of many fish and wildlife populations and botanical resources that occupy these critical landscapes. We owe it to the American public, the Nez Perce Tribe, and future generations to preserve and protect the outstanding natural resource values that these lands provide. The extinction of chinook salmon, steelhead, bull trout, wolverine, fisher, lynx, grey wolf, grizzly bear, etc. cannot be reversed and for the benefit of future generations must be avoided at all costs. What kind of world and environment do you want your grandchildren to inherit due to the lack of foresight during this forest planning effort? The decisions made during this planning effort will dictate how the 4

million acres of forest lands under review are used and managed over the next 15-30 years. Bad decisions made now will be far-reaching and irreversible especially when considering the adverse effects of climate change.

Timber is a renewable resource. When properly managed in the right place, in the right way and at the right time, timber harvest and forest utilization can coexist with wilderness while providing timber harvest and jobs for local communities and needed wood products in a long-term, sustainable way as well as support a forever growing recreation industry. Future natural and ecological resource conditions, and future generations will be affected by the decisions made during this planning effort.

Considering that the "Citizen-Science Alternative" would (1) protect the 1.5 million-acre roadless base as designated wilderness without motorized/mechanized use, and (2) uses the best available science to advocate for measurable, quantifiable standards for other resource values and uses (i.e. fisheries, watershed protection, wildlife habitat, logging, etc.), this environmentally-focused alternative would clearly meet the purposes of the Act and Regulations. As wilderness, it would protect, restore and enhance the environment [see Section 1500.1(c)]; avoid or minimize adverse impacts upon the quality of the human environment [see Section 1500.2(e)]; and use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects upon the same [see Section 1500.2(f)]. Additional guidance and suggestions are provided below (see Issues 1.6 and 1.7) relative to the required comparative analysis of environmental impacts under each alternative evaluated.

In Appendix M: 'Response to Comments', we take issue with your response to Concern 4 - reconsidering the "Citizen-Science Alternative" submitted by FOC for evaluation in the EIS. We are amazed at how biased and misleading your response to Concern 4 is. On page 31 of Appendix M, your statement that the "Citizen-Science Alternative" submitted by FOC does not meet purpose and need and is not within the scope (whatever that means) is hogwash. **What is particularly disturbing and an absolute lie** is your statement that the "Citizen-Science Alternative" is not within the legal authority of the agency because the plan direction privatizes the management of public resources or gives the National Forest to the State of Idaho to own or manage!! Where did that come from - it certainly wasn't part of the "Citizen-Science Alternative"!! You should be ashamed of yourselves for putting such lies in this document!! Makes one question the validity and honesty of the entire document.

#### Issue 1.5: What Mitigation Measures, Standards and Guidelines, and Monitoring Programs will Apply to all Alternatives and those Specific to Each Alternative Where They Differ?

One of the major problems we have with the EIS documents is the whole complicated and convoluted presentation of what measures and actions will be taken to protect, restore and enhance the environment (40 CFR 1500.1(c)); identify and assess reasonable alternatives to proposed actions that will avoid or minimize adverse impacts of these actions (40 CFR

1500.2(e)); and use all practicable means to avoid or minimize any possible adverse effects of their actions (40 CFR 1500.2(f)).

We have researched the 2012 planning rule (36 CFR Part 212 – Planning) to get a basic understanding of what the regulations are with respect to the preparation of a forest plan amendment. Due to the *extreme difficulty* in reviewing the multiple lengthy documents involved in this planning process ‘*online*’, we couldn’t even begin to examine all the plan components – Desired Conditions, Objectives, Standards, Guidelines, and Suitability of Lands. Once again, we ‘the public’ must stress how *it is essentially impossible to review ‘online’ all the thousands of pages involved*. In talking with others during our review, everyone complained about the extreme difficulty in navigating this mess. But even a cursory review of the plan components revealed multiple issues with the content published in this regard.

Considering the difficulty to complete our review, we must focus on just a few issues under Issue 1.5. Our biggest complaint is with ‘Standards’ in particular. As defined in 36 CFR 219.7(e)(1)(iii) - “A standard is a **mandatory constraint** on project and activity decision-making established to help achieve or maintain the desired condition or conditions, to avoid or mitigate undesirable effects, or to meet applicable legal requirements.” *What is particularly disturbing is in your discussion of ‘Standards’ in the FEIS you omitted the key word ‘mandatory’*. **This omission in itself is particularly problematic.**

One area we are particularly sensitive to is the management of riparian areas, now called “Riparian Management Zones” in the new plan. As an example, we reference the first forest-wide standard presented for Riparian Management Zone (RMZ) - Category 1.

