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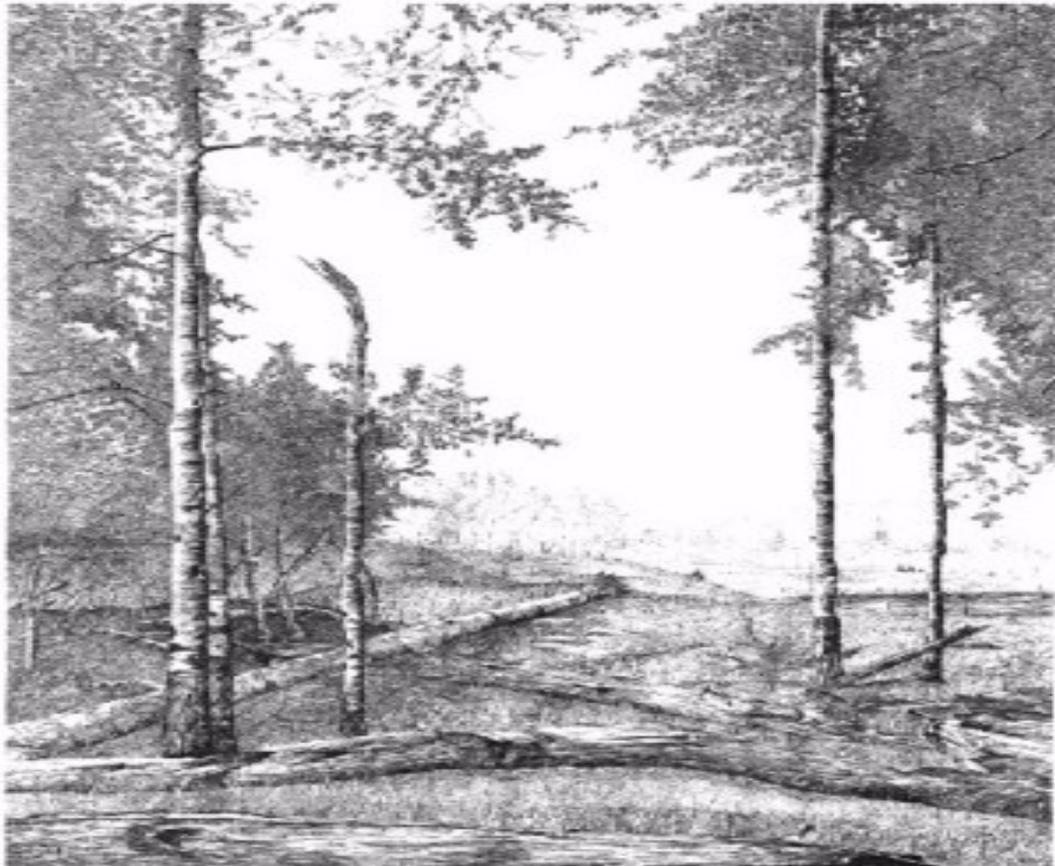


Grandmother Mountain Land Exchange

Decision Notice and Finding of No Significant Impact

Idaho Panhandle National Forests

St Joe, Coeur d' Alene, and Bonners Ferry
Ranger Districts
Shoshone and Boundary Counties, Idaho



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[October 2007]

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Decision Summary

This Decision Notice (DN) documents my decision to select Alternative 1, as described in the Grandmother Mountain Land Exchange Environmental Assessment (EA) issued March 2007. This decision will exchange approximately 1,325.38 acres of Federal land described as the **Federal Lands to be Conveyed** in Table 4 (page 19) to Forest Capital Partners LLC, also known as Patriot Investments LLC for approximately 2,394.38 acres of non-Federal land described as the **Non-Federal Lands to be Acquired** in Table 5 (page 19) owned by Forest Capital, LLC. The exchange will be completed in accordance with the Weeks Act of 1911, as amended; the General Exchange Act of 1922, as amended; the Federal Land Policy Management Act of 1976, as amended, and the Federal Land Exchange Facilitation Act of 1988.

I am the responsible official for this project. The scope of my decision is limited to the actions described in the EA and this Decision and Finding of No Significant Impact. This decision is site-specific.

