Data Submitted (UTC 11): 11/6/2018 8:00:00 AM
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Title:
Comments: OCTOBER 29,2018

OBJECTION REGARDING COLVILLE NATIONAL FOREST, LAND MANAGEMENT PLAN, FEIS

September 2018

CHRIS FRENCH, OBJECTION REVIEWING OFFIECER

THESE OBJECTIONS SUBMITTED BY:

CHANCE GOWAN

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I'M THE LEAD OBJECTOR, REPRESENTING STEVENS COUNTY CATTLEMEN'S ASSOCIATION

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Signed: Chance Gowan

Responsible Official is: Regional Forester, Region 6, USDA Forest Service

Following is an itemized listing and explanation of our objections to the Colville National Forest, Land Management Plan, FEIS. As was the case with our initial comments, our objections are numerous and I will

attempt to provide detailed explanation of our objections and the reason for their existence.

OBJECTIONS:

Our first set of objections pertain to the text of the FEIS, how it was presented, the site specific restrictions it imposes, and how it diverges from the principle tenets of NEPA

First and foremost WE OBJECT to this plan primarily and simply because it fails to follow the principle premise of public involvement as described in The National Environmental Policy Act (NEPA.) - NEPA is built upon the premise that the average citizen my review, understand, comment, and participate when a project is proposed by our Federal Government. This document circumvents NEPA because it's length and complexity will effectively preclude the majority of "Interested Parties" from participating in this process. The Remedy would be to withdraw this document, trim it down to a manageable size and present the aspects of the plan in a manner that can be understood by an average reader/commenter. We assert that this plan, as written does not offer that opportunity!

This plan, as written, presents more than 3000 pages of text and, when combined with all of the additional references and literature citations contained within the text of this document and accompanying appendices, it presumes that an interested public will need to review, understand, correlate, and collate many thousands of pages of text and supportive literature before they can understand what is being proposed and make substantive and informed comments. Indeed, it dictates that an interested public must make a huge investment of time and resources just to understand what is being proposed. That, we contest, greatly exceeds the primary thesis defined in NEPA and therefore constitutes a Fatal Flaw within this document!

When you review our objections we are confident that the Reviewing Official and ultimately the Responsible Official, will see will see that this document has grown into a monstrosity that's so complex and cumbersome that the average public could not possibly be able to invest the time and money necessary to provide substantive review and comments.

Think about it: There are thousands of pages of text and references that will have to be read and fully understood before an individual "interested public" could understand what is being proposed - THEN he must digest how all of that may effect their particular interests in The Forest.

Moreover, an "interested pubic" does not even have the luxury of limiting their review, comments, and objections to sections of this document that address their area of interest. For example: Say an "interested public" was concerned about their ability to continue the utilization of The Forest as an OHV enthusiast. They could not simply go to the section that specifically addresses OHV's, review that and be informed. No, there are dozens of other sections in this document that impose limitations that may be well hidden, in innocuous language, that

could later be determined to impose far greater restrictions on "Forest Users."

I'm a paid professional with years of experience specific to evaluating the effects of Forest Service NEPA documents on grazing activities. I'm a former line officer and researcher and had three temporary assignments to the WO - after the last temporary assignment I refused an offer for permanent assignment.

My clients have retained me to review this document (and the preceding DEIS) with the simple task of ensuring that permitted grazing activities, on The Forest, are not unnecessarily restricted or precluded. It has taken me well over 40 hours of dedicated effort to review this FEIS and formulate substantive OBJECTIONS pertaining only to effects on grazing. And I have the benefit of years of expertise in range management and riparian ecology, even serving as expert witness in courtroom proceedings. Sadly, I'm certain that I've missed a number of emplacements where language within this FEIS will aversely affect my clients. It would likely take me over 100 hours of concentrated, professional review just to thoroughly understand the implications of this FEIS on formally permitted grazing activities!

Therefore, we submit Formal Objection to the entire FEIS Forest Plan because it is o large and complex that you cannot reasonably expect an "interested public", Joe the Camper, or Sally the OHV enthusiast to ferret through these mounds of language and references simply to ascertain what the effects will be on their individual Forest uses? This is especially true when you throw in the myriad of "literature citations" an Interested Public would have to find, digest, and correlate to how it may affect their interests! By it's sheer mass and complexity it is exclusionary to public participation. So, we reiterate, the very nature of this document precludes a principle tenant of NEPA; public involvement. WE OBJECT and Strongly Suggest that this entire document be withdrawn and re-imagined as a Forest Plan that meets the intent of a Forest Plan, which is overall guidance and the establishment of "side-boards" to be utilized in the preparation of Site Specific NEPA for individual projects!

Secondly, WE OBJECT because we believe that this monstrosity was developed, by design, in attempt to confuse and overwhelm the public, thereby precluding all but the most financially "well heeled" organizations from participating in this process. We also believe that this document was likely designed, with it's prodigious complexities and endless references, with the intent of disguising the far reaching restrictions it will precipitate, which will aversely affect and ultimately preclude many of the principle tenets of the Forest Service, to facilitate multiple use management. This is not a National Park with a Preservation Mandate! This plan should be withdrawn and presented in a manner that is reflective of the Mission of the Forest Service, which is Multiple Use Management. Indeed, even the title of the Document identifies it as a "Land Management Plan" - this is a major divergence from previous management plans which were entitled "Land and Resource Management Plan (LRMP)" it infers that the agency is managing the land, but no longer feels compelled to manage the resources (e.g., timber, grazing, minerals) for the good of the people.

Along this same note, WE OBJECT to the Direction provided in the Notice Of Objection Filing Period, which was published September 7th, 2018. In that notice it states: "All documents referenced must be included in the objection (a bibliography is not sufficient." That statements constitutes a double standard, one that is critically important! When you read the Colville FEIS it is fraught with literature citations - 67 PAGES of them - over 1000

literature citations! For a reader to understand what is being proposed and the implications of those proposals would have on their use of the Colville National Forest they are expected to locate, read and digest many, of not all of the information in these citations.

YET! When I provide comment, I am not provided the same opportunity that is afforded to the writers of this EIS! They (the writers) can simply cite literature and we (the readers) are left to find that information on our own.

HOWEVER

When we, the commenters, present our comments, if we reference literature we must present the full text of any literature reference we provide!

It's easy for the authors of this document to bury the intent or implications of their words by citing literature without explanation or description of the correlation that citation might contain!

But we, as The Public, the very people that NEPA was designed to inform and include are denied the same opportunity to back up our statements with a literature citation. We must copy each citation, in total (including all of the supportive citations contained in THAT literature) - which will render our comments so huge and unruly they will likely be overlooked!

WE VERY STRONGLY OBJECT TO THIS DOUBLE STANDARD and the fact that WE (THE READERS AND COMMENTERS) HAVE LIKELY HAD THIS RESTRICTION CONFERRED UPON US IN AN ATTEMPT TO LIMIT THE VERACITY OF OUR COMMENTS - SO THEY CAN MORE EASILY BE OVERLOOKED!

