

Lauren Goschke
Project Leader
Coeur d'Alene River Ranger District
2502 East Sherman Avenue,
Coeur d'Alene, ID 83814

November 3, 2012

Dear Ms. Goschke:

The following comments are being submitted in response to the October 5, 2012 Coeur d'Alene River Ranger District Beaver Creek timber sale scoping notice (notice). The legal notice was published October 9, 2012. A 30-day period is allowed for comments to be submitted

This large timber sale project would log approximately 2,057 acres, page five of notice. New road construction of 1.2 miles with an additional 1.5 miles of new temporary miles would occur.

A significant issue concerns the water quality impaired water bodies located in the Beaver Creek watershed, page two of notice. The notice does not mention whether there are additional impaired waters downstream of the project area. NEPA requires an Environmental Impact Statement (EIS) when there may be cumulatively significant impacts, 40 CFR 1508.25, or the proposed activities “*threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment*”, 40 CFR 1508.27(b)(10).

Additional significant NEPA issues include the cumulative effects to the Beaver Creek watershed from previous Forest Service logging and road construction activities, and incomplete or unavailable information relating to the past logging and road construction activities, 40 CFR 1502.22.

Additionally, 40 CFR 1508.27(b)(7) includes the following language. “*Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*”

This comment letter is being sent electronically to comments-northern-idpanhandle-coeur-dalene@fs.fed.us

1.NEPA issues:

The President on December 31, 2009 issued Proclamation 8469. The following sentences are found at the beginning of the Proclamation. “*Forty years ago, the National Environmental Policy Act (NEPA) was signed into law with overwhelming bipartisan support, ushering in a new era of environmental awareness and citizen participation in government. NEPA elevated the role of environmental considerations in proposed Federal agency actions, and it remains the cornerstone of our Nation’s modern environmental protections.*”

The following sentence is found in the second paragraph of the Proclamation. *“It established concrete objectives for Federal agencies to enforce these principles, while emphasizing public involvement to give all Americans a role in protecting our environment.”*

The fourth paragraph begins with the following sentence. *“Today, my Administration will recognize NEPA’s enactment by recommitting to environmental quality through open, accountable, and responsible decision making that involves the American public.”*

The Beaver Creek NEPA document needs to provide high quality information with expert agency comments, NEPA at 40 CFR 1500.1(b), that indicate whether there may be one or more significant impacts to the environment if this project were implemented. If an Environmental Impact Statement (EIS) will not be prepared, NEPA requires accurate scientific analysis that confirms an Environmental Assessment (EA) will be in full compliance with all relevant NEPA requirements including 40 CFR 1508.27, 1508.7, 1508.8, 1507.1, and 1502.24.

2. Old Growth

The notice on page three mentions mortality due to mature stand ages and unmanaged stands that are in the category of 110-120 years. Do the stands in the category of 110-120 years include allocated old growth or recruitment old growth?

Are there any stands of allocated or recruitment old growth that are directly adjacent to stands logged after 1988?

The old growth analysis should include information listing each OGMU within the project area and list the number of acres of old growth within the project area. For the stands of allocated and recruitment old growth larger than 100 acres, the locations of each stand should be denoted on a color map.

3. Best Available Science:

The NEPA document should indicate whether the Forest Service Washington Office Memo dated May 2, 2007, is still in effect. The subject of this Memo is Advice on documenting “Best Available Science”. The Acting Director of Ecosystem Management Coordination signed the Memo. The file code of this Memo is: 1920/1950. The following statement is included in the Memo. *“Specifically, the NEPA document should identify methods used, reference scientific sources relied on, discuss responsible opposing views, and disclose incomplete or unavailable information, scientific uncertainty, and risk. See 40 CFR 1502.9(b), 1502.22, 1502.24.”*

The NEPA analysis for this project needs to list the documents being used by the Forest Service when discussing responsible opposing views, particularly when discussing the use of computer models for ECA and aquatics analysis.

4. Aquatics/TMDL:

The aquatics section is required to include high quality information that indicates whether there are any CWA impaired waterbodies in the CEA area.

