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Route To:

Subject: Objection Response for the Idaho Panhandle National Forest Revised Land Management Plan

To: Regional Forester, R-1

This is my response on the objections filed to the Final Environmental Impact Statement (FEIS), draft Record of Decision (ROD), and Revised Land Management Plan (Revised Plan) for the Idaho Panhandle National Forest (IPNF). All objections of the Revised Plan have been consolidated into one set of issues and one response is being rendered. The issues were sufficiently similar to allow consolidation (36 CFR (Code of Federal Regulations) 219.57(b)(1)).

Twenty-two objections were submitted under the objection procedures and were considered in my response. Also, 96 requests from interested persons in one or more of the objections were received and granted. Comments received from one individual did not meet the objection filing requirements at 36 CFR 219.54(c) and was forwarded to you and your staff for consideration in making your final Revised Plan decision. Listings of the objections and their tracking numbers, as well as the interested persons, are included in Attachment 1. The objection reference numbers are abbreviated throughout this response document by the last four digits of the tracking number. Each objector and interested person will receive notification of my response. The final objection response is available on the Web at <http://www.fs.fed.us/objections> and listed under R1 - Northern Region, or in hard copy, upon request.

You issued a draft ROD for the Revised Plan on September 27, 2013. The Revised Plan conforms to the 1982 planning regulations at 36 CFR 219 [1982, as amended] (draft ROD, p. 32). The 1982 planning regulations referenced by you were last published in the CFR on July 1, 2000¹.

¹ The Idaho Panhandle National Forest Revised Land Management Plan was prepared under the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended by the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.), the implementing regulations of the NFMA at 36 CFR 219 (77 FR 21260, April 9, 2012), and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1500-1508).

NFMA's current implementing regulations at 36 CFR 219.17(b)(3) (77 FR 21270) allow the use of the provisions of the prior planning regulation, including its transition provisions (2000 Planning Rule at 36 CFR 219.35(a) and (b) (December 18, 2009)). The transition provisions of the 2000 planning rule allow the use of the prior planning regulation promulgated in 1982.



Idaho Panhandle National Forest Revised Land Management Plan

The Revised Plan is structured in five parts: Chapter 1 provides an introduction to the Revised Plan, including descriptions of key direction retained from the prior Plan and how the Revised Plan will be maintained and implemented; Chapter 2 provides the Forest-wide management direction in the form of goals, desired conditions, objectives, standards, and guidelines for the resources and uses of the National Forest; Chapter 3 provides management direction for Management Areas allocated across the Forest; Chapter 4 provides management direction for specified Geographic Areas of the Forest; and Chapter 5 describes the Idaho Panhandle National Forest monitoring program. Approval of any project or activity must be consistent with the Revised Plan (16 U.S.C. 1604(i)). Project-level decisions will be informed by site-specific analysis through an open, public process (Revised Plan, p. 2).

The Revised Plan is adaptive in that new knowledge and information can be analyzed and the plan amended, if appropriate, at any time. It provides overall intent and guidance, but also allows the flexibility needed for the Agency to work with the public and adapt management strategies to changing demands and conditions. This allows the latest science and public input to be considered at the time a project-level decision is to be made (Revised Plan, p. 6).

Review and Consideration of Objection Concerns

The process of reviewing the objections and assessing opportunities for resolution has taken longer than anticipated. The inherently comprehensive and complex nature of land management plans, coupled with the fact that two land management plans are involved in the review of the diverse concerns submitted as objections, contributed to the overall time needed for the review and the need to extend the time to issue the final response (36 CFR 219.56(g)).

More than 200 individual issues were identified from the objections received and each was considered in the review. The issues cover a broad range of resources and topic areas, including climate change; economics; fire and fuels management; invasive species; minerals; monitoring; multiple use management; public involvement; soils; timber production; transportation management; vegetation management, including old growth; Wild and Scenic River eligibility; recommended wilderness designation and management; and various aspects of wildlife and fisheries management. Objectors are concerned that the draft ROD does not appropriately address public interests and violates the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), the Endangered Species Act (ESA), the Wilderness Act, and the Wild and Scenic River Act, among others.