The importance of this disparity becomes even more glaring when, during the course of our comments to the DEIS, we requested the Forest to provide us with WHAT DID WE SAY - ANY AND ALL INFORMATION REGARDING , MUCH OF IT COULD HAVE BEEN PROVIDED BY SIMPLY GIVING US COPY OF THE LITERATURE CITED - INSTEAD THEY REFUSED, SO WE REQUESTED THE INFORMATION VIA A "FREEDOM OF INFORMATION ACT" REQUEST. IT WAS DENIED, STATING THAT WE DID NOT QUALIFY TO OBTAIN THE INFORMATION WITHOUT COST (EVEN THOUGH, UNDER THE PARAMATERS IDENTIFIED IN THE "F OF I UP DATE OF 2016??? WE WOULD CLEARLY QUALIFY" -- SO, WE ASKED THEM TO PROVIDE US WITH A BILL FOR THE REQUESTED INFORMATION AND THEY REFUSED TO REPLY!

The remedy would be to allow us to reference literature, as was done in the text of this document, without having to send hundreds of pages of copies of the literature we wished to cite!

WE OBJECT: NEPA is supposed to be site-specific and it is my understanding, as a former Line Officer and Decision Maker for the Forest Service, that Forest Plans (Land and Resource Management Plans - LRMP's) are supposed to provide general guidance and direction which will set the "Framework" AND "Sideboards" to be used and referenced when the Forest is proposing site specific actions (e.g., timber sales, road maintenance/construction, Annual Operating Plans for grazing allotments). Yet, in this document, the Forest has taken a leap and included highly specific Standards and Guidelines (which, as defined in the FEIS - Standards and Guidelines are essentially the same) that MUST be adhered to, irrespective of the locale, or the type of use.

Unfortunately, this plan seems to be setting precedent by stipulating site specific standards and values without the accompanying site-specific evaluations (e.g., objective determinations of Forest conditions, as they will be effected by a specifically proposed action) and instead incorrectly and inappropriately applies them across the entire landscape. A principle premise of NEPA is site specificity. This not only allows Proposed Actions to be specifically tailored to clearly defined and delineated locations, it also provides a plainly defined scope of action, upon which the public can understand, digest, and ultimately make informed comment.

TO THIS: WE OBJECT! The intent of NEPA is to INFORM and INVITE PUBLIC REVIEW AND COMMENT. We fail to see how this proposal accomplishes any of those noble goals! Instead, this document has emerged as a manifestation of the primary trick of a magician: Deception and Misdirection. This plan should be witdrawn and re-written as an OVERSIGHT DOCUMENT, with requirements that are site-specific in nature reserved for site specific NEPA proposals that are developed under the "Umbrella" provided by this document!

During our meeting with Colville NF Staff and Forest Supervisor, where they rolled out the procedures relating to the formal Objection Process (September 4, 2018 at the Supervisors Office, Colville NF), we were told, very clearly, and on several instances, that in order to actively participate resolution meetings, we must submit substantive objections to items and/or issues that were clearly correlated to our initial comments to the DEIS.

We were told "Only those who formally objected would be allowed to participate in the consequent meetings." And, we were clearly told that, during those "Objection meetings", we'd only be able to speak to the issues upon which we'd formally Objected.

This is clearly contradictory to what is described in "The Objection Process for Decisions on Land Management Plans, 36 CRF 219 Subpart B." Where it states "People who are not objectors but are interested in actively participating in any objection resolution meetings can request to participat." It does not specify any conditions that must be met or any criteria necessary for them to be able to participate. We asked for clarification on this at least 3 times during our September 4th meeting with the Forest Supervisor, the FLT, and EIS coordinator. And, each time we were told, very clearly, that if we intended to participate in the Objection Process we are required to submit substantive objections, in writing, or we would not be allowed to participate - AND we could only comment on issues/items to which we'd formally OBJECTED.

We believe one of two things occurred: Either the Forest FLT scheduled this meeting before they had a clear and comprehensive understanding of the Objection Process, or this was an overt effort by the Forest FLT to limit the number of Objectors. Personally, it's our belief that it was the former. The Forest FLT very likely scheduled this meeting without having full understanding of the process. This was evidenced by the number of questions we presented that the Forest Supervisor, FLT, or other Forest Representatives could not answer, because they did not possess adequate working knowledge of the process! Indeed, there were a number of instances where we asked a question and the response was "well, we don't know the answer to that, this is still an evolving process"

Subsequent to that meeting, and based upon the direction we received during that meeting, we embarked on a long, tedious, and expensive review of the FEIS and prepared Formal Objections. Now we find that much of what was said during that meeting was speculative and some information that was provided was inaccurate!

It does not appear that there a "formally designated note-taker" present at the meeting - somebody with The Forest who would record the questions and answers? I don't recall that occurring and we believe the Forest Supervisor did not want comprehensive notes because he knew they were ill prepared to accurately answer our questions.

This caused us to initiate this process with a false understanding of procedures and actions and has left us scrambling during the waning hours of the Objection Period. That is unacceptable and it has hindered our ability to participate in the Objection Process. The Forest Supervisor should not have put us in this position and we FORMALLY OBJECT to that! In remedy, we request a new meeting, with a subsequent "re-set of the Objection Period time frames" after the Forest Supervisor and pertinent staff have garnered a clear and comprehensive understanding of the process and procedures for the Objection Process. It is unfair and unacceptable to expect us to effectively embark on this process when the Forest FLT was not prepared to address our questions with clear and accurate answers and, in fact, provided us with inaccurate direction!

WE OBJECT to the fact that we were provided with inaccurate and/or incomplete and conflicting information during the Sept 4th roll out! Our remedy to this inexcuseable "Roll-Out" is that we should start over with the OBJECTION PROCESS, after we've had a meeting with the Forest FLT and Staff in which they could provide us with complete explanation of the process - in a forum where ALL OBJECTORS are given the exact same information!

It is our belief that, if the Forest Supervisor follows the direction stated in "The Objection Process for Decisions on Land Management Plans, 36 CRF 219 Subpart B." it will almost certainly result in bedlam with almost no chance for negotiated resolution to occur.

For Example: If party "A" presented an Objection to an aspect of the FEIS and party B presented a different

Objection to the same aspect of the FEIS, then it would be reasonably possible for us to reach some sort of mediated and mutually acceptable resolution. However, with anybody and everybody who commented (hundreds of people who may have commented on entirely different aspects) are suddenly allowed to attend these meetings and argue the merits of every objection, this process could very foreseeably go on for weeks (months?) with no foreseeable resolution attainable for anything! We foresee this eventuality as a segway into accomplishing nothing with these meetings, and therefore providing the means for The Forest to proceed with their plans without having to formally amend the FEIS or address specifically stated Objections.

Conspiracy theory, you may say. But, I've presided over enough meetings and conferences to know that without a carefully designed and implemented format and procedure meetings can easily be hijacked and degraded into hours or days of tedium where nothing is ever resolved.

We were clearly told that the objection process would be limited to those who presented clearly articulated objections, in writing. We believe that to be necessary if there is any hope of resolution outside of formal court proceedings. It has been a very costly and time-consuming process to formulate our objections. Now, with this (possibly intentional) mis-representation by the Colville Forest Supervisor we find ourselves having to invest additional, inordinate amounts of time and money to participate in a process that has very little chance of precipitating a collaborative outcome. We FORMALLY OBJECT and request that participation in the meetings, subsequent to the Objection Period, be limited to those who objected to the same components of the FEIS. They should be structured in a way that presents a reasonable opportunity for resolution and precludes the eventuality of the meetings being filled with dozens (possibly hundreds) of people who did not formally object to specific portions of the FEIS and now wish to argue every aspect with virtually no possibility of collaborative resolution!

