Data Submitted (UTC 11): 8/11/2014 7:38:06 PM First name: Dick Last name: Artley Organization: Title: Comments: Comments on the Proposed Forest Plan Revision for the Clearwater/Nez Perce National Forests

August 11, 2014

Dear Ms. Peel,

Please forward these comments to those who prepared the Proposed Revised Forest Plan and the IDT members who will be writing the EIS.

Supervisor Brazell's Proposed Revised Forest Plan is a Road Map that Invites his District Rangers to Plunder the Fragile Amenity Resources in the Forest while Simultaneously Removing Trees with Commercial Logging Projects.

This retired Forest Service employee spent over a decade as the forest planner for the Nez Perce National Forest. The primary duty of a forest planner is to take the necessary steps to assure all projects are: 1) planned and designed to comply with the Forest Plan, and 2) monitored without notice several times during project implementation and upon project completion to assure Forest Plan compliance.

The Forest Plan must spell out a process to stop project activities if implementation monitoring identifies a problem. The work continues after the project is modified such that it once again complies with the Forest Plan. Unless this process is codified in the Forest Plan, the Forest Plan is a toothless document.

So how does the project planner know what to plan for? How does the forest IDT know there is a problem during project implementation?

The two critically important parts of any Forest Plan are:

1) the sections that disclose and explain mandatory, must achieve, measurable standards for most resources that indicate whether or not the resource is functioning properly as it did before project implementation, and

2) the monitoring and evaluation process.

Monitoring and Evaluation

The monitoring process identifies monitoring protocols for all resources that have measurable standards identified. The forest planner leads all monitoring field visits. The monitoring is done by a group of resource specialists collectively known as the Forest Plan Interdisciplinary Monitoring Team. These specialists follow the monitoring protocols as they measure the resource conditions to determine if a Forest Plan standard is, or is not being met or exceeded. They then determines the corrective action that must be taken and describe the corrective action in writing to give to the contractor.

The current plan devotes pages V-4 to V-7 to describing monitoring protocols. Table V-1 -- Forest Plan Monitoring Requirements describes the monitoring requirements for all natural resources having measurable standards. Here is an excerpt from Table V-1 on page V-7:

NFMA

Requirement

36 CFR 219

Item

No.

Actions, Effects, or Resources to be Measured

Expected

Precision

Expected

Reliability

Reporting

Time

.12(K)(2)

2e

Fish habitat trends by drainage

High

High

1 - 5 Yrs.

.12(K)(2)

2f

Vegetative response to treatments

Moderate

Moderate

5 Years

.12(K)(2)

2g

Impacts of management activities on soils

Moderate

Moderate

Annually

.12(K)(2)

2h

Impacts of management activities on water

quality

Moderate

High

Annually

.12(K)(2)

2i

Effectiveness of specific water quality

mitigation measures

Moderate

High

Annually

Proposed Action for Forest Plan Revision Nez Perce-Clearwater National Forests differs from the existing Plan in several ways:

Monitoring and Evaluation

The description of the monitoring program on the proposed Revised Forest Plan is described in 4 paragraphs in Chapter 4. At paragraph 1 of Chapter 4 it states:

"Direction for the monitoring and evaluation of forest plans is found at 36 CFR 219.12."

It does not mention an evaluation process.

What Supervisor Brazell fails to tell the public is 36 CFR 219.12 describes general monitoring requirements for any forest plan.

The specific monitoring requirements for each resource in each Management Area as shown in Table V-1 in the current Plan is missing. I have included a link to 36 CFR 219.12 below.

http://www.law.cornell.edu/cfr/text/36/219.12

Unfortunately, Supervisor Brazell fails to provide this link in his proposed Plan revision.

The current Plan describes Monitoring and Evaluation requirements in 4 pages for specific resources for all MAs. Supervisor Brazell's proposed Plan Revision contains a woefully inadequate description of the Monitoring process, which indicates the importance he places on one of the most important actions that can be taken to assure compliance with the National Forest Management Act of 1976.

Standards

The largest section of the current forest plan is Chapter III (68 pages). Chapter III describes each Management Area on the forest, explains the MA goals, and discloses the standards for all resources that have standards that might be found in that particular Management Area.

The proposed Forest Plan revision contains standards in 2 locations. The standards that apply forestwide are contained in Chapter 2. If more constraining standards exist for a specific Management Area, they are included in Chapter 3.

