



File Code: 1950

Date: March 21, 2005

Dear Interested Party:

The purpose of this letter is to inform you that I am proposing to programmatically amend the 1987 Forest Plan for the Idaho Panhandle National Forests (IPNF). The objective of this proposal is to remove from the forest plan those objectives, standards, and monitoring requirements for fisheries that pertain to fry emergence. These objectives, standards or monitoring requirements relate to maintaining at least 80 percent of fry emergence success in fishery streams.

The amendment would be done utilizing the procedures found in the 1982 National Forest System Land and Resource Management Planning Rule (36 CFR Part 219, Federal Register, Volume 47, No. 190). Based upon a preliminary review of information, I expect the amendment to be non-significant in nature.

Background

Fry emergence success is the ability of fish eggs to survive and hatch to become "fry", and emerge from the gravels. When the existing forest plan was developed in 1987, models for determining fry emergence based on fine sediment were popular and monitoring included in the forest plan (monitoring item G-1) required that we monitor and annually report on fry emergence success in various streams across the forest. The Forest Service did extensive sediment monitoring on the IPNF to determine fry emergence in 1988 and 1989. After analyzing the resulting data on 25 streams using approximately 610 core samples, the conclusions were that:

- The relationship between sampled inter-gravel fines/embeddedness parameters and the amount of timber harvest and roading in a watershed was weak;
- Although there was a general trend for higher levels of inter-gravel fine sediment and embeddedness in developed watersheds, there was a lot of "scatter and variability" observed in the data;
- The emergence success levels or trends in relation to the 80 percent standard could not be determined;
- This was primarily due to too much variation with sampling techniques and natural variation of sediment within streams.

These findings that fry emergence success was not a good monitoring tool to report stream health was documented in the 1989 Forest Plan Monitoring and Evaluation Report and the fry emergence monitoring requirement was combined with monitoring requirements to validate fish habitat trends (monitoring item G-3), which includes a comprehensive array of fisheries and hydrology parameters.

The forest plan based fry emergence success solely on fine sediment (IPNF Forest Plan, p. II-7), and models to predict it were initially developed based on laboratory studies. In the field, however, fine



sediment is one of many factors that can affect survival. Changes in natural conditions (such as floods, temperature regimes, geology) and human-induced causes (including increased sediment inputs) can affect fry emergence. With natural and human-caused agents affecting habitat, it is difficult to determine what proportion of mortality is due to each cause. As a result, fry emergence is highly variable, and the underlying relationship between sediment in redds (nests) and survival is difficult to predict.

The *Decision Notice and Finding of No Significant Impact for the Inland Native Fish Strategy* (INFISH) signed in 1995 by then Regional Foresters Hal Salwasser, Dale N. Bosworth, and John E Lowe, amended 22 forest plans within Forest Service Regions 1, 4, and 6 to include additional management direction pertaining to riparian goals, riparian management objectives, and monitoring. The IPNF Forest Plan was one of the plans amended by this decision notice. The intent of the riparian management objectives was not to establish a ceiling for what constitutes good habitat conditions. Actions that would reduce habitat quality, whether existing conditions are better or worse than the objective values would be inconsistent with the purpose of INFISH. As a result, projects on the IPNF can only be found consistent with existing forest plan direction for fish if the project does not contribute to a degradation of aquatic habitat.