There needs to be high quality information listing the expected amount of sediment (tons/year) that would be released into waterbodies as a result of the logging activities being proposed in the project area.

The aquatics analysis for this project needs to include high quality data listing the estimated tons of sediment per year that currently leave National Forest System (NFS) lands from the waterbodies located within the project area.

4a. Aquatics/computer models:

If the WEPP model will be used to meet the requirement for best available science, the following information pertains to the model. The Priest Lake Ranger District in the Outlet and High Bridge Fuels Reduction Project Decision Memo, dated February 24, 2006, page 17, included the following statement. *“The WEPP model was only used for what it can accurately model- sediment production from hillside erosion, skid trails, and road use”*. It was also stated on page 18 of the DM that the WEPP model does not model peak flows, rain-on-snow events, or streambank erosion.

If the WATSED model will be used for any portion of the aquatics analysis, the NEPA document needs to list the most current version of the model being used, and list the date of the most recent revision.

The WATSED section is required to cite the page(s) from the most recent version of the manual that specifically shows how the model accurately accounts for sediment routing.

The WATSED section should also indicate that date of the most recent updates of the model that pertain to locally calibrated coefficients for the Beaver Creek watershed.

The aquatics analysis needs to indicate whether the proposed logging activities would affect peak flows or bedload movement.

Were any stream flow gages installed within the project area after the flood events of 1996-1997? If there are no operational stream flow gages, what model is used to estimate peak flows after storm events occurred in the Beaver Creek watershed?

4b. Aquatics/Idaho Water Quality Standards:

Idaho WQS at IDAPA 58.01.02.054 contains regulations that apply to water bodies that do not fully support designated or existing beneficial uses and do not meet Idaho WQS. The TMDL regulations at 054.04 for high priority water quality limited water body require that the total load must remain constant or decrease within the watershed until the TMDL process is completed in the high priority category.

For water quality limited water bodies that that have been identified as medium or low priority, the TMDL regulations prohibit further impairment of the designated or existing beneficial uses in the watershed until TMDLs are developed.

Idaho WQS at IDAPA 58.01.02.050 require protection of waters of the state, and require existing beneficial uses of the waters of the state will be protected.

Idaho WQS at IDAPA 58.01.02.080.01 and 01a states that no pollutant shall be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that will or can be expected to result in violation of the water quality standards applicable to the receiving water body or downstream waters.

Idaho WQS at IDAPA 58.01.02.003 describes nonpoint sources activities as including silviculture activities and runoff from storms or other weather related events.

This proposed project is required to be in full compliance with all applicable Idaho WQS, in particular the TMDL requirements and the antidegradation requirements.

The aquatics analysis is required to include high quality information that addresses each of the applicable Idaho WQS that pertain to project area and CEA area.

The aquatics analysis needs to describe the methods that would be used to ensure no pollutant would be discharged into water bodies within and downstream of the project area.

4c. Aquatics/Clean Water Act (Public Law 92-500):

The CWA at 40 CFR Part 130 at 130.12(c) requires that each department of the Federal Government that is engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants shall comply with all Federal and State requirements, process and sanctions respecting the control and abatement of water pollution in the same manner and extent as any non-governmental entity in accordance with section 313 of the CWA. If the project is implemented, the discharge and runoff of the pollutant sediment by the Forest Service would be a violation of the CWA at 40 CFR 130.12(c)

The CWA at 40 CFR Part 131 Water Quality Standards at 131.3(h) defines water quality limited segment. “*Water quality limited segment means any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-bases effluent limitations required by sections 301(b) and 306 of the Act.*” Water quality standards are defined at 131.3(i). “*Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.*” This Project is required to be in full compliance with Part 131.

4d. Aquatics/ECA:

The following USDA Forest Service publication addresses Equivalent Clearcut Area issues. The ECA issue applies when there have been a significant number of large canopy openings in the project area as a result of the previous Forest Service timber sales.