The LMP states on page 49: **FW-STD-RMZ-01.**

Vegetation management shall only occur in riparian management zones from the edges of the active stream channel to within 150 feet within Riparian Management Zone Category 1 and to the edges of the active stream channel to 100 feet within Riparian Management Zone Category 2, 3, and 4 to restore or enhance aquatic and riparian-associated resources. Non-mechanical treatments, for example, hand fuel treatments, prescribed fire, small diameter (for example, sapling, pole) conifer thinning, may be authorized if aquatic and riparian-associated resources are maintained. Timber Harvest in this zone shall leave trees on site or use for aquatic restoration. Vegetation management may occur in the outer Riparian Management Zones to meet desired conditions for fuel loading and silvicultural desired conditions, so long as project activities retain functions of the outer Riparian Management Zone, including sediment filtering, large wood recruitment to streams, and protection of the inner Riparian Management Zone from windthrow. Vegetation management in Riparian Management Zones shall not retard attainment of aquatic and riparian desired conditions.

The problem with this statement is it is not a standard, as required in the planning regulations. “A standard is a **mandatory constraint** as defined in 36 CFR 219.7(e)(1)(iii). The above standard is not a mandatory constraint for two reasons:

The section allowing logging and other so-called vegetation management is discretionary in part of the RMZ. All of the RMZ allows chainsaw medicine, stated as fuel treatments and conifer

thinning. Most thinning, such as pre-commercial thinning, is done for log production and silvicultural treatments. This is not a constraint as it allows these activities in the RMZ. All the agency has to do is use words that any manipulative action in the RMZ will be beneficial and attain the desired effect.

These are not measurable or quantifiable standards. Such standards would be no vegetation treatments within RMZs. **Any standard that is not easily quantifiable or measurable is neither mandatory nor a constraint.** Under the new plan stream buffers are reduced by 50-66% depending on the area. If anything, stream buffers should be *enlarged* throughout the planning area.

Without clearly defining some guardrails - mandatory standards, mitigation measures etc. to guide future management actions/activities, the new plan essentially gives the Forest Service carte blanche freedom to act as they wish without any legal recourse or future review by the public. The removal of any quantitative standards in the process of amending or revising forest plans hampers the public from holding the agency accountable. These are public lands, not lands dedicated primarily to the logging industry as its primary emphasis.

Paralleling this disturbing trend is a Forest Service culture of controlling nature as "ecosystem management." The Forest Service promotes vague, unmeasurable goals such as "improving forest health" and "increasing resilience and resistance to wildfire and insect pests" under this manipulate-and-control management. Such terminology has become ubiquitous in timber sale environmental analysis documents, agency public relations statements, and industry campaigns attempting to conceal the fact that its management bears much resemblance to the unsustainable logging of the past.

This culture also postures that management can engineer better forests than those growing naturally. Such posturing has facilitated and fully rendered the Forest Service vulnerable to industry capture. Under a politically inspired misinformation campaign, logging proponents demonize forests as "unhealthy," and as "hazardous fuels" posing risks of "catastrophic fire" to justify management "prescriptions." The fear incited by raising the specter of imminent destruction distracts from and prevents sober evaluation of the science that indicates logging is destructive, and itself increases fire risk.

Nearly everything done on the ground in the Northern Region of the USFS these days is authorized under a "Categorical Exclusion" which allows an action to proceed without any further environmental review. Thus, it is imperative to nail down some restrictions in the EIS and new forest plan (i.e. minimum 300' stream buffer forest-wide; minimum 100 seed trees/acre in clear cut; minimum of 20% old-growth forest-wide; maximum clear cut/opening size (100 acres); minimum number of snags per acre, etc.). Without such mandatory constraints, mitigation measures, etc. to avoid/minimize adverse effects (as required by NEPA) there is no scientifically or rationally defensible basis for the environmental conclusions made in the EIS without such constraints and measures considered. No seed trees vs 100 seed trees/acre makes a difference in the impact. No restriction on the amount of old-growth to be retained forest-wide vs the retention of at least 20% old-growth forest-wide makes a huge difference in the impact. Under the new Forest Plan enforceable old-growth standards are abandoned forest-wide and

would be subject to either clear cutting or damaging 'thinning' projects – an enormous adverse effect. In addition, wildlife standards are essentially non-existent, a serious problem for grizzly bears, wolverines, and other rare mammals.

An integral part of this whole issue is NEPA requires that the mitigation measures that will be applied (in this case to all future actions/activities under the new plan) must be identified in the EIS and applied to the analysis. It is these mitigation measures, standards, guidelines (whatever you want to call them) that, when applied, are designed to avoid or minimize adverse environmental impacts of future actions and provide the basis to arrive at the net environmental impacts identified in the EIS. As Section 1502.14 clearly points out, this is the 'heart of the EIS' and critical to the environmental analysis and comparison of the net environmental impacts under each of the alternatives evaluated.