WE OBJECT to the fact that different meetings were held on different dates for different stakeholders (e.g., a different meeting was held to roll-out direction on the "Objection Process" at different times, with different people, where different issues and direction were provided. Different information and direction was provided to stakeholders with timber interests, stakeholders with recreation interests, those who were stakeholders with ties to environmental organizations.) It may not have been the intent of the Forest Supervisor to provide different information during different meetings, but that is undoubtedly what happened.

It's only reasonable to assume that, given the fact that we were provided with some inaccurate information during our meeting, others, during their "separate but equal meetings", were likely provided with different or conflicting information! Things were undoubtedly divulged in one meeting that were not divulged during another meeting. NONE of the stakeholders were given the opportunity to hear what discussions were held with different stakeholders. It is only reasonable to assume that the FLT and other Forest Representatives who participated during those meetings gained additional knowledge and insight as they moved from meeting to meeting.

This process placed every-single category of stakeholder at a disadvantage. We should have all been present, at the same time, so we could all hear the same information. And, this meeting should not have been scheduled until ALL Forest Service participants had a very clear understanding of the process, to ensure that we were all given the same accurate information. That was not the case and WE VERY STRONGLY OBJECT!

We believe this process allowed the Forest Supervisor and staff to have "private" meetings" with different groups and under different contexts! And, without question things were discussed and information was presented to one group that other groups did not receive. Even if it wasn't intentional (on the part of the Forest Supervisor) different information and direction would have emerged by virtue of what questions may have been asked by different stakeholders at different meetings AND as the Forest Supervisor and his staff gained more insight and knowledge of the process as things progressed!

We contend that there was absolutely NO NEED for the Forest Supervisor to hold different meetings with different stakeholders with different staff members present at each meeting - each with a different scope of knowledge and information. It's a recipe for confusion and undoubtedly resulted in different groups having different levels of information on the same subject! There should have been only one meeting, with all stakeholders invited to the same meeting, so all stakeholders would have had the privilege of hearing the same information and having all of the questions answered, at the same time, for everyone to hear! We Very Strongly Object to this desperate exchange of information and further, we believe it corrupted all participants ability to engage this process with the same set of knowledge and expectations regarding the process!

FOLLOWING ARE OUR SPECIFIC OBJECTIONS TO THE COLVILLE NF LRMP:

WE OBJECT: Standards and guidelines are the mechanisms by which many of the restrictions, regulations, and management objectives are implemented in this Plan.

To that fact there is very little difference between things like a STANDARD and a GUIDELINES - in fact, other than semantics, there appears to be no discernable distinction between a STANDARD and a GUIDELINE. We find these revelations to be both perplexing and disconcerting. The Forest should present Standards and Guidelines in a manner where there is a clear distinction between the two - as it is written, they are essentially the same - YET, they leave the reader to believe one is much less restrictive than the other.

This is especially true when you consider that our number one, primary objection to the contents of the Draft LRMP was presented as a Guideline (GL). When we voiced our objections to this GL to Forest Leadership, we were told, "don't worry it's only a Guideline - it's not a Standard - it's really just a suggestion". Except that the definition of a GL stipulates: "The project or activity is designed exactly in accord with the guideline;"

We ask, why bother with the distinctions between a Standard, a Guideline, or an Objective - and for that matter, a Desired Condition? Was the intent to confuse the reader? Was it to lull them into believing that only a Standard was "etched in stone?"

Here is, verbatim, our initial complaint regarding this issue in our comments to the DEIS: "We were very surprised to see that there was very little difference between things like a STANDARD and a GUIDELINES - in fact, other than semantics, there appears to be no discernable distinction between a STANDARD and a GUIDELINE. We find these revelations to be both perplexing and disconcerting.

This is especially true when you consider that our number one, primary objection to the contents of the LRMP is presented as a Guideline (GL). When we voiced our objections to this GL to Forest Leadership, we were told, "don't worry it's only a Guideline - it's not a Standard - it's really just a suggestion". Except that the definition of a Guideline stipulates: "The project or activity is designed exactly in accord with the guideline; " and the definition of a STANDARD is: "The project or activity is designed exactly in accord with the STANDARD" We ask, why bother with the distinctions between a Standard, a Guideline, or an Objective - and for that matter, a Desired Condition? Was the intent to confuse the reader? Was it to lull them into believing that only a Standard was "etched in stone?"

We raised these objections vehemently during our initial comments to the Forest Plan DEIS. The Forest Supervisor (Rod Smoldon) told us personally that he was aware of these issues and we were promised that changes would be effected prior to the finalization of the FEIS - so that a GUIDELINE would be a guideline and a STANDARD would be a rigid requirement. Those changes were not effected and to that, WE OBJECT!

WE OBJECT: That these issues were identified during our first comment period, the issue was discussed with Forest Leadership and we were promised that the problems would be rectified when, in fact, not a single word

was changed. IT should be changed!

WE OBJECT: Do not tell us not to worry about a guideline (in our case, one stipulating residual stubble heights) where Supervisor Smoldon stated "don't worry it's only a Guideline - it's not a Standard - it's really just a suggestion". Except that the definition of a GL stipulates: "The project or activity is designed exactly in accord with the guideline;"

This language describing Objectives, Standards and Guidelines and Suitability of Areas is repeated, verbatim, in the FEIS - without notable change and it remains deeply flawed and WE OBJECT!

The confusing and contradictory language continues with other definitions, FOR EXAMPLE, with regard to OBJECTIVES it states: "A project or activity is consistent with the objectives of the plan if it contributes to or does not prevent the attainment of any applicable objectives" That is a very black and white statement. But what if a "plan does not prevent the attainment of any applicable objectives" BUT, it impedes or slows the attainment of that objectiive? The way it's written it's either this way or that way - but as we all know, things in nature are rarely black or :white! This language will cause issues with the implementation of The FEIS. We OBJECT to this language and assert that it should be changed and clarified!

We made the comments (below) in our response to the DEIS, and they refused to provide that information.:

There are lots of Standards (STDS), Guidelines (GL) , Objectives (OBJ_ that refer to actions that may or may not occur within certain habitat types. Yet, there are no maps provided or even referenced that allow the reader to understand the magnitude of these restrictions. You should provide information that provides the reader with spatial and temporal points of reference. You had room to provide 150 tables, most of which were unintelligible. Yet you can't provide maps that outline the habitat types where all of these restrictions are to occur? This is of special interest to the members of the SCCA - especially as it may overlap grazing allotments. Please provide us with maps that depict all of these habitat types, with overlays.

The Forest refused to provide us with the information we requested, in a FOIA and this issue has not been rectified in the FEIS and, to that: WE OBJECT

On lines 138 -144 of the DEIS it was stated: "[hellip] damage to riparian areas and unauthorized trail development are of particular concern"

WE ASKED: Please provide any and all documentation that you have which numerically substantiates this

statement - e.g., documented and measured impacts directly attributable to mountain bikes and off-highway vehicles, as a FOIA and the Forest refused to respond. They have reiterated these statements in the FEIS, without substantiating documentation and WE OBJECT! We pointed out these deficiencies in our comments to the DEIS and they need to be addressed in this FEIS - The FEIS should be withdrawn and re-written to address these deficiencies.

There are lots of Standards (STDS), Guidelines (GL) , Objectives (OBJ_ within the text of the FEIS that refer to actions that may or may not occur within certain habitat types. Yet, there are no maps provided or even referenced that allow the reader to understand the magnitude of these restrictions. You should provide information that provides the reader with spatial and temporal points of reference. You had room to provide 150 tables, most of which were unintelligible. Yet you can't provide maps that outline the habitat types where all of these restrictions are to occur?