The proposed FP revision discusses resources where one might expect standards to be applicable under "Human Uses of the Forest" on pages 43 to 65 of Chapter 2. Strangely enough, natural resources with standards contained in the existing Plan that were very important to comply with to assure proper resource functioning have been omitted in the revision.

The following reasources were grouped under a section in Chapter 2 called Human Uses of the Forest. The number of standards for these resources is shown below.

Cultural Resources (pg. 43) - no standards

Municipal Watersheds (pg. 43) - 1 standard

Recreation (pg. 45) -- 1 standard

Infrastructure (pg. 49) -- 1 standard

Lands (pg. 52) -- no standards

Production of Natural Resources-Timber (pg. 52) - 14 standards

Production of Natural Resources- Energy and Minerals (pg. 60) -- no standards

Production of Natural Resources- Livestock Grazing (pg. 62) -- 1 standard

Production of Natural Resources- Special Forest and Botanical Products (pg. 63) -- no standards

Clearly, Production of Natural Resources-Timber is foremost in Supervisor Brazell's mind as he prepares the FP revision. What Supervisor Brazell does not understand is that logging, mining and grazing activities do not "produce" natural resources. Instead, these actions "extract" natural resources from public land owned by 318 million Americans to provide the contractor with short-term profit.

It's strange that some of the most important resources for the recreating public are amenity resources which Supervisor Brazell does not include in the "Human Uses of the Forest" section. Instead, they are grouped under "Physical and Biological Ecosystems." This tells a lot about how Supervisor Brazell understands what the public wants when the visit their national forests. One wonders if Supervisor Brazill believes terrestrial wildlife, bird and fish species are not human uses of the forest. It's improper to make value judgements about what's important to the public. Something is terribly wrong here.

Standards must never be confused with guideline. Standards are mandatory and guidelines are voluntary.

When Corporations are Allowed to Extract Natural Resources from the National Forests for Short-Term Profit there is a Potential that other Natural Resources will be Damaged. Forest Plans are Intended to give the Ranger or Supervisor the Capability to Reduce or Eliminate the Damage. Supervisor Brazells Proposed, Revised Plan Removes the Capability to Restrain these Actions

Not only does the proposed Forest Plan exclude some of the most effective standards for natural resource protection that were contained in the existing Plan, but Supervisor Brazell's proposed Forest Plan invites and encourages natural resource harm so the maximum amount of timber and/or minerals can be removed from the forest. His proposed Plan also provides the wording to facilitate and justify such harm to the ecosystem. Finally, the proposed plan provides the means to violate laws intended to protect the amenity resources so loved by recreationists. To wit:

Terrestrial Ecosystems-Across the Landscape

Forestwide Guideline-Terrestrial Ecosystems-Scenic Character #1-----"Management activities should be consistent with scenic integrity objectives (SIO) for the area. Management activities may result in short-term impacts (3-5 years) that are inconsistent with the SIO if those impacts are necessary in achieving the SIO over the long term." (page 16)

Comment: "Management activities" (a.k.a. logging in this case) must never violate scenic integrity objectives at all. This harms the recreationists who are exposed to the "short-term" scenery degradation. This should be changed to a standard and worded this way.

Aquatic Ecosystems-Physical Integrity

Forestwide Desired Conditions-Water Quality #6------"Surface water quality5 for domestic, agriculture, recreational uses, aesthetics, and instream flows meets6 or exceeds State of Idaho water quality standards for designated and existing beneficial uses, where attainable. No Clean Water Act Section 303(d) State-listed impaired or threatened water bodies occur on National Forest System lands. No documented lands/areas are delivering water, sediment, nutrients, chemical pollutants that would result in water pollution that is significantly

and/or permanently above natural or background levels." (page 35)

6 For restoration projects that disturb stream channels or soils adjacent to stream channels (e.g., culvert repair/replacement or instream aquatic habitat restoration), a short-term departure from State water quality standards (e.g., turbidity) may occur provided such activities have no long-term threat of impairment to water quality or the beneficial uses of water. The term 'short-term' is the time required for water quality to return to pre-project conditions, and this length of time varies by project type and construction period length.

Comment: Departure fron State water quality standards must never occur for any reason at any time.