With regard to the Monitoring Program required under 36 CFR 219.12, the discussion of the program on page 14 of the LMP *in its entirety* is as follows: "The Monitoring Program identifies monitoring questions and associated indicators. The Monitoring Plan (*Appendix 3*) will inform the management of resources on the Land Management Plan area, including testing relevant changes and measuring management effectiveness and progress towards achieving or maintaining the plan's desired conditions or objectives per 36 CFR 219.129(a)(2)". [Note: even the CFR reference is wrong, it should be 219.12(a)(2)].

There is no *Appendix 3* in the LMP or the FEIS. Trying to locate Appendix 3 took at least 20-30 minutes since it wasn't even an appendix to the LMP where it is referenced and an integral part of the LMP. This is disgraceful and a nightmare as no 'Joe public' could possibly review this massive mess. When we finally located Appendix 3 it was so convoluted and so much of its content seemed to have nothing to do with the guidance provided in 36CFR 219.12 - Monitoring. Due to time constraints in completing this 'Objection' we had to abandon a detailed analysis of the Monitoring Plan presented in Appendix 3.

The one thing that was obvious from our cursory review of Appendix 3, was that although Section 219.12(a)(2) requires the plan monitoring program to identify specific plan monitoring questions and associated indicators and that the monitoring questions and associated indicators be designed to monitor the management of resources in the plan area, including by *testing relevant assumptions, tracking relevant changes, and measuring management effectiveness* and progress toward achieving or maintaining the plan's desired conditions or objectives, this is where *testing, tracking and measuring* were often absent.

Issue 1.6: Need to Describe and Compare the Alternatives Carried Forward for Detailed Evaluation to the Same Level of Detail so that Reviewers May Evaluate Their Comparative Merits.

The 'Alternatives Including the Proposed Action' section of an EIS is the 'heart of the EIS' and should present the environmental impacts of the proposal and the alternatives in comparative form (Section 1502.14).

Currently, both the DEIS and FEIS clearly fail to describe the alternatives to a comparative level of detail. As written, the 'No Action' alternative is described in the most detail and includes some discussion on Recreation and Access Management, Aquatics, Wildlife, Fire Management, Livestock Grazing, and Energy and Minerals - categories which are not discussed at all in any of other alternatives evaluated. Obviously, there will be differences in the alternatives regarding these topics and the environment impacts that will occur because of these differences.

With the description of the alternatives presented in the EISs minimal and failing to present a comparative level of detail for each alternative evaluated, many details relevant to Recreation and Access Management, Aquatics, Wildlife, Fire Management, Livestock Grazing, and Energy and Minerals on the forests remain unidentified in the description of the action alternatives under review. This is a major problem and omission that must be corrected and critical to the comparative analysis of environmental impacts under each alternative.

Also, it would be very helpful to include in this chapter a subsection such as "Plan Elements Common to the Action Alternatives", which identifies those plan elements which are the same under each action alternative. This approach would make it easier for agency officials and the public to better understand the specific differences between the action alternatives and the environmental impacts and merits of the actions being evaluated.

For example, under 'Forest Wide Components', it would seem appropriate to identify those plan elements and management actions, including the standards and guidelines that would apply to all the action alternatives, before presenting and discussing those plan elements and management actions which differ by alternative.

Similarly, for 'Recommendations to Congress (if any) for lands suitable for inclusion in the National Wilderness Preservation System and/or rivers suitable for inclusion in the National Wild and Scenic Rivers System', the plan elements presented in Table 4, 'Overview of Alternatives', could better illustrate the differences between Alternatives W, Y, Z and Preferred by including the plan elements common to the action alternatives in a "Plan Elements Common to the Action Alternatives" subsection so that Table 4 can focus on those plan elements that differ and are specific to each action alternative.

#### Issue 1.7: Need to Include a Summary of the Environmental Impacts of the Proposal and Alternatives in Comparative Form.

Similarly, the 'Alternatives Including the Proposed Action' section of an EIS needs to present the *environmental impacts* of the proposal and the alternatives in comparative form (Section 1502.14).

Currently, both the DEIS and FEIS fail to include any such comparison in the alternatives chapter as required by Section 1502.14. The three summary tables included in the 'Alternatives' chapter (Tables 3 - Management Area Acres, Table 4 - Overview of Alternatives, and Table 5 - Summary of Proposed Activities Suitable in Recommended Wilderness) simply compare a few *plan elements* (i. e. wilderness addition names and acres, number and name of wild and scenic



rivers eligible and suitable, timber harvest and output, percent of forest open/closed to motorized travel, maximum regeneration unit size in acres, etc.) *without any comparison of the environmental impacts anticipated due to these plan elements*, among many others not identified and considered in the analysis. This absence is a clear violation of Section 1502.14 of the Regulations.