This is of special interest to the members of the SCCA - especially as it may overlap grazing allotments. This remains a major issue within the FEIS. We've previously FOIA'd the Forest, asking that they provide us with maps that depict all of these habybat types, with overlays and the Forest refused that FOIA! WE OBJECT to the inclusion of these STANDARDS, GUIDELINES, AND OBJECTIVES WITHIN THE TEST OF THE FEIS WITHOUT MAPS THAT DEPICT ALL OF THESE HABITAT TYPES - THEY ARE NOT EVEN AVAILABLE WHEN WE ASKED TO SEE THEM, IN PERSON, AT THE COLVILLE NF HEADQUARTERS - - AND TO THAT WE OBJECT! Readers/reviewers need to have a reference of scale and it should be provided.

In our comments to the DEIS , we made the comment that's highlighted below. It pertained to: FW-STD-WL-07 stipulates that shall not "reduce tree stem densities to less than 500 trees per acre in early structure subalpine fir/lodgepole pine or spruce/subalpine fir vegetation types through vegetation management practices[hellip]" This requirement effectively precludes livestock grazing within these areas inperpetuity! A stand of > 500 stems per acre will never mature into a healthy stand. The reader has no way of knowing if this elimination of forage base for livestock constitutes 100 acres (in total) or 500,000 acres (in total). From the perspective of the SCCA, this is a critical piece of information that has been intentionally withheld. How are we to know which areas are effected by this management direction unless a map with accompanying acreage figures - please provide that information

The Forest did not respond to our comment, even when we presented a FOIA and requested the information. This statement has been "re-worded" in the FEIS

"Management projects shall not reduce horizontal cover (snowshoe hare habitat) in late-closed structure subalpine fir/lodgepole or spruce/subalpine fir vegetation types unless: (1) the subalpine fir/lodgepole pine or spruce/ subalpine fir vegetation types exceed desired conditions (historical range of variability) for late-closed structure, (2) the projects are within 200 feet of administrative sites, dwellings, out buildings, recreation sites and special use permit areas, including infrastructure within permitted ski area boundaries; or (3) for research studies or genetic tree test evaluating genetically improved reforestation stock. Lynx analysis units are used to measure changes to lynx habitat. "

This language is still unintelligible in that it does not provide specific information on locations of these vegetation types or estimated acreages that will be effected by this STANDARD and therefore we cannot ascertain the impacts this standard may have on Permitted Grazing Activities -

One must assume that there is a viable reason that the US Fish and Wildlife Service precluded the establishment of Designated Critical Habitat on the Colville. In fact, that reasons was that there simply is not enough evidence of Lynx usage, either present or historic, to justify such severe restrictions. Yet the Forest has taken it upon itself to effectively exclude livestock, timber management, and recreation within these areas, ostensibly to protect Lynx - when the federal regulatory agency charged with the preservation of this species has effectively said that not enough is known about usage or distribution of the species to designate critical habitat. How can the Forest justify exclusion of the public and permitted usage without justifying documentation THEREFORE, WE OBJECT TO THIS STANDARD! This standard will place significant restrictions for uses of this Forest and the need for these restrictions has not been adequately explained. In fact, it is highly questionable if Lynx even exist in this area, except as occasional transients. This has always been Fringe Habitat and the document should be altered to address it as that!

All of the "STANDARDS" stipulated below prescribe significant restrictions for the members of the SCCA who hold grazing permits on the Colville National Forest. And, they will certainly constrain or prohibit a number of other activities, across the Forest (e.g., recreation) yet, all of these "MUST ATTAIN" Standards have no reference in special or temporal features. How much ground will be effected, and where, and for how long:

FW-STD-WL-02. Canada Lynx - Vegetation Management within the Kettle-Wedge Lynx Core Area

Management projects shall not reduce horizontal cover (snowshoe hare habitat) in late-closed structure subalpine fir/lodgepole or spruce/subalpine fir vegetation types unless: (1) the subalpine fir/lodgepole pine or spruce/ subalpine fir vegetation types exceed desired conditions (historical range of variability) for late-closed structure, (2) the projects are within 200 feet of administrative sites, dwellings, out buildings, recreation sites and special use permit areas, including infrastructure within permitted ski area boundaries; or (3) for research studies or genetic tree test evaluating genetically improved reforestation stock. Lynx analysis units are used to measure changes to lynx habitat.

FW-STD-WL-03. Canada Lynx - Rate of Change within the Kettle-Wedge Lynx Core Area

Change no more than 15 percent of lynx habitat within any single lynx analysis unit to an unsuitable condition in any 10-year period.

FW-STD-WL-04. Canada Lynx - Groomed and Designated Winter Routes within the Kettle-Wedge Lynx Core Area

Allow no net increase in groomed or designated over-the-snow routes into lynx habitat at the lynx analysis unit scale. Access to non-recreation uses, such as mineral and energy exploration and development sites, will be comprised of designated routes or designated over-the-snow routes. This does not apply to areas within permitted ski area boundaries, winter logging, trails that are rerouted for public safety, or to accessing private in-holdings.

FW-STD-WL-05. Canada Lynx - Vegetation Management within the Kettle-Wedge Lynx Core Area

When conducting vegetation management of coniferous vegetation, do not reduce the suitability of lynx habitat within a lynx analysis unit below 70 percent of the area that is capable of providing suitable lynx habitat (subalpine fir-associated forest types).

FW-STD-WL-06. Canada Lynx - Tree Stem Densities in the Kettle-Wedge Lynx Core Area

Retain a minimum of 20 percent in untreated patches and do not reduce tree stem densities to less than 500 trees per acre in early structure subalpine fir/lodgepole pine or spruce/subalpine fir vegetation types within a lynx analysis unit through mechanical tree removal or prescribed burning, except within 500 feet of structures (i.e., administrative sites, dwellings, out buildings), developed recreation sites and special use permit areas (including infrastructure within permitted ski area boundaries), and along major highways and powerline corridors.

There is no doubt that these restrictive standards will have significant effects on the abilities of my clients, who hold "Term Permits" on these same Forest Service lands to conduct the business that they are permitted! WE OBJECT to these standards and state that they should not be included in the text of the FEIS without specific reference to acreages that will be effected by each standard and accompanying maps so that we can ascertain the effects on our ability to conduct our permitted activitity. It is not proper for the Forest to stipulate hugely restrictive STANDARDS, across a broad landscape without delineating where these restrictions will be implementated and without providing corresponding acreage figures for each limitation at each location.

WE OBJECT TO THESE STANDARDS and state that they should be stricken from this text until such time as the information above can be included within the text, so that every reader can ascertain the scope of impacts associated with the implementation of these RESTRICTIONS! This, is especially true when the US Fish and Wildlife Service (the regulatory agency charged with managing lynx) has chosen to not designate habitat for this species on this forest. THAT is because they have almost no information regarding the occurance of this species on the Forest or their distribution. The Forest is right on the very southern fringe of the range of the Canadian Lynx and it is ridiculous to propose "MUST DO" restrictive standards, that will likely preclude or greatly hinder a number of other uses on The Forest, including permitted livestock grazing, when the "biologist" has virtually no idea if there are Lynx on the Forest or where they may be! And WE OBJECT!