Refer to the maps of the exchanged lands, following the text at the end of this DN. Additional information regarding the selected alternative, including legal descriptions of the Federal and Non-Federal lands to be exchanged, can be found on page 19 of this DN.

Background

The proposed Grandmother Mountain Land Exchange evolved from two land exchanges proposed in 1997; the Little North Fork of the Clearwater River Land Exchange and the Grandmother Mountain Land Exchange. In both of these proposed exchanges, the non-Federal party was Plum Creek Timber Company.

The parties executed an Agreement to Initiate (ATI) for each land exchange in January 1997. Following a field review in the fall of 1998, the Idaho Panhandle National Forests (IPNF) determined acquisition of five of the Little North Fork non-Federal parcels would not be in the public's best interest. The remaining non-Federal parcels (Adair Creek, Daveggio Creek, Two Dot Peak, and Fishhook Peak) were added to the Grandmother Mountain Exchange in a 1999 amendment to the ATI. That amendment also added the Whistling Creek Federal parcel to the exchange proposal.

In 2000, Plum Creek sold its timberlands in the St. Joe area to Crown Pacific. In 2002, Crown Pacific timberlands were purchased by Forest Capital Partners, LLC. At that time, the Falls Creek and Marble Creek Federal parcels were deleted and the non-Federal Myrtle Creek parcel was added to the proposal. In 2003, the Myrtle Creek parcel burned in a wildfire and was subsequently salvage logged by Forest Capital.

The final Proposed Exchange configuration is documented in an ATI executed by Forest Capital, LLC and the IPNF in 2005; refer to Project Record (PR).

Purpose and Need

The purpose of this Proposed Land Exchange is to provide for more effective management of National Forest System (NFS) lands and private timberlands through consolidation of existing Federal and private ownership.

Currently there are isolated Federal parcels adjacent to or surrounded by Forest Capital parcels as well as isolated Forest Capital parcels adjacent to or surrounded by NFS lands. Isolated land parcels are difficult and more expensive to access and manage. There is a need to consolidate ownership to improve access, reduce management costs, and provide improved opportunities to meet Forest Service (FS) and private management objectives for these lands.

Several Forest Capital parcels are in and adjacent to the Grandmother Mountain Roadless Area. One Forest Capital parcel adjacent to the Kootenai Wildlife Refuge includes the falls near the mouth of Myrtle Creek. This parcel is also within the Bonners Ferry Municipal watershed and the Myrtle Creek Grizzly Bear Management Unit. There is a need to protect aquatic, wildlife and other resource values in and adjacent to the Grandmother Mountain Roadless Area, as well as the Myrtle Creek Watershed. By exchanging land parcels with Forest Capital, there is an opportunity to achieve the need to protect roadless values and unique areas, increase Federal ownership within a municipal watershed and contribute towards the protection of aquatic resources and wildlife habitat.

This land exchange responds to the goals and objectives outlined in the August 1987 Forest Plan (FP) (Chapters I & II) and helps to move towards desired management described under Management Area Direction (Chapter III).

Proposed Action

Alternative 1, the Proposed Action, is described in detail in the EA and later in this Decision Notice. Refer to page 9, Alternatives Considered in Detail, Alternative 1: Proposed Exchange.

Scope of the Decision

As the Forest Supervisor of the Idaho Panhandle National Forests, through the authority delegated by the Director of Recreation, Minerals, Lands, Heritage and Wilderness, I am the responsible official for this decision. My decision to implement an alternative is documented in this Decision Notice. The decision reached at the conclusion of this analysis will be effective upon completion of the formal land exchange process. Specifically, I will decide on one or more of the following decisions:

1. Whether or not to exchange Federal parcels for Forest Capital parcels of equal value.
2. To grant access to Forest Capital parcels and if granted what actions would be required by Forest Capital and the FS prior to granting easements.
3. To protect affected existing land use and authorizations on Federal lands to convey within the decision area, and if so how.
4. To identify specific proposed mitigation measures, if any, necessary to implement the FP and achieve FP management direction for specific resources.
5. To refine a preferred equal value alternative in light of this analysis and final appraisal values.