Riparian Habitat and Aquatic Species

Forestwide Standard-Riparian Habitat and Aquatic Species #3------"Activities in RCAs shall be designed to restore or maintain the physical and biological characteristics of the RCA and may not degrade aquatic conditions. Limited short-term effects from activities in RCAs may be acceptable when outweighed by the long-term benefits to the RCA, desired stream conditions in FW-DC-RHAS-11, Table 15 and other aquatic desired conditions." (page 41)

Comment: The last sentence of this standard must be omitted. "Activities" as used here means logging. Logging in a Riparian Habitat Conservation(RCA) areas result in long-term benefits. Short-term trashing of fish habitat and water quality is unacceptable.

Municipal Watersheds

Forestwide Guideline-Municipal Watersheds #1------"To allow for long-term benefits to source water areas (designated as special, public, or municipal water supply watersheds), activities may have limited short-term adverse effects when long-term benefits are identified." (page 45)

Comment: This must be changed from a guideline to a mandatory standard with the following wording changes: The statement "short term effects must never occur" must be added to the standard. How will the public react who must be forced to drink polluted water for the "short-term?"

Dispersed Recreation

Forestwide Guideline-Recreation-Scenic Character #2-----"Management activities should be consistent with scenic integrity objectives (SIO) for the area. Management activities may result in short-term impacts (3-5 years) that are inconsistent with the SIO if those impacts are necessary in achieving the SIO over the long term." (page 48)

Comment: This must be changed from a guideline to a mandatory standard with the following wording changes: everywhere the word "should" appears it must be changed to "must." The statement "short term effects must never occur" must be added to the standard.

Infrastructure

Forestwide Guideline-Infrastructure-Aquatic Species #18-----"Where roads and trails are proposed for reconstruction or reconditioning, activities should avoid long-term adverse effects to watershed and stream conditions, and short-term effects should be off-set by long-term improvements (e.g. include but are not limited to, hydrologically disconnecting road or trail segments, reducing sediment yield)." (pages 51 and 52)

Comment: This must be changed from a guideline to a mandatory standard with the following wording changes: everywhere the word "should" appears it must be changed to "must." The statement "short term effects must never occur" must be added to the standard.

Timber

"Per the NFMA and planning rule regulations, the quantity of timber that may be sold must be less than or equal to the long-term sustained capacity (LTSYC). However, a departure from LTYSC (a higher harvest) may occur to respond to certain circumstances such as accelerating vegetation restoration to move toward desired conditions." (page 52)

"Initial Spectrum modelling efforts indicate the LTSYC is approximately 254 million cubic feet (MMCF) of timber sold per decade (135 million board feet annually (MMBF)). Additional modelling calculates a PSQ of approximately 181 MMCF per decade (96 MMBF annually) would move vegetation toward size class and species composition desired conditions as attainable while considering multiple resource objectives. A departure from non-declining even flow for the first two decades was also assessed and calculates a PSQ of approximately 282 MMCF (150 MMBF annually) in the first decade and 226 MMCF (120 MMBF annually) in the second decade would also meet those desired vegetation conditions, while accelerating vegetation restoration opportunities in

the short term." (pages 52 and 53)

Forestwide Desired Condition-Timber-#3-----"In areas suitable for timber production, dead or dying trees (due to fire, insect outbreaks, or disease) are salvaged to recover the economic value." (page 53)

Comment: Best science indicates "dead or dying trees" contribute to the proper functioning of the natural resources of the area, so this biomass should be left in this woods and not removed to provide short-term corporate profit. The biomass is also the only way to replenish the organic material in the soil.

Forestwide Objective-Timber-#1-----"Annually, offer timber for sale at an average planned sale quantity (PSQ) of 58 to 150 million board feet." (page 53)

Comment: The amount of timber removed annually must be based on how much logging can be done and not harm other natural resources. Placing a number on the logging output will guarantee the high number will become the objective regarless of need or amenity resource harm. The PSQ must be defined as the upper limit that can be removed without harm to other amenity resources sought out by recreationists.

Forestwide Mandatory Standard-Timber-#1-----"Within 3 years of completion of vegetation management activities, at least 85 percent of land within activity area boundaries has all five soil ecological functions in a functioning condition; or if previous activities resulted in impaired soil function, current project activities result in a trend toward improved soil functions." (page 54)

Comment: Logging always degrades soil conditions. In areas where soil conditions are impaired logging (a.k.a. Vegetation management activities) should not be allowed.