Standards FW-STD-WR-01. Properly Functioning Watersheds

When aquatic and riparian desired conditions are being achieved and watersheds are functioning properly,10 projects shall maintain11 those conditions. When aquatic and riparian desired conditions are not yet achieved or watersheds have impaired function or are functioning-at-risk and to the degree that project activities would contribute to those conditions, projects shall restore or not retard attainment of desired conditions. Short-term adverse effects from project activities may be acceptable when they support long-term recovery of aquatic and riparian desired conditions. Exceptions to this standard include situations where Forest Service authorities are limited. In those cases, project effects toward attainment of desired conditions shall be minimized and not retard attainment of desired conditions to the extent possible within Forest Service authorities.

This is a hugely broad motherhood statement that could easily prohibit almost any activity on the Forest! These highly restrictive STANDARD is a "MUST DO or MUST ACHIEVE" mandate of the FEIS. It effects every acre of land across the entire Forest! Lets assume that a small stream, within any given watershed (or sub-watershed) is determined to be at risk (which, in the Watershed Condition Framework analysis is where nearly every stream falls - because few (probably none on a National Forest, except in Wilderness) streams will not be "at risk" in one manner or another. It states, in those "At Risk" instances, no project shall retard attainment."

I've heard fisheries people, who rarely have comprehensive training in riparian condition analysis (e.g., MIM Cowley/Burton methodology or WCFTG) state "there is no such thing as "No Impact" - every activity has an impact - even a person walking across a ridge-top dislodges soil that can aversely effect water quality at the bottom of the gorge. It may be so small as to be immeasurable, but it is still an Affect, and is therefore retarding attainment[hellip]"so who is going to conduct these analysis, across the entire Forest? Who is going to objectively

(numeric, statistical analysis) conduct the analysis necessary to implement this standard?

For the purposes of the OBJECTION PROCESS, we will use this STANDARD as the "Poster Boy" for the following objection: There are far too many "STANDARDS and GUIDELINES (which are effectively equivalent to STANDARDS) that implement restrictions across the Forest that are utterly immeasurable. They cannot be enumerated. They cannot be quantified. The "Specialists" cannot even tell you what the "threshold Values" would be for "retarding attainment" or how they would be monitored. This leaves the Forest open to litigation and Forest users open to arbitrarily applied restrictions that could aversely effect their use and enjoyment of their "Public Land" and potentially poses FAR WORSE restrictions for use for the holders of Term Grazing Permits!

It is impractical and unacceptable to stipulate blanket Standards that have high potential to effect a litany of activities and uses of the Colville National Forest when the "specialists" who have stipulated these Standards and Guidelines have absolutely no means to objectively measure the attainment of the Standards/Guidelines and certainly no ability to gather these metrics on a Forest-Wide basis! This opens the door for arbitrary enforcement of these Standards.

We state, unequivocally that these standards are arbitrary and immeasurable on a landscape basis and WE OBJECT! The standards/guidelines should be re-stated as measureable entities.

They should be stricken from the FEIS, or carefully re-worded in a manner that provides latitude for project specific analysis OR they should include language that describes precisely how they will measure these parameters with a clearly worded strategy that includes prioritization and methodology and training that will be provided (if the analysis are to be conducted by Forest Service Employees) - If the work is to be conducted by a Contractor, then there needs to be criteria identified that will qualify a Contractor to bid on these contracts and carefully worded evidence that the contractor possesses these skills by evidence of how and where they've employed these methodologies elsewhere. This is not a training ground! The livelihood of me and my clients are at stake!

CRITICAL POINT: I take the time to make these points here, because this plan is fraught with dozens of Stds, GDL's, OBJ's, DC's that are immeasurable or cannot reasonably be monitored or numerically evaluated at a scale sufficient to calculate conditions across the Colville NF landscape. Making these statements to the public implies that the Forest will be able to attain these objectives and monitor/measure their success of attainment. If the Forest states that these objectives (whether a Standard or a Desired Condition), then the public has the right to reasonably expect that the Forest will be able to monitor and evaluate progress toward attainment. By stating objectives that cannot or will not (due to economic constraints, personnel constraints, or inability to employ effective and replicable monitoring methodology) the Forest is intentionally misrepresenting it's intentions and intentionally misleading the public.

PAGE 32: FW-STD-SOIL-01. Effective Ground Cover

Minimum effective ground cover following any soil-disturbing management activity should be as shown in the following table.

Table 2. Minimum effective ground cover following any soil-disturbing activity

Minimum percent effective ground cover
Erosion hazard class 1st year2nd year
Low (very slight-slight) 20-3030-40
Medium (moderate) 30-4540-60

High (severe) 45-6060-75
Very High (very severe) 60-7575-90

This is another example of giving the public an expectation that cannot possibly be attained or measured or evaluated at a landscape level. It's deceitful and intentionally misleading expectation. Standards such as these should be stricken from the EIS or modified in a manner that provides the public with a solid, evidentiary based plan as to how these standards will be measured and monitored - OVER TIME! WE OBJECT

Change needed is: Provide clearly worded and closely enumerated description of OBJECTIVE methodology (meaning numeric, using peer-reviewed methodology to produce measureable and repeatable metrics!)

PAGE 40: FW-STD-VEG-02. Threatened, Endangered and Sensitive Plant Species [minus] Surveys

"Surveys for threatened, endangered, and sensitive plant species shall be conducted in suitable habitat on National Forest System lands before habitat-disturbing activities to identify and protect vulnerable populations. All existing sites are identified and managed to support rare species recovery on National Forest System lands. Suitable habitat shall be managed to enhance or maintain rare species occurrences on the Forest."

In Government Lingo - SHALL BE means Absolutely Required! This is essentially the exact Standard that was presented in the DEIS as FW-STD-VEG-02 and we commented on this. It's disheartening to see that it's been repeated, verbatim in the FEIS! While it may be a noble goal, it is certainly not an attainable goal. Sadly, in this context it is not stated as a goal, it is an absolute requirement!

This constitutes a stated requirement to conduct intensive and non-exclusive monitoring surveys across the Forest prior to allowing essentially any management action (or activity - including recreational pursuits) - that could potentially be habitat disturbing. Our concern centers on permitted cattle grazing - but the words "habitat disturbing" would necessarily include activities such as mountain biking, hiking, hunting, fishing, horseback riding, ATV use, camping, forest product gathering (e.g., firewood collection), and virtually all other activities that currently occur on the Forest!

This is a statement that we are going to repeatedly announce to the public and present to the Regional Forester - as an example of unattainable and immeasurable.

FOLLOWING ARE EXCERPTS FROM THE COMMENTS WE MADE F2016 - COLVILLE NATIONAL FOREST PLAN (DEIS)

I was once in court when an "Expert" from a Federal Regulatory Agency stated that there is no such thing as No Affect. He made the analogy that a person walking on a ridge could dislodge a stone, that would roll down the hill, dislodging other stones or fine material, and that would eventually wind up in a stream, which would have an adverse affect on a listed species" - That is a matter of Court Record! This STANDARD could effectively preclude ALL FOREST ACTIVITIES across the Forest - essentially forever - because it's highly unlikely that all botanical

catalogues will ever be completely "caught up" with all the surveys, monitoring, and inventories this standard will precipitate!

Additionally, we ask that the Forest consider that many of these surveys, monitoring, and inventories will have to be conducted on an annual basis, in order to maintain accurate catalogues of information regarding population spread, establishment of new populations, and changes in biotic condition and trend of known populations. All of this information will need to be fully compiled for each and every activity on the Forest that could possible disturb habitat . THIS IS A "STANDARD" AND BY DEFINITION "A project or activity is consistent with a standard when its design is in exact accord with the standard; variance from a standard is not allowed except by plan amendment."