Public Involvement (Scoping)

Legal notices on the Proposed Grandmother Mountain Land Exchange inviting scoping comments were published in the Shoshone News-Press, the Spokesman Review, and the Bonners Ferry Herald for four consecutive weeks during November and December 2005. Notices were also published in the St. Maries Gazette Record for three consecutive weeks in November 2005,

and again on March 15, 2006. These notices asked for public comment on the Proposed Exchange from November 9, 2005 through April 29, 2006. In addition, as part of the public involvement process, the IPNF mailed in October and November 2005 written notices describing the Proposed Exchange to the county commissioners, Federal congressional delegations, the Coeur d'Alene Tribe, and numerous other individuals, organizations, businesses, and agencies (PR).

Meetings occurred in June and July 2005 between the FS and Boundary and Shoshone County Commissioners. The history of the Proposed Exchange was outlined, the purpose and need for the proposal was explained and maps were handed out. The commissioners expressed concern about the Proposed Exchange adding acreage to Federal management. Ways to mitigate this concern are discussed in the PR. However, the commissioners did not provide any formal written opposition to the Proposed Exchange.

The FS worked with the affected Tribes on a government-to-government basis and in a manner that attempts a reasonable accommodation of their needs, without compromising the legal positions of the Tribes or the Federal government

In June, 2005, Bonners Ferry District Ranger Mike Herrin met with representatives of the Kootenai Tribe of Idaho. The Proposed Exchange was described and discussion focused on the Myrtle Creek non-Federal parcel proposed for acquisition in Boundary County. The purpose and need for the Proposed Exchange was explained to Tribal representatives (PR).

The proposed exchange has been discussed with representatives for the Coeur d'Alene Tribe on several occasions, including meetings at tribal offices in May 2005 and January 2006. Individual parcels in the Proposed Exchange were discussed and the purpose and need for the proposal was explained. Tribal representatives indicated that it appeared the Tribe would be favorable to the proposal because of the Federal acquisitions in the vicinity of Grandmother Mountain (PR).

The Grandmother Mountain Land Exchange Scoping Content Analysis (January 2006) evaluated six written responses (PR). Respondents were from two states, the majority being from Idaho. Respondents included business, County agency, State agency, and groups or organizations. The scoping comments were separated into fourteen (14) categories. Individual substantive comments and categories are documented in the Content Analysis filed in the PR. Public comments received after the completion of the Content Analysis continued to be considered. All American Indian government-to-government consultation/relations throughout the NEPA process was incorporated into the decision making process.

Pursuant to the Ominbus Consolidated and Emergency Supplement Appropriations Act of 1999 (112 Stat.2681), a notice of the Proposed Exchange was submitted to the appropriate Senate and House Appropriation Committees for a 30-day review period on March 23, 2007. No comments were received.

Internal scoping involved consulting with key specialists on the affected districts, Rocky Mountain Ecosystem Service, Inc. consultant and the Forest Supervisor's Office. Copies of internal scoping documents are filed in the PR.

Issues

Based upon interdisciplinary (ID) team recommendations on scoping comments and consultation with American Indian tribes, three significant issues were identified. They include: 1) water quality/fisheries 2) threatened, endangered and sensitive species/special habitats and 3) social and

economics. The following significant issues were used to develop the alternatives to the Proposed Exchange, as well as to evaluate and compare the alternatives.

1) Water quality/fisheries

The Proposed Exchange and the subsequent planned road construction, road maintenance, and logging have a potential to increase water temperatures and introduce sediment into streams. Affected streams have a potential to cumulatively degrade the quality of fish habitat for spawning, foraging, migration and rearing and may result in a decrease of fish populations.

Indicator measures: 1) Net change of intermediate and perennial stream miles to Federal estate; 2) analysis area increase of long-term sediment yield per year; 3) analysis area increase of short-term sediment yield per year; 4) number of new road construction stream crossings; 5) net change of perennial fish stream miles to Federal estate; 6) Net change of bull trout stream habitat miles to Federal estate and, 7) an assessment of the potential for decreasing trends in fish habitat quality.