After the initial review of the written objections received for the Revised Plan and FEIS, Reviewing Officer Jim Peña decided to hold a meeting in Coeur d'Alene, Idaho, on April 29, 2014, to have additional engagement with objectors and interested persons on proposed remedies for four areas of concern: local government coordination, Wild and Scenic River eligibility determinations, Recommended Wilderness and Wilderness Study Areas, and Management Indicator Species. Approximately 23 objectors and co-objectors and 14 interested persons participated in the meeting, either in person or by phone. All objectors and interested persons participating in the meeting were given an opportunity to speak on each of the issue areas. The purpose of the meeting was not to re-state the contents of the objection letters or to



bring forward information not previously submitted, but rather focused on a discussion of the remedies under consideration specifically for those fourF issue areas. During the meeting objectors helped to clarify understanding of the issues and suggested improvements to remedies proposed for consideration in the final response to objections. Interested persons provided additional thoughts. The feedback received was very helpful for our consideration of the issues and potential remedies.

This objection response is the outcome of a deliberative and extensive review of concerns raised by objectors involving complex regulatory and management issues. My response reflects my findings from review of the written submitted objections, current policies in place, the direction the Agency is heading on some of these issues, the discussions with objectors and interested persons at the Coeur d’Alene meeting, and follow-up discussions with you and your staff. Although some issues raised in the objections are not specifically cited in my response, all objectors’ concerns have been considered. The review focused on ensuring the Revised Plan meets current requirements and to determine whether changes are warranted to improve upon the analysis and decision based on the objections submitted. My response contains direction to you to implement prior to signing a final ROD and is the final determination of the U.S. Department of Agriculture on the objections.

Objection Response

My response to the objection issues raised for the IPNF Revised Plan is in three parts. Below is my response to the four issue areas discussed at the meeting in Coeur d’Alene. Attachment 2 contains other issue responses that include instructions that must be carried out before the final ROD can be signed. Attachment 3 contains issue responses that have no instructions.

Local Government Coordination

Objection Issue Summary:

Local government objectors raised several issues related to the degree of coordination and involvement they experienced during the planning process. Their perception is that the Forest did not work with them as prescribed in the 1982 planning regulations at 36 CFR 219.7. (One objector cited 36 CFR 219.4, which is the citation for the 2012 Planning Rule.) They assert that their input and involvement was not given due process, they were treated at the same level as the general public, and there was little to no attempt to resolve conflicts between their local plans and the plan revision. Three objectors have passed resolutions in their local jurisdictions granting “coordination status” (Objections #0023, p. 2; #0054, pp. 24, 26-29).

Summary of Record Review Findings:

What is required?

- **1982 planning regulations**

At issue is whether the Forest Service adequately complied with local government coordination requirements at 36 CFR 219.7 (1982) throughout their planning process.



Sec. 219.7 Coordination with other public planning efforts.

- (a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.
- (b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7).
- (c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include--
- (1) Consideration of the objectives of other Federal, State and local governments, and Indians tribes, as expressed in their plans and policies;
 - (2) An assessment of the interrelated impacts of these plans and policies;
 - (3) A determination of how each Forest Service plan should deal with the impacts identified; and,
 - (4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.
- (d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.
- (e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.
- (f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

- **County coordination status, resolutions and authorities**

Congress has passed numerous laws that apply to NFS lands, such as the Organic Administration Act, Multiple Use-Sustained Yield Act (MUSYA), and the National Forest Management Act (NFMA). Under the Supremacy Clause of the U.S. Constitution, state and local law is preempted or overridden to the extent it conflicts with these and other applicable federal laws or impedes accomplishment of the purposes and objectives of these and other applicable federal laws. Moreover, a state or local law that subjects the Federal Government to state or local requirements is presumptively invalid unless the state or local entity enacted it pursuant to a clear and express grant of congressional authority. Under these principles, local ordinances or resolutions that



impose land management requirements on the Forest Service, such as a requirement to obtain local approval before acting or to comply with certain land management prescriptions, are preempted by the Forest Service's land management authorities and are presumptively invalid, as they are not supported by a clear and express grant of congressional authority.