A comparative summary table of environmental impacts that **clearly** identifies the environmental impacts associated with the particular plan elements under study could be structured as follows. We will use ‘Wilderness Additions’ and plus (+) and minus (-) as an example. The more wilderness, the more positives in most categories. It is not our job to write the EIS and Forest Plan for you, but we are trying to shed some light on an environmental analysis using common sense rather than computer models, etc.

You should see the logic here easily enough. By using this type of comparison, or any another suitable method, the goal is to clearly identify the environmental impacts anticipated in a form that the public can easily see and better understand the environmental tradeoffs involved with alternative courses of action. The “environmental consequences” discussions included in the EIS often contain numerics and other variables that could be summarized in a table that clearly reflects the impacts by alternative in a comparative, meaningful form. Remember the alternatives chapter is ‘the heart of the EIS’.

	No Action <sup>1</sup>	Alt W	Alt X	Alt Y	Alt Z	Preferred
<b>Wilderness Additions</b> (acres)	197,695	856,932	0	309,332	569,755	263,357
Sequestration of carbon	+	++++	---	++	+++	++
Habitat for T&E species	+	++++	---	++	+++	++
Preservation of mature, old-growth	+	++++	---	++	+++	++
Primitive recreation	+	++++	---	++	+++	++
Semi-primitive recreation	-	-----	++++	--	---	--
Wildlife corridor connectivity	+	++++	---	++	+++	++
Non-motorized recreation	+	++++	---	++	+++	++
Motorized recreation (includes winter over-snow travel)	+++	----	++++	--	+	-
Wildlife behavior (Minimum interference)	+	++++	---	++	++	++
Watershed protection + yield						
Et cetera						

There are many other criteria we/you could list here, but time is running out to finish this illustration in detail and get our "Objection" out the door in a timely manner. The next two paragraphs are intended to give you the general rationale needed to perform a comparative analysis that will mean something to the general public without reading thousands of pages of material and still not know or have a clear understanding of what the net impacts are under each alternative. **This is one huge problem we have with the current document.**

Soil erosion – With more logging, especially with an emphasis on clear cutting rather than alternative methods such as shelter wood or selective cutting/thinning (silvicultural methods we believe you should be using **a lot more** of (see next paragraph), there will be more roads; larger open, exposed soil areas; more exposed soils due to heavy equipment operations; more roads open to motorized travel, etc. This will result in more soil erosion and sediment loads.

Timber harvest – The greater the amount of timber harvest allowed, especially with an emphasis on clear cutting rather than alternative methods such as shelter wood or selective cutting/thinning (silvicultural methods we believe you should be using **a lot more** of considering what will be necessary to have successful forest regeneration in the future with extremely hot, dry summers and less precipitation due to climate change); there will be more roads; more jobs in the logging industry; less carbon sequestration in soils and forest biomass; more exposed soils due to heavy equipment operations; more roads open to motorized travel, etc. with the result being more soil erosion and higher sediment loads; greater wildlife disturbance and harassment due to motorized access, less water yield, etc. Also, with large, more open and exposed areas, forest regeneration/restoration efforts could easily fail or have poor success due to extreme weather conditions (excessively hot summers, less precipitation, etc.) as well as increased fire frequency and intensity further impacting regeneration success.

#### Issue 1.8 Climate Impacts are not Honestly or Accurately Addressed

Climate change is a real and extremely important issue and concern to the vast majority of Americans and billions of others around the world. The U.S. Forest Service, being a resource and science-based public entity has a moral obligation to properly address this paramount environmental concern in any environmental impact assessment they prepare, especially one that will direct the future management of 4 million acres of critically important forest lands. Any rejection to conduct a meaningful impact evaluation on climate change at this juncture in human history and our future existence on earth, violates the spirit and intent of NEPA at its core!

The absence of evaluating alternative impacts, both positive and negative, independent and **cumulative** on climate change is unconscionable. NEPA requires an objective and science-based evaluation of environmental impacts, including those related to what has been clearly documented by climate scientists throughout the world over several decades, not a political philosophy of denial that has no rational or scientific basis for its omission or cursory review. (Note: Climate change, global warming, the "greenhouse" effect, whatever you want to call it was addressed in undergrad and graduate school textbooks in the 1970s!) Alexander von Humboldt (1769-1859), one of the most famous scientists ever, predicted global warming and its eventual climatic effects.