2) Threatened, endangered and sensitive species/special habitats

The Proposed Exchange and the subsequent planned road construction, road maintenance, and logging may result in an increase or decrease of threatened, endangered and sensitive species habitats. In addition, the Proposed Exchange may result in the net loss of old growth and recruitment old growth.

Indicator measures: 1) Old growth acres affected by alternative; 2) compliance with FP old growth standards and guidelines; 3) affected mature and immature habitat acres for management indicator species (MIS); 4) potential for adverse impacts to big game MIS; 5) effect on lynx population viability and habitat and, 6) effect on non-game MIS population viability and habitat.

3) Social and Economic

The Proposed Exchange has the potential to affect traditional land uses and lifestyles. The Proposed Exchange may have the potential to affect NFS land management and administrative costs.

Indicator Measures: 1) Net change Pinchot Butte Roadless Area acres to Federal estate; 2) Net change Grandmother Mountain Roadless Area acres to Federal estate; 3) Change in roadless area attributes for Big Creek Roadless Area; 4) Change in roadless area attributes for Grandmother Mountain Roadless Area; 5) Change in roadless area attributes for Pinchot Butte Roadless Area; 6) One time administrative savings; 7) Change in annual administrative costs, and 8) Change in Shoshone and Boundary County tax revenues.

Table 1 compares indicator measures of significant issues by alternatives considered in detail.

Table 1. Comparison of Significant Issues by Alternative

Significant Issue	Alternative	
	1 Proposed Action	2 No Action
Water Quality/Fisheries		
Net change of intermediate and perennial stream (miles) to Federal estate	6.4	0
Analysis area increase of long-term sediment yield (Tons/Year)	9.0	15.9
Analysis area increase of short-term sediment yield (Tons/Year)	11.3	20.0
Number of new road construction stream crossings	14	25
Net change of perennial fish stream (miles) to Federal estate	6.15	0
Net change of bull trout stream habitat (miles) to Federal estate	1.8	0
Analysis area would likely have a decreasing trend in fish habitat quality	No	Yes
Threatened, Endangered and Sensitive Species/Special Habitats		
Old growth affected by alternative	220+ acres acquired	12 allocated acres not conveyed
Forest Plan old growth standards and guidelines met	Yes	Yes
Affected mature and immature habitat for MIS species	1,475 acres acquired	1,100 acres not conveyed
Potential for adverse impacts to big game MIS	Less than Alternative 2	Greater than Alternative 1
Effect on lynx population viability and habitat	No adverse effect	No adverse effect
Effect on non-game MIS population viability and habitat	No appreciable effect	No appreciable affect
Social and Economic		
Net change Pinchot Roadless Area (acres) to Federal estate	+80	0
Net change Grandmother Mountain Roadless Area (acres) to Federal estate	+1,279	0
Change in Roadless Area attributes for Big Creek Roadless Area	Would degrade	No Change
Change in Roadless Area attributes for Grandmother Mountain Roadless Area	Protected and/or improved	Would degrade
Change in Roadless Area attributes for Pinchot Butte Roadless Area	Protected and/or improved	Would degrade
One time administrative savings to IPNF	\$388,000	0
Change in annual administrative costs to IPNF	minor decrease	No change
Change in Shoshone and Boundary County tax revenues	Minimal decrease	No change

Other concerns expressed during scoping and on the completed EA are described either in the EA or in the response to comments on the EA (PR).

Alternatives Considered in Detail

Two alternatives were considered in detail, Alternative 1 – (Proposed Action) Land Exchange and Alternative 2 – No Action.

In making my decision, the primary factors I considered were how each alternative achieved the purpose and need for the proposal, how each proposal responded to the three significant issues identified through scoping, and the public comments received on the EA. I also considered how best the resource values and public objectives served by the non-Federal lands to be acquired equal or exceed the resource values and the public objectives served by the Federal lands to be conveyed. I gave full consideration to the opportunity to achieve better management of Federal lands and resources, to meet the needs of the State, Counties, and local residences and their economies, and to secure important objectives. A summary of the issues and the consequences of the alternatives relative to the issues appear in Table 1, page 8. The EA provides more detailed information related to the significant issues, concerns and consequences of the alternatives.