Under NFMA and the planning regulations, the Forest Service is required to coordinate land management planning for the National Forest System (NFS) with land management planning conducted by state and local governments. However, the Forest Service is not required to adopt recommendations made by state and local governmental entities. In particular, the Forest Service is not required to incorporate specific provisions of county ordinances or resolutions into land management plans or to comply with procedural requirements, such as a requirement to obtain county approval before amending or revising a land management plan. Neither the statutes governing Forest Service land management planning nor their implementing regulations provide for more than an advisory role for state and local governments. The term "coordinating status" is not used in existing authorities. Under NEPA and the Council on Environmental Quality (CEQ) regulations, a state or county/local government may be designated as a "joint lead agency" or "cooperating agency."

Under NFMA (16 USC§1604(a)), the Forest Service is required to:

...develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

The planning regulations under which the current forest plans were developed and revised elaborate on how the Forest Service must coordinate its planning efforts with those of local governments.

In general, the planning regulations have required that the Forest Service to coordinate its planning processes with those of the state and local agencies. However, neither the NFMA nor the planning regulations require the agency to coordinate the content of the forest plan with the state or county plan. Specifically, the Forest Service is not required either to incorporate the specific provisions of county ordinances into forest plans or to comply with procedural obligations such as those requiring county approval before the planning decision is made. In short, neither the statutes governing Forest Service planning nor their implementing regulations provide for more than an advisory role for state and local governments. In the end, the Forest Service retains discretion and authority to make forest planning and use decisions.

Nonetheless, local government agencies provide a distinct and vital perspective that is not diminished by the fact that their views are advisory rather than decisional. It is Forest Service policy to facilitate and encourage the full involvement of local agencies in order that their views may be appropriately considered in Forest Service decisions.

- **Planning and NEPA documents pre-review**

Neither NEPA nor NFMA require the Forest Service to provide environmental documents to state and local governments before making the documents available to the public. However,



there is no legal barrier to doing so if a Forest Service unit determines the need to involve its local government partners early on in the process. There are also other ways for local governments to be involved early on in the development of environmental documents, by either becoming a joint lead agency, if appropriate, or a cooperating agency pursuant to NEPA.

Federal agencies are directed by the CEQ regulations (40 CFR 1501.2) to consult early “with appropriate state and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.” Under NEPA, the Forest Service responsible official is encouraged to consider granting cooperating agency status to local governments, resulting in the local government having a more hands-on working relationship by contributing their expertise and local knowledge to either the NEPA and/or planning process. Cooperating Agency status allows for early and often participation in the NEPA process, including developing of proposed actions and purpose and needs.

Conclusions

The Forest Service is required to coordinate with local governments. However, 36 CFR 219.7 (1982) of the rule allows for flexibility on how a unit should engage local governments. The Forest Service is not required to adhere to local government resolutions but should consider their plans and policies in the planning effort.

The FEIS (p. 12) acknowledges the consideration of local government plans during the Forest’s planning process, but does not elaborate on the results of that consideration. Consequently, the steps and level of engagement conducted between the Forest and the local governments, other than descriptions listing all of the general public involvement opportunities, was not clear.

Final Instructions

- Ensure compliance with the requirements of 36 CFR 219.7(c) (1982) by including in the record the review of local government planning and land use policies. Further summarize that review in the Final EIS. Meet with the county commissioners to discuss the compliance.

Wild & Scenic River Eligibility Determination

Objection Issue Summary:

An objector contends the lack of supporting documentation to explain eligibility determinations in the FEIS and the basis for changes made to eligibility determinations in the DEIS violates the National Wild and Scenic Rivers Act (WSRA), National Environmental Policy Act (NEPA), and the Administrative Procedure Act (APA).

The objector also contends the determination that Marble Creek is not eligible for designation based on the presence of historic breached dams in some reaches is a violation of Agency policy (Objection #0031, pp. 2-5, 8-9).

Summary of Record Review Findings:

What is required?

Section 5(d)(1) of the WSRA states that “[i]n all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials.” As a result, Forest Service Handbook (FSH) 1909.12, 81.2 requires that “[t]he land management planning process shall include a comprehensive evaluation of the potential for rivers in an administrative unit to be eligible for inclusion in the National System.” To be eligible for inclusion [in the National Wild and Scenic Rivers System], a river must be free-flowing and, with its adjacent land area, possess one or more “outstandingly remarkable” values [(ORVs)]. FSH 1909.12, 82.1; *see also* WSRA §2(b).