CRITICAL POINT: This is a classic example of a standard (from this DEIS/Draft LRMP) that is unattainable. It is not conceivable that these inventories, species identification, and continued monitoring and cataloging could be kept accurate and up-to-date - nor could they be completed (in a timely manner) to allow the implementation of the wide array of Forest Management activities and/or uses that occur across the Forest, on an annual basis. Because of this, we ask that this standard be DELETED FROM CONSIDERATION and INCLUSION in theses texts. Affirmation of this standard will greatly impede and essentially preclude most forest current management practices and public uses.

How will these surveys be completed, prior to turn-out? This is a Standard - which means it SHALL BE DONE! How will these be completed across (58 ALLOTMENTS??) by 2017. You're talking about 100's of thousands of acres! These acres will have to be -re-inventoried on an annual or bi-annual basis, because new populations could emerge at anytime - there are thousands of seed dispersal vectors on the Forest. This standard has to be stricken or the Forest is REQUIRED to notify the public that, with the implementation of this plan, grazing and most other forest uses that could "possibly" disturb habitat (intentional or not) will no longer be allowed until comprehensive surveys are completed. By definition a foot print, near a sensitive plant, would necessarily constitute disturbance - there goes opportunities for hiking or bird watching or hunting.

THIS STANDARD SHOULD BE STRICKEN FROM THE FEIS! It leads the reader to believe that these measurements and evaluations WILL BE CONDUCTED. When, in fact, there is no logistically reasonable means by which they Forest can conduct these inventories and evaluations before "habitat disturbing activities". Livestock grazing can constitute a habitat disturbing activity. Even though those impacts are very minor and many research studies have indicated that action from hooved ungulates is critical to healthy ecosystems, the effect of a single cow walking across a hillside could be construed to be a "habitat disturbing activity." It is imposible to believe that these inventiroies and assessments will be completed and kept up to date! This is another example of the Forest making statements that deceive the public into believing that this STANDARD will be met and that these inventories and assessments will be completed! They won't and everybody knows it!

The existence of this STANDARD could have averse and prohibitive effects on pre-existing grazing activities that are authorized with a TERM PERMIT!

With regard to this Standard, we submitted the following FOIA request: FOIA REQUEST: Please provide any and all information regarding the total numbers of Threatened, Endangered, or SENSITIVE plant species that are found across the Forest? For each species, please provide any and all information regarding the specific stages in their life history at which they visible, accurately identifiable, and vulnerable to any type of disturbance.

That request was denied, without explanation and we strongly believe that the Forest refused to respond to this FOIA because they knew they did not have sufficient data nor did they reasonably expect to conduct the inventories and assessments stipulated in this STANDARD! So, they just ignored it, as they typically do with most FOIA requests.

WE OBJECT to THIS STANDARD and stipulate that it should be stricken from the FEIS or significantly modified to reflect that which could be reasonably expected to be completed.

FW-OBJ-WR-05. Key Watershed Restoration Prioritization

Management in key watersheds focuses on restoration or preservation of watershed, aquatic, and riparian function and recovery of threatened and endangered species. Improve watershed condition class in key watersheds that are a priority for restoration within 15 years of forest plan implementation. Key watersheds that are a priority for restoration include:

East Branch LeClerc Creek, West Branch LeClerc Creek, Deadman Creek, Barnaby Creek, Harvey Creek, North Fork Deadman Creek, North Fork Sullivan Creek, Sullivan Creek, Ruby Creek, Tonata Creek, Upper Sherman Creek, and South Fork Sherman Creek subwatersheds.

This could effect/limit/curtail all management activities, including grazing and recreation. You've identified [frac12] of all the watersheds on the Forest as "key watersheds" that are a "priority for restoration." That does not reflect any sort of meaningful prioritization! We strongly suggest that you actually prioritize - i.e., "this is our first priority, this is our 2nd priority[hellip]" and implement restoration needs as appropriate. When you identify [frac12] of the Forest as a priority, you've identified NOTHING. But, you give the Aquatics Program license to implement anything that strikes their fancy - because it's a priority area! This type of language demonstrates to the public that the Forest really does not have any idea where the most important issues lay and what should be done to address them. You're essentially calling everything a priority and not identifying any decision framework or process for selecting actions to address the highest priorities! It's ridiculous and disrespectful of the public interest!

FW-OBJ-WR-09. Stream Restoration in Key Watersheds

Restore hydrologic, geomorphic, and riparian process and function on 81 miles of stream within 15 years of forest plan implementation through activities including streambank stabilization, restoration of lateral and vertical hydrologic connectivity, and improvement of stream channel and floodplain function.

WE OBJECT and suggest that this is an unrealistic and likely unattainable objective. To have made such an objective strongly suggests that the author has little or no practical experience in stream restoration. First, it would be necessary for the manager of this program to have objective (i.e., numeric with appropriate metrics) data which identified the streams most in need of restoration and have critically identified the causal factors (i.e., on the ground analysis, following peer-reviewed protocol, that produce objective, numeric metrics that are replicable) and properly identified (i.e., following scientific methods) the most appropriate, site specific methodologies needed to affect the desired change. We doubt that those data exist - as we FOIA'd that information in 2016, in conjunction with our DEIS comments and that FOIA was ignored.

Secondly, streambank restoration is extremely expensive and requires an expert breadth of functional knowledge in order to identify the needed modifications and select appropriate methodology. Even if those data could be collected and appropriate methodology selected at an extremely high professional level, 81 stream miles seems an impossible goal!

Mechanical alterations of fluvial systems are a high-risk ventures. Failures are common, even when the structures have been designed and placed by the most experienced experts! Costs per mile can run deep into the 6 figure range!

Before telling the public that you intend to obtain this objective, we request that you present a prioritized list of streams with identified problems and suggested remedies, on a per-reach basis - with a concurrent cost analysis!

We do not decry aspirations to improve stream conditions, if economically feasible and where most appropriate, as depicted by need. However, this writer has studied fluvial geomorphology and streambank restoration under Dave Rosgen and Luna Leopold and I'm well aware of the hazards, failure rates, and expense of such endeavors.

The remedy here would be: Retract this objective or word it in a much less aggressive manner, without unattainable mileage expectations. Unless the author of this section anticipates an annual budget approaching 7 figures, then it is unreasonable to present these goals to the public. It gives them the impression that conditions on the Forest are so grave that heroic and expensive intervention is needed to prevent catastrophic failures. We doubt this to be the case and ask that the author present the data to back up these claims before publishing them as a needed objective!

WE OBJECT wholly to FW-OBJ-WR-09 and suggest it be stricken simply because it proposes unattainable objectives, given the current budget structure.

FW-STD-WR-01. Properly Functioning Watersheds

"When aquatic and riparian desired conditions are being achieved and watersheds are functioning properly,10

projects shall maintain11 those conditions. When aquatic and riparian desired conditions are not yet achieved or watersheds have impaired function or are functioning-at-risk and to the degree that project activities would contribute to those conditions, projects shall restore or not retard attainment of desired conditions. Short-term adverse effects from project activities may be acceptable when they support long-term recovery of aquatic and riparian desired conditions. Exceptions to this standard include situations where Forest Service authorities are limited. In those cases, project effects toward attainment of desired conditions shall be minimized and not retard attainment of desired conditions to the extent possible within Forest Service authorities."