Alternative 1: Proposed Exchange

The Forest Service, U.S. Department of Agriculture and Forest Capital, LLC, acting through their authorized representatives, would exchange approximately 1,325.38 acres of Federal land and 2,394.38 acres of non-Federal land located within the boundaries of the IPNF (Refer to the maps of the exchanged lands, following the text at the end of this DN.). The legal descriptions are located in this Decision Notice (Tables 4 and 5). The mineral estate of the Federal and non-Federal parcels would be conveyed along with the surface estate.

Trail easements for trails 8 and 555 would be reserved to the United States across the Lemonade Peak Federal tract (T. 47 N., R. 2 E., NE¹/₄NE¹/₄).

A right-of-way for ditches and canals will be reserved to the United States across the Whistling Creek Federal tract (T. 44 N., R. 7 E., section 20).

An easement on Forest Road 633 will be granted to Forest Capital across the Myrtle Creek parcel (T. 62 N., R. 1 W., section 23). Segments of seven road easements held by Forest Capital across Federal lands will be terminated. Segments of nine road easements granted to the United States across non-Federal lands will be terminated.

Forest Service will modify the special use permit for a municipal water system held by the City of Bonners Ferry across the Myrtle Creek parcel (T. 62 N., R. 1 W., section 23) to include all improvements related to the water system.

The Proposed Exchange would occur pursuant to:

- The General Exchange Act of March 20, 1922, (42 Stat. 465, as amended; 16 U.S.C. 485, 486)
- The Weeks Law Act of March 1911, as amended, (36 Stat 961; 16 U.S.C. 515-516)
- The Federal Land Policy Management Act of October 21, 1976, as amended, (90 Stat 2743; 43 U.S.C. 1715-1717)
- The Federal Land Exchange Facilitation Act of August 20, 1988, (102 Stat. 1086; 43 U.S.C. 1716(note), 751(note))

The St Joe, Coeur d'Alene River, and Bonners Ferry Ranger Districts on the IPNF of Region 1 are the affected management units. Affected acres by county are shown in Table 2.

Table 2. Affected Acres by County

County	FS Acres to Convey	Private Acres to Acquire
Shoshone County	1325.38	2119.53
Boundary County	0	274.85
Totals	1325.38	2394.38

Parcels proposed for exchange (Federal and non-Federal) are within the geographic area of ceded lands and/or area of interest of the Coeur d’Alene Tribe and the Kootenai Tribe of Idaho.

The Proposed Exchange would authorize the transfer of land ownership and management authority between the parties. The FS would manage the acquired parcels in accordance with the IPNF Forest Plan, August 1987. Forest Capital would manage the acquired parcels similar to the anticipated management plans located in the PR.

Rights previously conveyed or permitted by the United States on National Forest parcels to convey would be protected. These rights include easements, water rights and cost share agreements.

Existing management area (MA) acre allocation of all parcels proposed for conveyance and proposed MA acre allocation of all parcels proposed for acquisition are displayed in Table 3. Land exchange regulations (36 CFR 254.3(f) state: “Lands acquired by exchange that are located within areas having an administrative designation established through the land management planning process shall automatically become part of the area within which they are located without further action by the FS, and shall be managed in accordance with the laws, rules, and regulations and land and resource management plan applicable to such area.”

Table 3. Alternative 1- MA Acre Allocation for All Parcels to Convey and Acquire

MA	Management Area Descriptions	FS Acres to Convey	Private Acres to Acquire	Acres Net Change
Idaho Panhandle National Forests				
1	Timber production distributed throughout the Forest	400	280.03	-119.97
3	Timber production within grizzly bear and big game winter habitat	0	274.85	+274.85
6	Timber production and within important elk summer range habitats	320	320	0
9	Areas of non-forest lands; not capable of producing industrial products; physically unsuited for timber production; capable of timber production but isolated by the above landtypes or nonpublic ownership	605.38	120	-485.38
10	Areas that have high value for semi-primitive recreation that are in blocks of 2,500 acres or more and are part of the roadless resource	0	1,399.5	+1,399.5
Totals		1,325.38	2,394.38	1,069.00

Alternative 2: No Action

The Proposed Land Exchange between the FS and Forest Capital would not occur. The current landownership pattern within the analysis area would remain the same.