The Wild and Scenic River Act’s (WSRA) definition of “free-flowing” states that “[t]he existence...of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion.” WSRA §16(b). Forest Service Handbook (FSH) 1909.12, 82.3 – Exhibit 01 further provides that rivers may be found eligible for WSR designation and classified as “recreational” if “some existing impoundment or diversion” is present, and “[t]he existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.”

Conclusions

As contended by the objector, the record does not adequately support IPNF’s list of eligible wild and scenic rivers or IPNF’s determinations that certain streams were ineligible.

FEIS Appendix E describes the “Process to Identify and Classify Potentially Eligible Wild and Scenic Rivers” (pp. 216-223). While documentation exists in the record to support completion of steps 1-4 (*see* IPNF Wild and Scenic Rivers – Initial Assessment for Potential Eligibility 2005), supporting documentation is incomplete for Step 5, which involved the following inventory review work: “Using the Forest as the comparative scale, review the identified potential ‘outstandingly remarkable values’ and determine whether they meet the criteria of being rare, unique, or exemplary” (FEIS Appendix E, p. 220). As a result, no documentation is in the record to explain specific discrepancies between the initial assessment of streams for “potential ORVs” and the final WSR eligibility inventory.

IPNF found that “remnants [of splash dams] create artificial cataracts and blockages that continue to alter the creek’s natural path and flow.” As a result, IPNF concluded that Marble Creek was ineligible for WSR designation “because the flow continues to be altered, the basic screening criteria of ‘free flowing’ is not met” (FEIS, p. 31). However, it is possible for a waterway to be “generally natural and riverine in appearance” even if it contains splash dam remnants that alter “natural path and flow.” Without further explanation or support, IPNF’s current explanation is an inadequate basis for determining WSR ineligibility of Marble Creek under the WSRA and Agency policy.



Final Instructions

- Provide additional documentation on the review completed at Step 5 of the WSR eligibility process. Highlight any discrepancies between the initial assessment of streams for “potential ORVs” and the final WSR eligibility inventory. Provide an explanation for the rationale used to make final ORV determinations for all streams, both eligible and ineligible, including all those recommended by the public for consideration. Either (a) provide additional supporting documentation describing why the diversion impacts to Marble Creek are more extensive than the “acceptable waterway modifications” identified in FSH 1909.12, 82.3 – Exhibit 01, or (b) find Marble Creek to be “free-flowing,” if the splash dam remnant impacts are within the acceptable range permitted under WSRA and Agency policy—and therefore eligible for WSR designation (since IPNF has identified at least one ORV for Marble Creek). If the diversion impacts to Marble Creek are found to be disqualifying under FSH 1909.12, 82.3 – Exhibit 01, consider other segmentations that would avoid those diversions and document the results of that consideration.

Recommended Wilderness and Wilderness Study Area Management

Objection Issue Summary:

Multiple objections raised various issues associated with the management direction for Recommended Wilderness Areas (RWAs). At the core of these issues was the allegation that a Regional policy had been relied on to prohibit motorized and mechanized use in the RWAs and that this policy had been established without required public review and comment, or applicable NEPA procedures. The prohibitions of concern are imposed on bicycles and over-snow vehicles. Objectors also contend that with the application of this policy, the FEISs provide inadequate site-specific analysis to support restrictions on motorized and mechanized access in the RWAs.

A related issue was raised in regard to lack of consistency in management direction between RWAs and Wilderness Study Areas (WSAs). Specifically, objectors contend non-conforming motorized and mechanized uses are allowed to continue in the Grandmother Mountain WSA, yet illogically prohibited in RWAs.

Finally, a related issue is the contention that prohibitions on existing snowmobile and motorized recreation included in the management area direction constitute site-specific decisions made outside the agency’s travel management procedures and without adequate compliance with NEPA (Objections #0002, pp. 2, 3; #0008, pp. 2, 3; #0010, pp. 2, 3-5, 6-7, 8, 9; #0028, p. 2; #0042, p. 1-2).

Summary of Record Review Findings:

What is required?