This standard is little more than a thinly veiled reproduction of MA-STD-RMA-01 from the DEIS. We made substantive comments in which we decried the standard and methodology used to evaluate adherence to the STANDARD! We strongly objected and insisted that it be stricken from the FEIS.

There was some confusion regarding the verbiage in that standard (RMA-01) because the author of that section did not bother to identify origin of the verbiage Properly Functioning Condition. We assumed she was referring to Properly Functioning Condition Evaluation (PFC) because footnote 8, in that DEIS described PFC as the BLM methodology.) It's unclear if the author was actually referring to PFC as it is described in Watershed Condition Classification; Technical Guide (FS 978) or if they were referring to "PFC Assessment for lotic Areas, TR-1737-15; v.2, 2013"

However, since the STANDARD presented in the DEIS was expressed as an RMA (Riparian Management Area) Standard, we logically concluded that they were referring to the latter. Therefore, we contend that the comments we made regarding this STANDARD in the DEIS are wholly applicable to the FEIS and our reasons for demanding that it be stricken from the document remain valid!

Both PFC and WCC are subjective assessments with no replicable metrics. WCC does utilize GIS data, but that is presented at a gross, landscape scale, encompassing an entire sub-watershed. PFC assessments at least require site visits to perform the assessment. But they are both exercises that provide broad scale assessments with no replicable data that can be compared when objective comparisons are made. "Scoring" where the information from a broad scale evaluation is assigned a classification (e.g., properly functioning, functioning at risk, not functioning) does not constitute a measureable metric that can be compared or tracked from year to year to provide comparable data. They simply provide a standardized, broad-scale, classification for an assessment - one that can fit into 1 of only 3 categories!

A STANDARD, by definition is something that is measurable. For data to be measureable, it must be collected in a completely objective (meaning numeric and lacking in subjective or potentially biased speculation.) By definition, the adherence to a standard must be evaluated by comparison of quantitative, objective data! Objective data, which is the foundation of science, is collected using standardized, objective methodology that, when collected properly, can be accurately replicated by trained personnel! It is a unit of measure.

The author of this STANDARD has simply substituted WCC for PFC, made minor modifications to the verbiage and referenced WCC, FS 978 instead of BLM PFC. but it still does not even come close to presenting a measureable STANDARD!

In FW-STD-WR-01, PROPERLY FUNCTIONING WATERSHEDS: The author of this standard has simply substituted the words Functioning Watersheds for Functioning Riparian Areas and the same, immeasurable

STANDARDS.

Adherence to these STANDARDS will result in serious reductions or outright elimination of several important forest uses, without any measurable justification! The author states, in FW-STD-WR-01: When aquatic and riparian desired conditions are not yet achieved or watersheds have impaired function or are functioning-at-risk and to the degree that project activities would contribute to those conditions, projects shall restore or not retard attainment of desired conditions.

If this standard were to be implemented most, if not all current Forest uses would be precluded. In the text of the 2016 DEIS the author of this section told us "2/3rds of the SUB-WATERSHEDS on the Forest were NOT-FUNCTIONING PROPERLY.

In fact, in review of the WCC language in FS 978, the description of conditions necessary to attain a rating of "PROPERLY FUNCTIONING" would likely only be found in the most unmolested portions of the WILDERNESS!

Sadly, I must conclude that the author of this section intentionally selected inappropriate methodology and stipulated an end-point condition that they knew would almost never be depicted, while utilizing the methodology they had specified!

WE STRONGLY OBJECT TO THIS STANDARD! WE STATED THIS OBJECTION VERY CLEARLY IN OUR RESPONSE TO THE DEIS AND FOLLOWED THAT OBJECTION WITH A WELL DOCUMENTED CHAIN OF LOGIC EXPLAING WHY THIS STANDARD WAS IN APPROPRIATE AND WHY IT WOULD ULTIMATELY PRECLUDE MANY PRE-EXISTING FOREST ACTIVITIES.

WE OBJECT AND EXPECT THIS STANDARD TO BE REMOVED, IN IT'S ENTIRETY! No other remedy will suffice!

We made many substantive and clearly worded comments on the DEIS. When we looked into the text of the FEIS, we were very dismayed to see that our comments were lumped in with numerous other "commenters" who, in some way had made vaguely similar comments.

This action effectively precluded our opportunity to see that our comments were recognized and a reasonable effort had been made to address them. In my experience, when comments are made, they are reflected in the text of the FINAL Document, essentially word for word and it is determined that: 1) The comments were found to be outside the scope of the Document; 2) The comments were considered and discarded for some specific reason; or 3) The comments were found to have merit and it was described how the issue was resolved.

What the Forest has done is lump together a grouping a vaguely similar comments, boil down all of those comments to a generic, non-specific statement (e.g., They felt the forest should) And the comments were responded to with an even more generic replies that were augmented by seemingly endless references to "literature cited. "

This action effectively emasculated the specificity of the problem(s) we identified, it showed complete disrespect for the efforts we made to provide comment by lumping them into a generic summary statement that did not even attempt to capture the essence or specific importance of the issues we'd raised, and then buried the Forest Response in a generic response that was further confused by citing a litany of literature, expecting the reader/commenter to find all of the referenced literature, read it, and somehow ferret out what portions of these documents the writer was referring us to.

It was an overt and disrespectful attempt to dismiss our carefully worded issue statements, boil them down to such a generic format that our true issue was completely lost, and then bury the respondant/reader in a pile of literature citations, expecting us to read them all and somehow decide what portions the Forest had deemed responsive to our comments!

Given the fact that this document is already 3000 pages in length WE OBJECT that the Forest failed to deem our comments worthy of individual consideration and disrespected the time and effort we invested into trying to participate in NEPA. The generic Forest response was buried in thousands more pages of literature citations without specific references to content! There is no way for any reader/commenter to actually see the comments that were made and how the Forest responded to them. All of the effort that every commenter provided was disrespected and essentially tossed aside, with a dismissive wave of the hand!

We find this to be an overt attempt to circumvent NEPA and WE OBJECT!

WE OBJECT that it's nearly impossible to cross-walk between the DEIS and the FEIS! There is no way to search the document (without specialized soft-ware, which I do not have and is not compatible with my MAC anyway). Our objection is based on the simple fact that the Forest was well aware that we had issues (as did many others) and were also aware that an objection process was forthcoming. It isn't bad enough that the FEIS is thousands of pages in length, when collated with the additional thousands of pages of literature citations and refrences it is a daunting task for a commenter/objector to cross-walk between the two documents to compare changes in issues, standards, guidelines and various monitoring practices. This OBJECTION tears back to one of our initial objections: That is, this whole process appears to be set up in such a way as to circumvent one of the principle tenets of NEPA - which is public participation. How in the world do you expect an average reviewer, commenter, public to participate in a meaningful manner when theses two documents (DEIS & FEIS) constitute thousands and thousands of pages? A mechanism should be provided to allow the reviewer a simple way to "cross-walk" between the DEIS and the FEIS so we can track changes and understand if this addressed our initial comments in a meaningful way!

It is critical for my clients and I to be able to review these proposed actions, understand what is being proposed, understand the various constraints, and identify the changes being proposed between the DEIS and the FEIS. Yet, try as we might and after investing numerous hours trying to do that, we've determined it is nearly

impossible. And, sadly, we've come to the conclusion that a primary objective of this plan was to make it as cumbersome and unwieldy as possible so that the public could not participate in a meaningful and informed way!