Alternatives Not Considered In Detail

Five additional alternatives were considered but not analyzed in detail.

Exchange Selected Federal Parcels and Maximize Cash Payment to Forest Capital (up to 25% of the Appraised Value of the Federal Parcels) to Achieve Equal Value

This alternative was dropped from further consideration for several reasons. First, it is the policy of the FS to minimize, to the greatest extent possible, equalization payments. Inclusion or exclusion of lands is the preferred methods to equalize. When comparing to other regional and national priorities, it is unlikely that the FS could get the Land and Water Conservation (LWCF) funding needed for such an equalization payment. Additionally, it is possible that the FS would not achieve its purpose and need goals to the greatest extent. Isolated Federal parcels that could have been exchanged, if lands rather than cash were used to equalize values, would remain in Federal ownership under this scenario. Lastly, this alternative would not be responsive to county commissioner scoping concerns related to the net reduction in private lands. Further, private land reduction would likely result in a greater loss of property tax revenues in the two county study area. Compared to the Proposed Action Alternative, less Federal lands would enter private ownership to offset revenues being lost by the counties.

Purchase the non-Federal Parcels Identified in the Proposed Action Alternative

This alternative was not acceptable to Forest Capital because the company does not want to sell their timber producing lands (PR). Selling lands at fair market value which are managed for sawlogs would not meet company long term goals and objectives. This alternative would also not achieve the FS need to convey isolated land parcels that are difficult and more expensive to access and manage. Also, when comparing to other regional and national purchase priorities, it is unlikely that the FS could get the LWCF funding needed for purchase. Finally, this alternative would significantly reduce private land ownership; therefore not address the county commissioners' concern related to increased loss of property tax revenues in the two county study area.

Require Deed Restrictions or Conservation Easements on Conveyed Federal Parcels

Completing the Proposed Exchange with the addition of a deed restriction or conservation easement on Federal parcels to convey was considered and discussed by the FS with Forest Capital.

The FS reviewed the need for a deed restriction or conservation easement though the process of evaluating effects in the environmental analysis. In Chapter 3, the existing condition of the affected environment and the possible effects of Forest Capital's foreseeable management actions were disclosed. Deed restrictions or conservation easements on conveyed parcels would not significantly address issues related to Threatened and Endangered species, sensitive species, old growth, wetlands/floodplains, and heritage resources. The EA did identify a need for the United

States to reserve trail easements for trails 8 and 555 located in the Lemonade Peak parcel. This reservation would assure continued public access to these trail systems and assure the trails are protected from Forest Capital road construction and timber harvesting. Reservation of trail easements for trails 8 and 555 in the Lemonade Peak parcel were included as a required mitigation measure under the Proposed Action Alternative.

The net effects of the Proposed Exchange would be a benefit to fish including the listed bull trout. The long-term effects of Alternative 1 would result in some beneficial effects to fish habitat as well. Alternative 1 would only convey .45 miles of fish bearing stream that would likely have decreasing trends in fish habitat quality. Most of this would occur in the Whistling Creek Drainage, a non bull trout stream, which has already been degraded; therefore deed restrictions or conservation easements on the Whistling Creek parcel would not benefit the threatened bull trout. The activities associated with Alternative 1 may impact westslope cutthroat trout individuals or their habitat, but will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species as described in the EA Environmental Consequences narrative and biological assessment/biological evaluations (BA/BE); therefore deed restrictions or conservation easements would not significantly benefit westslope cutthroat trout.

Chapter 3 of the EA reveals the habitat values for threatened, sensitive and management indicator wildlife species on conveyed parcels in the Proposed Exchange do not warrant protection under this alternative. The Proposed Exchange would convey 12 acres of allocated old growth located on a Federal parcel. The Proposed Exchange would have a net increase of about 208 acres of old growth on the Federal estate; both initially and in the future. Regardless, because of current old growth allocations on the IPNF (i.e. allocation exceeds the 10% standard) the conveyance of 12 acres of allocated old growth would be in compliance with FP standards (IPNF, 2004) therefore deed restrictions or conservation easements would not significantly improve old growth habitat on the IPNF.