Ager, Alan A.; Clifton, Caty. 2005. *Software for Calculating Vegetation Disturbance and Recovery by Using the Equivalent Clearcut Area Model*. Gen. Tech. Rep. PNW-GTR-637. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 11p. This Forest Service paper can be found at www.fs.fed.us/pnw

The following statements are taken from page one of GTR-637.

“Understanding and modeling the cumulative watershed effects of management and natural disturbance is a significant challenge for land managers (U.S. Council on Environmental Quality 1997). Cumulative watershed effects can result from minor actions taking place over a period of time that collectively are thought to alter hydrologic response (FEMAT 1993). A wide variety of qualitative and quantitative methods for analyzing cumulative watershed effects have been developed over the past 25 to 30 years (Berg et al 1996, Reid 1993). One of the earliest quantitative approaches used by the Forest Service was the equivalent clearcut area (ECA) method, which accounts for past and future effects of different types of disturbances by standardizing the effects and modeling the recovery over time. It was originally developed for use in northern Idaho and Montana (King 1989, USDA FS 1974) where it was used to measure the potential impacts of alternative timber harvesting schedules. A more encompassing model, equivalent roaded area (ERA), was later developed in the Pacific Southwest Region by using the same framework, and was extensively used in the Sierra Nevada Ecosystem Project (Menning et al. 1997).

Both models assume a direct linkage between vegetation disturbance and hydrologic response (i.e., peak flows and water yield) (Bosch and Hewlett 1982, Stednick 1996). Despite conflicting literature on the existence of these linkages and other limitations (Beschta et al. 2000, Menning et al. 1997), the model is still required for consultation with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Department and the U.S. Fish and Wildlife Service (USDC NMFS 1995, USDI FWS 1998) for all proposed management actions in the Blue Mountains national forests and elsewhere within the range covered by PACFISH (USDA USDI 1995a) and INFISH (USDA USDI 1995b) policies.”

If this model is not being used, how do the WEPP model or WATSED model meet the best available science requirement when the ECA for the project area is being calculated?

5. Fisheries:

Bull Trout and Westslope Cutthroat Trout (wct) are federally listed species. The fisheries analysis is required to include high quality information regarding historic and current fisheries populations in the waterbodies located within the project area. The fisheries analysis needs to include information regarding the anticipated impacts to fish habitat if the project were implemented.

The results of IPNF Forest Plan fisheries monitoring in the project area, including monitoring after storm events, needs to be disclosed in the fisheries section of the NEPA document.

If there is data that indicates bedload movement has increased in the watersheds as a result of the past Forest Service timber sales, this data needs to be included in the NEPA document.

If increased peak flows result in increased channel erosion, sediment transport, and widening of channels, would the widening of channels leads to increases in water

temperatures? The fisheries analysis needs to indicate whether previous monitoring of the water bodies in the project area noted widening of stream channels in one or more streams or Creeks.

The fisheries analysis needs to include high quality information that addresses the issue of wct and sensitivity to increases in fine sediment. The fisheries analysis needs to indicate whether wct in the project area or downstream of the project area have been impacted due to increases in fine sediment. If fine sediment has impacted wct in the CEA the fisheries section needs to describe the amount of fine sediment moving through streams and Creeks in the project area.

The fisheries literature being used that addresses the issue of wct and sensitivity to fine sediment needs to be included in the project files.

6. Cumulative effects analysis:

NEPA at 40 CFR 1508.7 states “*Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.*” There have been a number of previous Forest Service timber sales in the project area including; Alder Kid, Beaver Copter, Capitol Hill, Cinnabar Cedar, Cinnabar Clearance, Dudley Creek, Kings Ridge, Lower White, Upper White, and Unknown Pony. Over 70 MMBF of timber was removed and over 2,000 acres were clearcut after 1988 as a result of these timber sales.

The total number of acres of regeneration logging within the project area that occurred as a result of Forest Service timber sales after 1980 need to be disclosed in the NEPA document.

There appear to be a significant number of proposed logging units that are in a number of areas where logging after 1988 occurred. The CEA needs to indicate whether new logging units would be placed adjacent to units that were clearcut after 1988.