The DEIS states that “all of the plan alternatives are projected to contribute **negligibly** to overall emissions. Furthermore, it is difficult and highly uncertain to ascertain the indirect effects of emission from multiple, generally small projects that make up these alternatives on global climate.” CIHD questions how can a four-fold increase in timber harvest from 50-60 mmbf to 190-210 mmbf as proposed be considered “a very small percentage of the total forest land on the Nez Perce- Clearwater?” The statement “Because the potential direct and indirect effects of alternatives would be negligible, the contribution of the plan’s proposed actions to cumulative effects on global atmospheric greenhouse gas concentrations and climate change would also be **negligible.**”

It is this attitude and viewpoint that has brought us to the climate crisis on hand and the future of life on earth. It is the cumulative impact of all these individual human activities that has brought us to where we are in the climate crisis. **This attitude is the reason the earth is warming, the oceans are acidifying, and thousands of species face climate-induced extinction.** God save the picas and all the species heading towards extinction in Idaho and across the planet! Oh, it’s just one more fossil fuel powerplant, one more airplane trip to the other side of the world, one more gas guzzling vehicle, one more conversion of tropical rainforest to pasture livestock - you get the point. When you add up all these independent activities, it is the cumulative impact that has brought us the climate crisis – a crisis that is very real and projected to have tremendous repercussions on life on earth. It’s not a pretty future. Your Forest Plan and Preferred Alternative as written will bring us that much closer to an very ugly future locally, nationally, and worldly.

The stakes are high. All species will go extinct eventually, even our own – it is one of nature’s few imperatives. As of today, however, that train has not quite left the station. We still have some control over our demise – namely, how long it will take and how much our children and grandchildren will suffer. If we want to take action, we need to get started while it still matters what we do. Change begins at the local and national level.

## Issue 2: The ‘Objection’ Concerns Issues That Arose After the Opportunities for Comment

Since publication of the DEIS and closure of the DEIS review period, there are significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action and its impacts.

Issue 2.1: In November 2023 the U.S. Fish and Wildlife Service issued its final rule to list the North American wolverine (*Gulo gulo luscus*) as threatened in the contiguous United States under the Endangered Species Act (ESA).

With listing North American wolverine (*Gulo gulo luscus*) as threatened under the ESA after the DEIS, FEIS and draft ROD were published, at a minimum, the FEIS and draft ROD must be amended to identify and include the specific plan components, standards, guidelines, and management actions that will be included in the various action alternatives under study (including the Proposed Action/Preferred Alternative) to protect and enhance wolverine habitat

and population numbers within the Nez-Perce-Clearwater Forests. The Forest Service is obligated under the ESA to aid in the recovery of listed species.

As directed by 36 CFR 219.9(b)(1), the plan components required by paragraph (a) of this section are to provide the ecological conditions necessary to contribute to the recovery of the federally listed wolverine as threatened, and maintain a viable population of the species within its range. If the plan components required in paragraph (a) are insufficient to provide such ecological conditions, then additional, species-specific plan components, including standards or guidelines, must be included in the plan to provide such ecological conditions in the plan area.

Similarly, a supplement to the EIS which identifies the environmental impacts of each action alternative on the wolverine is required. This review and appropriate modifications to the forest plan amendment to comply with this listing must be completed before the Nez-Perce-Clearwater Forests FEIS and ROD can be finalized and the Nez Perce-Clearwater Forests plan amendment implemented.

*Based on the significance of this issue and Section 1502.9(c) of the NEPA regulations, which directs that agencies: (1) Shall prepare supplements to either draft or final EIS's if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action and its impacts (emphasis added), the Forest Plan and EIS needs to be amended accordingly and circulated for public review and comment before a final EIS and ROD can be issued.*

Issue 2.2: On April 22, 2022, Executive Order 14072 on “Strengthening the Nation’s Forests, Communities, and Local Economies” was signed by the President. Specifically, Section 2 of the Executive Order titled “Restoring and Conserving the Nation’s Forests, Including Mature and Old-Growth Forest” directs federal land management agencies to manage forests on federal lands, which include many mature and old-growth forests, to promote their continued health and resilience, retain and enhance carbon storage, conserve biodiversity, mitigate the risk of wildfires, and enhance climate resilience among other purposes. By acting to conserve and restore old-growth and mature forests, nature can continue to be a key climate solution.

On December 19, 2023, consistent with the direction from Executive Order 14072 to conserve and restore old and mature forests, the U.S. Department of Agriculture announced in press release No. 0254.23 a proposal to amend all 128 forest land management plans to conserve and steward old-growth forest conditions on national forests and grasslands nationwide. As stated in the press release:

“Healthy, climate-resilient old-growth forests store large amounts of carbon, increase biodiversity, reduce wildfire risks, enable subsistence and cultural uses, provide outdoor recreational opportunities and promote sustainable local economic development. Land management plans provide direction for how national forests and grasslands are managed for their many uses, including conservation. The proposed amendment will use the best available

science, including Indigenous knowledge, to provide consistent direction related to old-growth forest conditions across national forests and grasslands.”