Contrary to the purpose of the INFISH Forest Plan Amendment, the fry emergence standard currently within the IPNF Forest Plan does allow for degradation of aquatic habitat. First, it allows degradation of 20% fry emergence success from pristine (or potential) condition. It then allows further degradation beyond 20% through direction contained in Appendix I. Appendix I of the IPNF Forest Plan details procedures forest fish biologists and hydrologists are to follow if the cumulative effect of a proposed action, in combination with other past actions is predicted to result in stream sedimentation levels that are greater than (exceed) a 20 percent reduction in fry emergence. In such instances a more detailed fishery/watershed analysis to be undertaken by the fish biologist is the remedy for not meeting the standard. There is no requirement that a project be modified to meet the standard (i.e. corrective action taken) prior to its implementation, rather:

Based upon this analysis, the specialists will provide the line officer with their best professional judgment on the significance of the project on the water resource. The officer will make a decision on the project incorporating socio-economic and multi-resource considerations. If there is a desire to pursue a project, which has been judged to have a significantly negative effect on water resources, it will be reviewed by the State for conformance with water quality standards prior to the final decision. (IPNF Forest Plan, p. I-2)

The *Decision Notice and Finding of No Significant Impact for the Inland Native Fish Strategy* stated that the INFISH standards and guidelines are to replace existing conflicting direction in the amended forest plans, except where forest plan direction provides for more protection for inland native fish habitat. Since 1995 and the amendment of the IPNF Forest Plan to include the INFISH standards and guidelines, it has consistently been the position of the Forest Service that because the INFISH standards and guidelines do not allow for the implementation of projects that would result in aquatic habitat degradation, while the fry emergence standard does allow for such projects to be implemented, that the fry emergence standard is superceded by the INFISH standards and guidelines.

In March 2002 the United States District Court for the Eastern District of Washington in *Lands Council v. Vaught* upheld the Forest Service position that the fry emergence standard in the IPNF Forest Plan was superceded by the INFISH standards and guidelines. However, in August of 2004, the United States Court of Appeals for the Ninth Circuit in *Lands Council v. Powell* ruled that the two standards do not necessarily conflict and instructed the Forest Service to demonstrate consistency with both INFISH and the fry emergence standard.

Purpose and Need for the Amendment

As I have discussed above, forest plan monitoring and other independent research has shown that fry emergence models give highly variable results, have limited application, and do not reliably predict the effects of stream sedimentation on fry emergence success. The recent United States Court of Appeals for the Ninth Circuit finding that the INFISH standards and guidelines and fry emergence standard are not in conflict would require the Forest Service to determine, based upon monitoring data, if the fry emergence standard (maintain at least 80 percent fry emergence success) is being achieved in streams containing fish. Because of the limited application of the fry emergence models and their unreliability, and the inability to determine fry emergence success in the field due to high variability affected by multiple natural and human-caused factors, the Forest Service would not be able to state with any degree of certainty whether measures of fry emergence success are accurate.

Regulations for implementing the National Environmental Policy Act require that environmental information used to support conclusions made in our site-specific project decisions (fuel reduction projects, timber sales, recreation projects, watershed restoration projects, etc...) be of high quality and accurate. The National Forest Management Act requires that our site-specific project decisions demonstrate compliance with the standards contained in our respective forest plan. In using the fry emergence model we cannot demonstrate that the model either provides high quality, accurate scientific information or supports consistency findings with forest plan fish standards; therefore, there is a need for amending the IPNF Forest Plan.

Proposed Action

To achieve the above stated purpose and need, I am proposing to amend the IPNF Forest Plan by removing from the forest plan or modifying the following sections that pertain to fry emergence:

- 1) Forest plan objectives for fisheries (p. II-7): The following sentences would be removed:

“Sedimentation arising from land management activities will be managed so that in forest fisheries streams the objective is to maintain 80 percent of fry emergence success as measured from pristine conditions. Appendix I details the analysis process.”

- 2) Forest plan standards for fisheries (p. II-29): Standard #1 for fish, which reads as follows, would be removed:

Activities on National Forest lands will be planned and executed to maintain existing water uses. Maintain is defined as “limiting effects from National Forest activities to maintain at least 80 percent of fry emergence success in identified fishery streams.” The percent is measured from pristine conditions. Current methodology will not detect an impact of less than 20 percent. During the life of the plan, new technologies may permit more precise assessments; however, the goal of this standard will remain as “to maintain 80 percent of fry emergence success.