The notice on page five mentions proposed logging that would result in openings larger than 40 acres. Each of the areas proposed for logging that include openings larger than 40 acres logged after 1988 should be listed in the NEPA document.

The Council of Environmental Quality (CEQ) Memorandum to Heads of Federal Agencies, June 24, 2005, concerned cumulative effects analysis. If that Memo has been updated or replaced, there should be information indicating any changes to the 2005 Memo.

If there are missing NEPA documents associated with the previous FS timber sales, in particular the sales that occurred after 1988, the names of the missing documents need to be disclosed. The E.A.’s associated with the previous timber sales that are present need to be included as part of the project files so as to be available for public review, NEPA at 40 CFR 1502.21.

7. Fire issues:

The number of acres in the project area that are classified as dry forest should be displayed in the fire section.

The fire section needs to list and describe each of the computer models being used by the District for the fire analysis, with a discussion of the limitations of each model.

The fire section should also list and describe the USDA Forest Service technical reports that are being used as part of the financial analysis for the fuels treatments that would be performed as part of this project. There should be high quality data that indicates the expected costs associated with all fuels treatments that are associated with each Action Alternative.

If all costs associated with proposed fuels treatments are expected to exceed project revenue, what are the sources of the additional funds that would be necessary to perform all required fuels treatments?

The expected expenses that are associated with yearly monitoring of surface fuels conditions from ongoing and reasonably foreseeable fuels reduction activities need to be displayed in the NEPA document.

8. Noxious Weeds:

Are the NFS lands in the project area currently in compliance with Idaho Weed Law (Idaho Code Title 22, Chapter 24) If the NFS are not in compliance with the noxious weed laws, how many acres are not in compliance and what actions have been taken to bring the NFS lands into compliance?

9. Vegetation:

The notice on page three mentions mortality in the project and it is stated there are dead and dying trees throughout the project area. The various Forest Service vegetation/timber stand databases should contain accurate high quality information indicating each of the areas proposed for logging that contain the stands of dead and dying trees. This information should be included in the NEPA document.

The vegetation analysis should also indicate whether there are a significant number of stands with dead and dying trees that are directly adjacent to units logged after 1988, if this information is located in one or more databases.

Do the stands of high density of Douglas-fir proposed for logging also include mature stands 120 years old or older?

The vegetation analysis should include information indicating the expected volume of live Douglas-fir, grand fir, and lodgepole pine that would be removed with the logging of 2,057 acres. Information concerning the expected volume of dead Douglas-fir, grand fir, and lodgepole pine that would be logged should also be listed. If none of the databases have the capability to separate out volume information regarding stands of live tree species from dead tree species, this should be noted in the NEPA document.

If data is available, there should be information indicating the locations of the timber stands proposed for logging in each area that include Douglas-fir larger than 16" dbh.

10. Transportation:

The notice on page two describes, “poorly designed forest roads” and mentions a 2012 USFS Beaver Creek Watershed Assessment. The transportation analysis needs to include information concerning the number of miles of USFS forest roads constructed after 1985 in the project area, and indicate whether any of those roads are contributing to the impaired water quality status.

In particular, if new roads constructed with the Kings Ridge timber sale and Unknown Pony timber sale are contributing sediment to streams, the number of miles of new road construction and reconstruction for each of these sales needs to be listed in the roads analysis section.

If information is not available or there is incomplete information for forest roads constructed after 1985, this should be noted in the NEPA document.

The roads analysis also needs indicate whether one or more IPNF Forest Plan monitoring reports and/or Ranger District monitoring reports were produced as a result of Forest System Roads being damaged due to the flooding events that have occurred after 1996.

11. Economics:

On page four of the notice a number of activities are described that are associated with the Proposed Action. The economics analysis needs to describe the estimated dollar amount to perform all required activities and indicate whether one or more timber sales would be a deficit sale. The analysis should also indicate whether Douglas-fir, western larch and ponderosa are the highest value sawtimber species that would be put up for sale.

We wish to remain on the mailing list for this project.

Sincerely,

/S/

Mike Mihelich

Forest Watch Coordinator

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