Forest Service Manual (FSM) 1923.03(1) provides the Forest Service policy on management of recommended wilderness areas: “Any inventoried roadless area recommended for wilderness or designated wilderness study is not available for any use or activity that may reduce the



wilderness potential of an area. Activities currently permitted may continue, pending designation, if the activities do not compromise wilderness values of the area.”

The 1992 Arkansas-Idaho Land Exchange Act requires that the lands transferred to the Forest Service within the Grandmother Mountain WSA “shall be managed so as to preserve their suitability for designation as wilderness, pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), until Congress determines otherwise.” This Act further provides that “[n]othing in this Act shall be construed as permitting or prohibiting continued use of motorized vehicles on existing routes within such area at the level of such use as was permitted on August 1, 1992.”

Forest Service regulations at 36 CFR 212.55 provide the criteria to be used for designating motorized use on roads, trails, and areas, and at 36 CFR 212, subpart C provide direction for managing use by over-snow vehicles. The regulations at subpart C specify, in part, that prohibitions or restrictions proposed for use of over-snow vehicles are subject to the provisions of several listed sections in subpart B of the regulations, including section 212.55.

Conclusions

The Draft ROD (p. 19) summarizes the management decision made with regard to recommended wilderness in the revised Forest Plan: “The revised Plan closes recommended wilderness to motorized and mechanized use. Thus, over-snow vehicle use and mountain biking will not be allowed within recommended wilderness. These uses are not allowed in recommended wilderness because they impact wilderness character and could lead to these areas no longer being suitable for wilderness designation.”

The 2007 Region 1 document that the objectors consider policy is “Consistency in Land and Resource Management Plans - Management of Recommended Wilderness” (R1 Consistency Paper). It has existed in similar form since 2003. I have had extensive discussions with the Regional Office and have been assured that the paper was not meant to be regional policy, binding on the IPNF or any other national forest. Instead, the R1 Consistency Paper simply suggests a method for Forests to make recommended wilderness management decisions during the planning process. It does not remove the discretion of the Forest to consider various management approaches consistent with FSM 1923.03. Therefore, NEPA does not apply to the R1 Consistency Paper, nor does this paper have to go through public notice and comment.

The Responsible Official’s decision is consistent with FSM 1923.03(1). IPNF evaluated the wilderness capability, availability, and need of roadless areas. *See* FEIS Appendix C; FSH 1909.12, Ch. 70. As IPNF states, “[i]n those areas that are recommended wilderness, the decision was made to restrict motorized and mechanized uses, to maintain the wilderness characteristic including outstanding opportunities for solitude or primitive and unconfined recreation” (FEIS Appendix G p. 372). Therefore, IPNF did provide a reasoned basis for this management decision.

However, IPNF may have given the public the impression in the FEIS that it relied on the R1 Consistency Paper without further independent review in making management decisions about recommended wilderness. Thus, further explanation of IPNF’s rationale would help to provide additional support for this decision.



Regarding the perceived lack of consistency in management direction between RWAs and WSAs (Grandmother Mountain, specifically), IPNF provides the following response on Grandmother Mountain WSA management on pp. 374-75 of Appendix G, FEIS:

This area is designated as a Wilderness Study Area (MA1c). Under BLM ownership, this area was designated as a Wilderness Study Area under the Federal Land Policy and Management Act. The legislation that accompanied the land exchanges for this area (the Arkansas-Idaho Land Exchange Act of 1992 and the Idaho Land Enhancement Act of 2006) requires the Forest Service to maintain the wilderness character and suitability for designation as wilderness until Congress determines otherwise. Because of the requirement to maintain this suitability until Congress makes a determination, the Forest is required to retain these areas as Wilderness Study [A]reas (MA1c) *and to allow uses that were in place when the land was acquired by the Forest Service* (emphasis added). One of the established uses is single track motorized use, which will be allowed in the revised Forest Plan. OHV use, including ATV use, was not an established use when the Forest Service acquired the Wilderness Study Area; therefore, this use is not allowed in the revised Forest Plan[.]