Forestwide Mandatory Standard-Timber-#4-----"Where clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged or two-age stand of timber are used, an exception to the 40-acre maximum size for openings that may be cut in one harvest operation is as identified in Table 18." (Page 54)

Table 18. Maximum Opening Size that May be Cut in One Harvest Operation

Conditions

Average Opening
Size (acres)
HRV Opening
Size (acres)
Maximum Opening
Size (acres)
Breakland Types
60
1,500
150
Upland Mesic Conifers (GF/C/DF/WP/WL)
60
800
80

Forestwide Mandatory Standard-Timber-#5-----"The maximum size for openings to be cut in one harvest operation shall not apply to the size of openings harvested as a result of natural catastrophic conditions, such as fire, insect and disease attack, or windstorm." (Page 54)

Forestwide Mandatory Standard-Timber-#6------"These size limits can be exceeded on an individual timber sale basis after 60-days public notice and review by the regional forester." (Page 54)

Comment: Supervisor Brazell does not provide reasoning or rationale for violating the clearcut maximum size used on every other national forest in America. The 40 acre maximum used nationwide is intended to minimize amenity resource damage and adverse effects on recreation opportunities.

Forestwide Mandatory Standard-Timber-#11-----"The quantity of timber that may be sold per decade (except for

salvage or sanitation harvesting of timber stands that are substantially damaged by fire, windthrow, or other catastrophe or which are in imminent danger from insect or disease attack) will be less than or equal to the long-term sustained-yield capacity (LTSYC). Salvage harvest of trees substantially damaged by fire, windthrow, or other catastrophe or in imminent danger from insect or disease attack may be harvested over and above the long-term sustained-yield capacity (LTSYC)." (page 55)

Forestwide Mandatory Standard-Timber-#12-----"Even-aged stands shall generally have reached or surpassed culmination of mean annual increment (95 percent of CMAI, as measured by cubic volume) prior to regeneration harvest, unless the following conditions have been identified during project development:" (page 55)

Forestwide Guideline-Timber-#6-----" in subwatersheds where an aquatics (fisheries) restoration/maintenance priority exists, timber harvesting should not increase average annual peak flows greater than 10 percent. The maximum expected change in peak flows should not persist longer than 2 years." (page 56)

Comment: "in subwatersheds where an aquatics (fisheries) restoration/maintenance priority exists," nothing should be done to "increase average annual peak flows." There is no rationale given for allowing damage to streams to persist for 2 years. Long term damage to fish habitat will occur within a few months.

Forestwide Guideline-Timber-#7-----"When evaluated at the subwatershed scale (HUC-6), timber harvesting and new road construction (both temporary and permanent), reconstruction, or reconditioning projects23 should not significantly24 increase sediment loads. Where insignificant but observable sediment delivery to watercourses is occurring, sediment delivery should not persist longer than 5 years25." (page 56)

25 This time period allows for the 'typical' duration of activities within a timber sale area boundary

Comment: There is no rationale given for allowing damage sediment to damage aquatic habitat and/or water quality for 5 years. Long term damage to fish habitat will occur within a few months. Footnote #25 is an unsubstantiated statement.

Energy and Minerals

Forestwide Desired Conditions-Energy and Minerals-#1-----"Locatable minerals are available for prospecting, exploring, developing, and producing, contributing to local employment opportunities, as well as supporting traditional lifestyles and generational ties to the land." (page 60)

Forestwide Desired Conditions-Energy and Minerals-#3------"Saleable materials are available and accessible to support resource management (e.g., road surfacing or protective rip-rap); personal uses (e.g., landscape rock); and local government and commercial uses and the lands are reclaimed in an appropriate manner. Saleable rock sources for internal use are developed to minimize haul distances." (page 60)

Forestwide Desired Conditions-Energy and Minerals-#4-----"Nonenergy leasable minerals are available for prospecting, exploring, developing, and producing and the lands are reclaimed in an appropriate manner." (page 60)

Forestwide Desired Conditions-Energy and Minerals-#5-----" Energy resources in the form of biofuels are available and contribute to market demands where possible." (page 60)

Forestwide Desired Conditions-Energy and Minerals-#6-----"Energy resources, such as geothermal, are available for lease." (page 60)

Comment: There is no statement saying such Energy and Mineral resources should only be made available where extraction activities will not harm other resources. Mining never benefits the resources. Mining only occurs to provide short-term profit for the miner.