“Old-growth forests are a vital part of our ecosystems and a special cultural resource. This proposed nationwide forest plan amendment – the first in the agency’s history – is an important step in conserving these national treasures, said Agriculture Secretary Tom Vilsack. Climate change is presenting new threats like historic droughts and catastrophic wildfire. This clear direction will help our old-growth forests thrive across our shared landscape.”

On December 20, 2023, the U.S. Department of Agriculture published a Notice of Intent to prepare an EIS for a National Old Growth Amendment in the Federal Register. The proposed amendment establishes national intent to maintain and improve amounts and distributions of old-growth forest conditions within national forest ecosystems and watersheds so that old growth forest conditions are resilient and adaptable to stressors and likely future environments. The EIS will evaluate the effects of a national land management plan amendment.

By letter dated December 18, 2023 from the Washington Office of the Forest Service, the Deputy Chief of the National Forest System notified the Forest Service’s Regional Foresters that the Deputy Chief will assume the decision-making authority over management of old-growth forest conditions on National Forest System lands during the amendment process. Effective immediately, any projects proposing vegetation management activities that will occur where old growth forest conditions exist on National Forest System lands are to be submitted to the Deputy Chief for review and approval. This is intended to ensure the careful evaluation of proposed vegetation management activities occurring in areas where old growth forest conditions exist while the National Old Growth Amendment is developed.

*Currently, the FEIS has a limited discussion dedicated to Executive Order 14072. In addition, the new plan has few measurable and enforceable standards proposed, unlike the two 1987 forest plans prepared for each forest which had quantifiable, measurable, and relatively enforceable standards to protect old growth. The new plan eliminates those standards, proposes no protection for old growth in the most abundant forest types, and allows logging down to a bare minimum in old growth for the remaining forest types.*

Why is the protection and enhancement of mature and old-growth forests important?

Old growth forests play essential roles in wildlife habitat, species diversity, hydrological regimes, nutrient cycles, carbon storage, and numerous other ecological processes. They have unique structures and attributes that provide habitat for plant and animal species, such as lichen, bats, birds and mammals that are often not found in other forest types.

A National Geographic article “Why Old-Growth Forests Matter” by Craig Welch and published on April 22, 2022, noted that “They (old-growth forests) hold far more carbon than younger forests, helping to protect us from our own fossil-fuel emissions. A study of six national forests in Oregon showed the biggest 3 percent of trees accounted for 42 percent of forest carbon. Where carbon storage is high, plant and animal diversity tends to be richer than anywhere else. The forest canopy has its own ecosystem – there are huge varieties of mosses

and lichens and insects and birds, says old-growth forest expert Beverly Law, at Oregon State University. It's just a different world up there."

A host of prominent experts, including 135 forest scientists, explained in a letter two days before the President signed EO 14072 that - "older forests provide cool, shaded forest interiors for sensitive species and those needing time to migrate and adapt to changing environments. Large trees create vital habitat structure and complexity for imperiled fish, other aquatic life, and terrestrial species." The scientists also noted that old-growth forests store and gradually release clean drinking water for millions of Americans while mitigating flood and fire impacts resulting from climate-driven increases in erratic and severe weather events. Finally, such forests and legacy trees attract visitors and inspire a sense of awe, support recreation and rural economies, and have spiritual values.

"What these forests have in common is an ever-changing complexity that promotes symbioses among species. There are mosses and broken, leaning snags of branches; cracked trunks; broken treetops; multiple varieties of trees; downed "nurse logs" that host new growth as they decay; and tree canopies of varying sizes and shapes. All of these differences over time have created pockets for a wide variety of life."

The National Geographic article also stressed that "There's just a huge diversity of animals and plants, huge soil diversity," in old-growth forests. "And biodiversity—genetic biodiversity, species biodiversity—is necessary for resilience. It's what protects forests from diseases and everything else. It's essential for life to continue."

A featured June 1, 2023 article by Sarah Ruiz and published on the Woodwell Climate Research Center's website regarding the country's mature and old-growth forest inventory (completed in 2023 by the Bureau of Land Management and U.S. Forest Service under EO 14072) also highlights the importance and benefits of these forests in building resilience to future climate-related disturbances like drought or fire while directly mitigating the country's carbon emissions. As an introductory note to the many benefits identified - **"Not acknowledging the critical carbon storage contribution of mature and old-growth forests runs the risk of deprioritizing protection for the country's oldest, most carbon rich, and hardest to replace ecosystems."**

"In short, carbon. While all forests sequester carbon as they grow, older and larger trees represent an existing store of carbon in their biomass and soil. Research by Woodwell Climate scientists on carbon stocks in a sample of federally managed U.S. forests found that while larger trees in mature stands constitute a small fraction of all trees, they store between 41 and 84 percent of the total carbon stock of all trees. An analysis of mature and old growth forests across the country found that approximately 76 percent (20.8 million hectares) of these forests are unprotected from logging. This represents an amount of carbon roughly equivalent to one-quarter of the U.S.'s annual fossil fuel emissions."