The IPNF must follow certain statutory stipulations regarding management of existing uses in the Grandmother Mountain WSA. The Forest understood that those uses included single-track motorized use. However, after further review, I have determined that the relevant statutory language on Grandmother Mountain WSA does not stipulate that IPNF must manage motorized vehicle use at the level that was in place when the land was acquired by the Forest Service. Statutory stipulations require that this WSA be managed to preserve the area's suitability for wilderness, but IPNF has the discretion to determine how to do so. Further, IPNF also has the discretion to manage this WSA different from its recommended wilderness areas.

Specific direction is found in the draft ROD, pp. 17-18, discussing the difference between the programmatic Forest Plan and the site specific Travel Management Rule through previous and ongoing travel planning efforts. The Forest Plan does not change existing travel management decisions for motorized use. The revised Plan closes recommended wilderness to motorized and mechanized use. Thus, over-snow vehicle use and mountain biking would not be allowed within recommended wilderness.

Other backcountry areas provide a range of quiet non-motorized and motorized opportunities, and allow these uses. Those acres allocated to primitive lands (MA1e) will allow winter motorized recreation (over-snow vehicle use) and mountain biking as stated in the draft ROD on p. 19.

While Plan decisions are generally programmatic, the IPNF included site-specific analysis to make decisions to restrict motorized and mechanized use in management areas allocated to recommended wilderness and research natural areas. This analysis can be found within the FEIS at Watershed on p. 198, Wildlife on pp. 357-372, and Access and Recreation on pages 417-420. The decision would authorize an accompanying closure order as per 36 CFR 261 Subpart B and aligns the allowed uses within the management area direction established in the Revised Plan as stated in the draft ROD on p. 4.



The Revised Plan and draft ROD currently include a site-specific decision to prohibit over-snow and mountain biking use in recommended wilderness areas. The FEIS includes sufficient site-specific analysis to support this decision, though it is not easy for the reader to discern this because it is disaggregated within the document.

In response to concerns expressed at the April 29, 2014, meeting with objectors and interested persons, I am instructing the forest to clarify documentation related to areas not recommended for wilderness designation and requests for modifications to proposed boundaries.

Final Instructions

- Clarify the documentation disclosing a full analysis and rationale of the recommendations for wilderness, including responses to public recommendations received for modifications to proposed boundaries.
- Clarify in the record any reference to the “R1 Consistency Paper” to reflect that the paper is not binding policy, but instead is a reference tool used to assist Forests as they consider management options for recommended wilderness.
- Clarify in the record how IPNF gave independent consideration to Forest-specific issues pertaining to recommended wilderness management decisions. In doing so, IPNF should provide a more detailed explanation of the nature of impacts from motorized and mechanized uses to wilderness capability and availability.
- Review all requirements for management of Grandmother Mountain WSA and clarify in the record the rationale behind “MA1c – Wilderness Study Areas” management direction. Modify, as appropriate, all references in the record to any statutory requirements regarding management of motorized vehicle use in this WSA.
- Summarize and reference in the ROD the environmental analysis supporting the site-specific decision being made. The summary should specifically address the minimization criteria described at 36 CFR 212.55. Of course, the site-specific decision to prohibit over-snow and mountain biking in recommended wilderness areas must also be supported by analysis disclosing why continuation of these uses would compromise the wilderness values of the areas recommended for wilderness.

Management Indicator Species (MIS)

Objection Issue Summary:

Objectors raise various issues connected to the selection of MIS and whether the selections are appropriately representative of such things as old growth ecosystems, threatened and endangered species, and sensitive species. Central to these issues is the question of whether the planning record contains adequate analysis to support monitoring habitat as a proxy for the MIS. The over-arching issue for one objector was diversity (Objections #0025, pp. 29, 32-35, 68-69; #0045, pp. 4-5, 15).



Summary of Record Review Findings:**What is required?**

At issue is whether the revised land management plans adequately comply with the viability requirements at 36 CFR 219.19 (1982), and specifically the requirements associated with MIS.

The purpose of MIS is to aid in estimating the effects of each Forest Plan alternative on fish and wildlife populations. MIS are selected because their population changes are believed to indicate the effects of management activities.

The planning regulations afford considerable discretion in selecting MIS. In the selection of MIS, the following categories shall be represented where appropriate.