Forestwide Guidelines-Energy and Minerals-#4------"Any Plan of Operation that proposes activities in RCAs should include a reclamation plan and a reclamation bond that address the cost of removing facilities, equipment, and materials; recontouring disturbed areas to pre-mining topography; isolating and neutralizing or removing toxic materials; and salvaging or replacing topsoil and preparing and re-vegetating seedbeds to move toward attainment of desired stream conditions and avoid adverse effects on native fish." (page 60)

Comment: This must be changed to a standard and read:

"Any Plan of Operation that proposes activities in RCAs should include a reclamation plan and a reclamation bond. Mining activities in Riparian Conservation areas must conserve the riparian area. This means the mining activity must never 1) disturb the soil of the pre-mining topography, 2) use toxic materials, 3) remove topsoil for any reason, and must never adversely affect native fish."

Forestwide Guidelines-Energy and Minerals- Aquatic Habitat #-----"Mineral projects should reuse existing access

routes and processing sites left from previous projects. Where new construction or relocation is necessary, access routes and processing facilities27 should avoid RCAs. Where no alternative access exists, roads should be kept to the minimum necessary for the approved mineral activity." (pages 60 and 61)

Comment: This must be changed to a standard and read:

"Mineral projects must reuse existing access routes and processing sites left from previous projects. Where new construction or relocation is necessary, access routes and processing facilities must avoid RCAs. Where no alternative access exists, mining activity must be prohibited."

Forestwide Guidelines-Energy and Minerals-Soils #6------"Allow no more than 15 percent of surface area within RCAs to have exposed mineral soil after exploration or extraction operations28 are completed. See FW-GDL-EM-04." (page 61)

Comment: This must be changed to a standard and read:

"Allow no surface area within RCAs to have exposed mineral soil during or after exploration or extraction operations."

Forestwide Guidelines-Energy and Minerals-Water Quality #8------"To maintain water quality and to prevent biological, chemical, or industrial pollutants from being delivered to water bodies, mineral exploration, processing, and extraction projects should install barriers29 between construction-related pollutant hazards (e.g., sumps, processing pits, fuel storage, latrines, adits and shafts, underground workings, open pits, overburden, development rock and waste rock dumps, tailings impoundments, leach pads, mills, and process water ponds) or natural pollutant hazards (e.g., acidity, metals, sulfate, cyanide, and/or nitrate), and watercourses, streams, lakes, wetlands, or groundwater dependent ecosystems (GDE)." (page 61)

Comment: This must be changed to a standard and read:

"To maintain water quality and to prevent biological, chemical, or industrial pollutants from being delivered to water bodies, mineral exploration, processing, and extraction projects must never use construction-related pollutant hazards (e.g., sumps, processing pits, fuel storage, latrines, adits and shafts, underground workings, open pits, overburden, development rock and waste rock dumps, tailings impoundments, leach pads, mills, and process water ponds) or natural pollutant hazards (e.g., acidity, metals, sulfate, cyanide, and/or nitrate) anywhere water runoff might enter a stream."

Forestwide Guidelines-Energy and Minerals-Water Quality #9------"Hardrock and placer mines that have constructed features (e.g., adits and shafts, underground workings, open pits, overburden, development rock and waste rock dumps, tailings impoundments, leach pads, mills, and process water and/or settling ponds) should not have direct water flow paths to streams, lakes, wetlands, or GDEs." (page 61)

Comment: This must be changed to a standard and read:

"Hardrock and placer mines that have constructed features (e.g., adits and shafts, underground workings, open pits, overburden, development rock and waste rock dumps, tailings impoundments, leach pads, mills, and process water and/or settling ponds) must not be near direct or indirect water flow paths to streams, lakes, wetlands, or Groundwater Dependent Ecosystems (GDEs)."

Forestwide Guidelines-Energy and Minerals-Water Quality #10------"Where placer mineral exploration, processing, and extraction activities occur within stream channels, the project:

a) Should not excavate the stream banks and

b) Should restore all project activity to proper channel dimensions, patterns, and profiles (as defined in the FW-DC-RHAS-11), at the end of the mining/dredging season, at abandonment of operations, or after completing operations, whichever comes first. " (page 61)

Comment: This must be changed to a standard and changed in the following ways: change the Word "should" to "must." Also add part c that reads:

"Must not occur where there is T&E listed fish habitat."

Please write a plan that will assure better ecological conditions for children of the future to enjoy. This means short term degradation is unacceptable. This is precisely why NEPA required cumulative effects analysis. Multiple short-term impact are likely to create major impacts.

Sincerely,

Dick Artley (retired forest planner, NEPA legal compliance reviewer, forest NEPA coordinator, and forest appeals/litigation coordinator --- Nez Perce National Forest, Idaho)

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