"Although younger forests grow faster proportionally, they are not adding as much carbon in a single year as older forests with large trees. Additionally, mature forests continue to pack

away carbon year over year in their soils, which is largely protected from effects of disturbance. Cutting down a mature forest creates a ‘carbon debt’ that can take decades – centuries in some cases – to recoup, and in the meantime those mature trees are no longer sequestering carbon each year. These natural carbon reserves deserve all the protection we can provide. Their loss could effectively bankrupt our efforts to avoid the worst impacts of climate change. Others might argue that climate change or wildfire are more significant threats, but older forests with larger trees are more resistant to those threats – but not more resistant to chainsaws. That’s a human decision.”

A recent paper in *Nature Climate Change* has identified a “protect, manage, restore” framework for making decisions about what climate solutions to pursue, and the highest priority is always to protect carbon where it is already stored. Since federally managed forests contain more high-carbon trees than other lands, so the opportunity for increased carbon storage within them is greatest. The strategy of letting forests continue to grow as a carbon solution requires mature forests also be protected.

The Woodwell article ended with these words. “The next steps should be to provide legal protection of as much of these high-carbon forests as possible. These are public lands that should serve the public good, and reducing climate change is a public good we should pursue as the highest priority.”

Another significant omission in your description of old growth is your failure to acknowledge the critical ecological role the mycological relationships found in old growth play in maintaining the health of trees and the entire forest ecosystem. Clearcutting hundreds—or thousands—of acres at a time may very well destroy an ecology that has been evolving in situ since the current interglacial began in Idaho, to the detriment of all stakeholders. In case you are unfamiliar with these critical inter-relationships that must be retained in all forest ecosystems, we highly suggest you read “*Finding the Mother Tree – Discovering the Wisdom of the Forest*”, Suzanne Simard, 2021.

*It is pathetic that none of the many benefits mature and old-growth forests provide, as identified above, are mentioned in the DEIS or FEIS prepared for the new forest plan. The ‘Old Growth’ discussion in the FEIS (see pages 109-111) consists of a measly six paragraphs and one table (Table 20). The discussion itself is a complete disgrace and meaningless considering the critical importance of this ecosystem. It is obvious that this is the gem of gems that the timber industry wants to have access to, unconstrained by any meaningful protection measures. Dollar signs are the driver here, not the long-term protection and maintenance of the critical ecosystems we and all species rely on for our survival. Instead, and equally disappointing, the new plan has few, if any, measurable and enforceable standards nor guidelines proposed to direct the future management and protection of mature and old growth forests. The new plan even proposes reductions in the stream/riparian buffers that currently exist which will allow the harvesting of the old-growth and mature forest types that remain in these equally critical habitats. Another significant oversight is that carbon stocks are not measured by the plan nor are the potentially massive carbon emissions from logging estimated or addressed.*

Long-lived, fire tolerant tree species play a critical role in the development of old growth. These trees have a chance of surviving wildfires and persisting well into the late successional stages and include Ponderosa pine, Douglas fir, Western larch, and whitebark pine. They become the large diameter, old trees that are key features of the old growth forest. Old growth dominated by shade tolerant trees, such as grand fir, western redcedar, and Engelmann spruce, also occur particularly in riparian areas or other sites if protected from disturbance. These old growth types typically contain early seral species along with a dominant overstory composed of late successional species (Arno et al. 2000).

Forest managers can help younger mature forests move towards old growth characteristics. For example, retaining and protecting individual large, old trees and large downed logs helps a mature forest develop old growth characteristics. While not appropriate in all areas, management to foster old growth characteristics would help offset the global decline of old forests. These old forests are rare, and unfortunately becoming rarer every day due to natural disturbances like fire, human disturbance (i.e. logging) where old growth isn't protected, and the effects of a warming and drying climate. In general, what little old growth remains should be excluded from management activities such as logging, and mature forests should be managed to allow old growth attributes to develop.

In accordance with Executive Order 14072 and USFS guidance relative to the EO, at a minimum, the FEIS and draft ROD must be amended to identify and include the specific plan components, standards, guidelines, and management actions that will be included in the various action alternatives under study (including the Proposed Action/Preferred Alternative) to protect and enhance mature and old-growth forests. Similarly, a supplement to the EIS and draft ROD, which identifies the environmental impacts of each action alternative evaluated will have on mature/old-growth forests is required. This review and appropriate modifications to the forest plan amendment to comply with this Executive Order must be completed before the Nez-Perce-Clearwater Forests FEIS and ROD can be finalized and the Nez Perce-Clearwater Forests plan amendment implemented.