- 3) Forest plan standards for fisheries (p. II-30): Standard #2 for fish would be removed in its entirety:

Streams providing spawning and rearing habitat, which are considered critical to the maintenance of river and lake populations of special concern, will be managed at a standard higher than the 80 percent standard. Monitoring will be needed to detect this

higher standard. The high value streams are: (the list of high value streams listed in the forest plan is not presented here)

- 4) Forest plan standards for fisheries (p. II-31): Standard #6 would be modified to delete the reference to Appendix I.
- 5) Table IV-2 of the forest plan (p. IV-11), which pertains to forest plan monitoring requirements would be modified to delete monitoring item G-1 – *Greater than 80% of potential emergence success.*
- 6) *Appendix I* would be removed from the forest plan.

What aquatic habitat standards and monitoring requirements would remain in the IPNF Forest Plan? The existing INFISH direction would remain in the forest plan. While originally intended to be 18-month interim direction, INFISH is now in place until “local administrative unit land use plans are amended or revised to identify different long-term strategies” (1/29/03 Interior Columbia Basin Management Plan Strategy documents). INFISH direction is meant to protect the structure and function of riparian and stream systems, of which sediment is one factor. Instead of trying to determine how much sediment is in streams, INFISH aims to limit sediment delivery from management activities into streams through designation of Riparian Habitat Conservation Areas (RHCAs) and application of standards and guidelines for activities. INFISH implementation and effectiveness monitoring efforts, which have been ongoing for several years, will continue. Other fisheries-related monitoring requirements (G-3 – Validate fish habitat trends, and G-4 – Fish population trends) will remain in the forest plan. Any sediment monitoring efforts will continue to be reported as part of G-3. In addition, the existing standards contained in the forest plan pertaining to water quality (p. II-33) would not be affected by this proposed amendment.

Preliminary Issues and Alternatives

Section 102(2)(e) of the National Environmental Policy Act states that all Federal agencies shall “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflict concerning alternative uses of available resources.” The INFISH standards and guidelines would remain in the forest plan and as previously stated they do not allow for implementation of site-specific projects that would result in a degradation of aquatic habitat conditions. Therefore, the interdisciplinary team was not able to identify any preliminary issues that would involve unresolved conflicts concerning alternative uses of available resources because aquatic habitat conditions across the Forest would be unaffected by the proposed removal of the fry emergence standard from the forest plan. As a result, preliminary alternatives consist of the proposed action and a no-action alternative, which would retain the fry emergence standard in the forest plan.

Comments

If you have information you feel the Forest Service may not be aware of, or feel you have issues (points of dispute, debate or disagreement) regarding the proposed action please send those issues in writing to Karl Dekome at:

Idaho Panhandle National Forests
Forest Supervisor’s Office
3815 Schreiber Way
Coeur d’Alene, Idaho 83815

Comments should include: 1) name, address, telephone number, organization represented, if any, 2) title of the document (fry emergence amendment) on which the comment is being published; and specific issues and concerns for me to consider.

We will use any significant issues that are identified to develop alternatives to the proposed action. It is very important that those interested in this proposal, as now defined, submit comments by April 8, 2005, so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the environmental assessment. If you use scientific research in support of your comments, be specific as to how the referenced research supports your contention and please include a copy of the research with your comment letter so we may respond to this research in the environmental assessment. A completed environmental assessment will be mailed to those people who have submitted comments or have requested a copy. The environmental assessment will be made available for a 30-day public review and comment period, after which a decision on this project will be made by June 2005.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal or file objection to the subsequent decision.

The 1987 IPNF Forest Plan and recent monitoring reports are available on our website at: <http://www.fs.fed.us/ipnf/eco/manage.html>. If you have any questions, please contact Karl Dekome at (208) 765-7479.

Sincerely,

/s/ Craig Bobzien (for):
RANOTTA K. MCNAIR
Forest Supervisor