- Endangered and threatened plant and animal species identified on State and Federal lists for the planning area
- Species with special habitat needs that may be influenced significantly by planned management programs
- Species commonly hunted, fished, or trapped
- Non-game species of special interest
- Additional plant or animal species selected because their population changes are believed to indicate the effects of management activities on other species of selected major biological communities or on water quality

There is no requirement to select management indicators for every activity, vegetation type, or management issue.

Although the regulations indicate it may be appropriate to select specific plant or animal species because their population changes are believed to indicate the effects of management activities on other species, in fact this use of one species as a proxy for other species is not supported by current science and should generally be avoided.

Monitoring of selected species must be feasibly accomplished. Population trends of the MIS will be monitored and relationships to habitat changes determined. The MIS monitoring plan in the Forest Plan is not required to specify the methodology to be used for the monitoring, only the precision and frequency.

The Idaho Panhandle is directed by the 2012 planning regulations (36 CFR 219.12(c)) to modify its plan monitoring program to be consistent with the requirements of those regulations by May 2016 or as soon as practicable. In doing so, the use of MIS will be discontinued and replaced with focal species as an indicator of ecological conditions.



Conclusions

The Revised Plan identifies one species and two assemblages as MIS – Rocky Mountain elk, insectivore landbird assemblage (olive-sided flycatcher, dusky flycatcher, Hammond’s flycatcher, chipping sparrow, and hairy woodpecker), and aquatic macroinvertebrates.

The record includes a document describing the selection of MIS for the Revised Kootenai and Idaho Panhandle Zone (KIPZ) Plans (Doc. 1971) and a document describing the specific considerations given to selecting MIS for the 1987 Idaho Panhandle Forest Plan (Doc. 1800). These documents provide the rationale for the selection of the MIS and why other MIS currently in the 1987 Idaho Panhandle Forest Plan (grizzly bear, white-tailed deer, elk, bald eagle, pileated woodpecker, northern goshawk, moose, woodland caribou, cutthroat trout, rainbow trout, and bull trout) were not retained in the Revised Plan. Appendix G of the FEIS includes a lengthy response to various comments regarding MIS, including whether Sensitive species and species representative of old growth need to be included among the MIS (FEIS, Appendix G, pp. 398-401). Given the discretion in selecting MIS that is afforded by the regulations, the record includes adequate analysis and rationale for species selected and not selected as MIS.

Although threatened, endangered and sensitive species were not selected as MIS, the record shows that effects to threatened, endangered and sensitive species were analyzed by alternative.

Indicators to be monitored are identified as number of elk management units providing greater than 30 percent security on National Forest System lands during the hunting season, number of acres where planned ignitions were used to maintain or improve landbird habitat, percentage of natural unplanned ignitions managed for the maintenance or restoration of fire adapted ecosystems, and changes in River Invertebrate Prediction and Classification System score (Revised Plan, p. 104). The Monitoring Guide shows actual populations of landbirds, including MIS, will be monitored (Doc. 01998, pp. 37-38).

The linkage between population monitoring, management activities, and habitat condition is not clear in the record for the landbird assemblage.

The linkage between the aquatic macroinvertebrate assemblage (AMA) as an MIS and water quality is fully supported in the planning record and their use to gauge the effects of management activities on water quality is consistent with the planning regulations. The relationship between AMA populations and fish populations and distribution is not thought to be currently documented in the scientific literature.

Final Instructions

- Clarify in the record the linkage between population monitoring, management activities, and habitat condition for species in the landbird assemblage. Ensure the rationale is clear to explain why these species are responsive to forest activities. Document clearly the monitoring objectives for each MIS.
- Clarify in the record that no inferences are being made that AMA monitoring is being used to draw conclusions about fish populations and distribution.



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- Summarize and reference the *Kootenai and Idaho Panhandle National Forest: Providing for Ecological Sustainability in the Revised Forest Plans* report in the ROD and describe how the other diversity-related requirements of the 1982 planning regulation are being met in the Revised Plan.

By copy of this letter and notification of availability on the Web, I am notifying all parties to this objection.


GREGORY C. SMITH
Reviewing Officer for the Chief

Enclosures: Attachment 1- List of Objectors and Interest Persons
Attachment 2- Issues Reviewed and Instructions Provided by the Responsible Official
Attachment 3- Issues Reviewed and No Change Determined to be Necessary

cc: Objectors and Interested Persons