*Based on the significance of this issue, the direction set forth in EO 14072, and Section 1502.9(c) of the NEPA regulations, which directs that agencies: (1) Shall prepare supplements to either draft or final EIS's if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action and its impacts (emphasis added), the Forest Plan and EIS needs to be amended accordingly and circulated for public review and comment before a final EIS and ROD can be issued.*

## Summary

Based on the issues we have identified above, many of which point out errors in preparing the EISs, coupled with numerous violations of law, regulations or agency/federal policy, it is clear that the EIS and draft Forest Plan prepared for Nez-Perce/Clearwater needs to be amended and recirculated for public review prior to approval and implementation of a final decision on the Forest Plan amendment. It is our opinion that the USFS needs to amend the DEIS (a summary



document may suffice which addresses the comments, issues and objections raised during the FEIS review period), followed by a public review period (with public meetings!) and reissue a FEIS stressing not the "affected environment" and all the unnecessary info contained in the current documents, appendices, etc. but focus on the environmental consequences of alternative actions in a format easy for the public to understand and assimilate.

The current documents are a disservice to the American public. The plan amendment as proposed would be a blatant giveaway to the timber industry, a grave blow to federal accountability, and an insult to the wild Clearwater country – one of the most critical forest ecosystems remaining in the continental U.S.!! From what we could assimilate from our review of the documents prepared thus far, it appears that the recommendation and designation of at least the acreage proposed in Alt W (856,932 acres) as wilderness would still meet purpose and need, provide a high timber harvest (Alt W identified a timber output of 221-241mmbf<sup>1</sup>), and clearly have the most benefits in the long-term that a healthy forest ecosystem can and will provide. [ <sup>1</sup> Note: We are not condoning this level of timber harvest, but that you identified such a timber output indicates that such a harvest is feasible with large wilderness additions recommended.] Also, please note that the wilderness additions and wild and scenic river additions we noted in our letter dated April 19, 2020 remain valid.

In many ways the new plan is worse than the 1987 forest plans as it removes any meaningful quantitative and enforceable standards and fails to clearly identify mitigation measures to ensure that environmental impacts are avoided or minimized, and actions are taken that protect, restore and enhance the environment. You are making every effort to do whatever you want to do *carte blanche* in the future without any boundaries or guardrails (measurable standards and guidelines) to ensure the environment is protected and enhanced. Currently there is little accountability and little chance of enforcing any provisions in the new forest plan.

About one-fourth of the combined forests is old-growth and mature forests. All the contrived statements about reestablishing healthy ecosystems through mechanical manipulation are simply cover for more roads and more logging. The Forest Service has not made the case otherwise through overwhelming, irrelevant wordiness.

A reasonable person can easily predict, based on available scientific evidence, that before the end of this forest plan's timeframe, problems with the health of the forest due to changing climate will far exceed any value of logging. We assert the industries based on Wild and Scenic Rivers and Wilderness, will generate more wealth over the life of the plan than will logging the remaining mature and old growth forest. Some multiple uses seem to weigh heavier in the FS decision than do maintaining and reestablishing healthy ecosystems.

The USFS concludes that the alternatives evaluated will have a negligible effect on Climate Change. **That attitude is the reason the earth is warming, the oceans are acidifying, and species face climate-induced extinction.** Each of us has a responsibility to reduce our footprint on the planet. A little destruction here, a little destruction there equals massive destruction everywhere.

Our time has run out to provide more substantive comments on the subject documents and to complete our "Objection" before the closing date for submittal. Again, we did not have the subject documents made available to us *as requested in our previous comments* to aid our review. Without a "hard" (paper) copy of the documents to review, our ability to provide additional detailed and hopefully meaningful comments was greatly hindered.

We hope that our comments and objections are helpful and constructive as you move forward in the forest planning and environmental impact evaluation process. We plan to stay involved in all future activities related to the subject EIS and Nez Perce-Clearwater National Forests Plan Revision process. We are available to discuss with you our issues and concerns and offer our assistance as you move forward with this highly important forest planning effort.

**We end our comments with a final reminder of what this whole NEPA/EIS process is about - to take actions that protect, restore and enhance the environment; promote efforts which will prevent or eliminate damage to the environment and the biosphere; and enrich the understanding of the ecological systems and natural resources important to the Nation. All of us involved in this forest planning process need to live up to these expectations!**

Respectfully submitted,



Steve Jakubowics

Chair - Committee for Idaho's High Desert

P.S. Please note that our mailing address has changed as shown on our letterhead. Our "Objection" was sent by certified mail/return receipt requested on January 25, 2024.

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x 2863  
daho 83701

CERTIFIED MAIL



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USDA Forest Service Northern Region  
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26 Fort Missoula Road  
Missoula, Montana

59804

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