Again, WE OBJECT because it appears that The Forest has violated one of the most critical components of NEPA, which is public participation and involvement. Swamping us with thousands of pages and thousands more of charts, graphs, and references does nothing to facilitate NEPA and does everything to preclude meaningful public participation!

Indeed, when we met with the FLT during the roll-out of the Objection Process it was very disheartening the number of times we asked questions only to have the leadership (including the Forest Supervisor) just look at us and say "umm, well, we don't know". WE OBJECT that the Forest and the Forest Service has not taken steps to aid in public participation and instead has seemingly taken every possible opportunity to make this as complicated and cumbersome as possible.

I know we are repeating ourselves on this particular subject. However, at every juncture, in every instance when I try to track something down or cross/reference between the two documents (DEIS & FEIS) we're reminded what an impossible task this has become.

Every document that I've read, in preparation for this process, has clearly stated that a Forest Plan is an oversight document intended to provide general guidance for management in the next 10 years (if we were to foolishly assume the Forest will actually undertake the development of another Forest Plan in 10 years, which is supposed to be the lifespan of this document.)

It's all very frustrating and disappointing and, I must tell you, we are close to demanding that the Chief revoke this document and direct the Region/Forest to start again from scratch.

WE OBJECTto the manner in which some of the Tribal Meetings were conducted. Let us preface this objection by stating, unequivocally that we possess no animosity toward the Kalispel Tribe, nor do we harbor any prejudice toward any tribe.

However, that said, I see that a critical error has been made on the part of the Forest Service and, unfortunately, that error was replicated in the recent EIS concerning the LeClerc Grazing Allotment - where a permittee was directed to abandon an allotment that had been in the same family for decades and, according to the Forest Service's own data was in good condition and demonstrating an upward trend..

The Error is this: The Colville Tribe is a "Treaty Tribe". They have a Treaty with the United States Government that essentially recognizes them as a sovereign government within the boundaries of the United States. As such, they are afforded certain considerations, one of which is consultation at a "Government-to-Government" level. That consideration was conveyed to them when they signed a Treaty with the United States and were formally recognized as a "sovereign nation", which afforded certain rights to the Colville Tribe (and every other "Treaty Tribe), that are unique unto them.

As I'm sure the Forest Service is aware, the Kalispel Tribe does not have a Treaty. As the United States Congress was nearing the end point of negotiating and/or offering Treaty's to various tribes, the the Kalispel Tribe had essentially split into two factions. The "Upper" band of the Kalispel Tribe successfully negotiated a Treaty with the US Government and a Reservation in excess of 1 million acres was awarded to the tribe (in Montana), along with a Treaty and all of the rights and benefits that conveyed. People may argue the merits of whether this was a right thing or a wrong thing. However, irrespective of that, it is how these matters were settled, in perpetuity.

The lower Kalispel Band was offered a Treaty and a Reservation (also in excess of 1 million acres) in 1872 and the lower Kalispel Band refused it. For whatever reasons, they did not accept the terms and in 1874 The United States Congress quit offering Treaties, permanently! By all accounts, the leadership (and members) of the lower Kalispel Tribe were aware that this was the final offer and they still decided that the deal "was not good enough."

Regardless of causal factors, the Lower Kalispel Band of Indians do not have a treaty. Without a treaty they do not enjoy the right to consult with the Government of the United States (in this instance, the US Forest Service) on a "Government-to -Government" basis - they are not a sovereign government within the boundaries of the Untied States of America. Unfortunately, on page 897 it clearly states that the consultation was conducted at the "government-to-government level."

In 1914 then President Woodrow Wilson did grant, by presidential proclamation, a 4600 acre reservation to the lower Kalispel Tribe. But, bestowment of that reservation was not accompanied by a Treaty. That can only be done by the Congress of the United States and Congress permanently ceased the practice of offering treaties to Indian tribes, in 1874.

This constituted a serious oversight by the Forest Supervisor of the Colville National Forest as he had chosen to grant government-to-government privileges to a group of people that he well knew did not possess that status. One of those privileges is that their meetings were conducted in confidence and none of the proceedings or agreements made in that context are available to the public. Anything could have been agreed to and we, as citizens of the United States of America were not afforded the right to know what went on and what may have been agreed to behind closed doors. That was an improper and prejudicial action by the Forest Supervisor of the Colville National Forest.

We have strong reason to believe that the Forest Supervisor was well aware that the Kalispel tribe did not have a treaty and did not enjoy privileges granted to other tribes as sovereign nations within the boundaries of the United States of America! The reason we believe that the Forest Supervisor knew this, in advance, was that I have informed him of that fact on several occasions.

Additionally, the Forest Supervisor chose to ignore this fact a year ago, when he chose to strip grazing rights from a long-standing permittee because the Kalispel tribe contended that cattle grazing infringed upon traditional hunting, gathering, and/or spiritual sites. Those are formally referred to as "ceded rights", which are rights that are granted to a Treaty Tribe that formally recognizes certain rights for the tribe, outside the bounds of their reservation. A tribe without a treaty does not enjoy "ceded rights" outside of the reservation boundaries! I was involved in that EIS, as a paid, professional consultant, working for the permittee who held "Term" grazing permit on that allotment! I had that discussion with the District Ranger and I had that discussion with the Forest Supervisor and they chose to ignore those facts and prejudicially and improperly extended rights to them that they would not extend to any other public entity in The United States!

Indeed, the Regional Office (R-6) of the US Forest Service recognized that what I was saying was, in fact, true and correct. I FOIA'd the proceedings of a meeting what was characterized as "government-to-government and privileged by the Forest Supervisor and he denied my FOIA when I requested information regarding that meeting - stating that it was a "private, government-to-government meeting" and that I had no right to know what transpired or what had been agreed to during that meeting! I resubmitted that FOIA to the Regional Office (R-6) and advised them of the same information I've presented here, in the paragraphs above. The Regional Office quietly provided me with all of the information I'd requested, without a question. They recognized that the Kalispel were not granted privileges associated with a government-to-government status.

Our point is, upper leadership at the Forest and Regional level were well aware of these facts and chose to treat us and everybody else with prejudice by granting privileges to the Kalispel that were not legally appropriate and then refusing to provide us information that should have been available to any citizen who appropriately requested it!

In and of itself, this may not have major impacts on the integrity of the FEIS. But, who knows, the Forest Supervisor has chosen to ignore the facts and keep that information secret and privileged between himself and the Kalispell tribe - we have no idea what he may have given away to the tribe or how it may effect forest users, formal Objectors, or most important to me, my clients, the Stevens County Cattlemen's Association. All of those proceedings and agreements have been kept secret from the public and us. Since this was done with foreknowledge of the error and Mr. Smoldon intentionally bestowed privileges and opportunities upon a group of people who were not due those privileges and opportunities, we contend that this action constitutes a Fatal Flaw within this FEIS and WE OBJECT!

My understanding of NEPA, which I admit is not comprehensive, indicates that a documented Fatal Flaw in a document such as this necessarily dictates that the document must be withdrawn. We'll leave the final determination of the legal requirements when a Fatal Flaw is identified to your NEPA experts. But we do expect a

complete and prudent reporting, to us, regarding the decisions made along with references that were utilized to reach those decisions.

THIS CONCLUDES OUR OBJECTIONS TO THE COLVILLE NATIONAL FOREST, FOREST PLAN, FEIS.

We thank you for this opportunity and look forward to an opportunity to discuss these objections with WO staff and, hopefully reach meaningful resolution!