Executive Orders 11988 and 11990 direct the FS to take special care when undertaking actions that may affect wetlands or floodplains, directly or indirectly. Agencies are required to avoid disturbing these unique areas whenever there is a practical alternative that would minimize environmental harm. The Proposed Exchange would result in a net increase of 1.1 acres of floodplains and .7 acre of wetlands under Federal management. A review of existing wetland and floodplain acreage on conveyed parcels revealed deed restrictions or conservation easements would not significantly contribute towards protection of unique wetland and floodplain resources.

There are no sites eligible for the National Register of Historic Places on the Federal parcels to convey. This alternative would not contribute towards the protection of heritage resources or other areas considered as being of interest to the affected American Indian tribes.

Forest Capital by letter dated September 7, 2006 stated “Deed restrictions and/or conservation easements encumbering land received by Forest Capital are not desirable. Forest Capital does participate in large and small scale conservation easements with various organizations but is compensated for the property rights lost. The Forest Capital lands received by the USFS are not encumbered and Forest Capital expects the USFS lands it receives are unencumbered except for the required mitigation easements on trails 8 and 555 (PR). Since this alternative would not be acceptable to the non-Federal party, it would have the same consequence as the No Action Alternative. If the FS were to insist on this alternative, the Proposed Exchange alternative would no longer be viable.

Based upon information disclosed in Chapter 3 of the EA, I determined that deed restrictions or conservation easements on conveyed parcels is not warranted to comply with legal, regulatory requirements, executive orders, policy, or to meet Forest Plan management requirements; except that reserved trail easements will be required for trails 8 and 555 in the Proposed Action. Therefore, deed restrictions or conservation easements were not fully developed or analyzed, except as the No Action Alternative and the mitigation requirement in the Proposed Action.

Donation of Forest Capital Parcels in the Proposed Action Alternative to the FS

This alternative was not acceptable to Forest Capital. Donating lands managed for timber production to the FS would not meet company long term goals and objectives. Also, this alternative would significantly reduce private land ownership; therefore not address the county commissioners' concern related to increased loss of property tax revenues in the two county study area.

Acquire Non-Federal Parcels from Forest Capital in Exchange for National Forest Timber or Receipts for National Forest Timber

This alternative is similar to the Purchase Alternative except funds for payment of private parcels would come from receipts for National Forest timber rather than LWCF land purchase money. It is the policy (FSM 5430) to use land-for-timber authority only in high-priority cases that cannot be postponed, and/or meet the following criteria: 1) acquisition of inholdings, valued at 250,000 dollars, or less when public benefits are clearly evident; 2) if unsuccessful attempts to complete land-for-land exchanges are documented in the case file; and 3) if the public has been notified and there are no objections to the exchange. This alternative would not meet criteria 1 and 2. Land-for-timber exchanges always reduce receipts to counties because of the potential future loss of the 25% share of timber receipts that goes to counties, in addition to the loss of tax base. The FS is not agreeable to this alternative because it would prevent loggers and other sawmills from competing for Federal timber volume that is in high demand. The acquisition of private inholdings without conveying Federal parcels would not achieve the purpose and need for the FS or Forest Capital.

Environmental Consequences

Table 1 in this Decision Notice compares indicator measures of significant issues by alternatives considered in detail. I have reviewed the Grandmother Mountain Land Exchange EA March 2007 detailed discussion on the effects of significant issues and other concerns identified in scoping as I considered this decision.

Public Comments on the Environmental Assessment

Legal notices requesting comments on the Environmental Assessment (EA) were published in the Coeur d'Alene Press on 3/28/07. Copies of the EA were mailed to a total of eight individuals or parties. In addition, the EA was available on the IPNF website:
http://www.fs.fed.us/ipnf/eco/manage/nepa/sonepa/gmlex/gmlex_ea.pdf

Two letters with comments were received in response to the EA within the comment period deadline. Comments on the EA are summarized in the Response to Comments below. Scoping comments and responses to the comments on the EA are also available in the PR. Generally, the questions and concerns brought forward during public scoping were addressed in the EA. Any

questions and concerns not addressed by the EA but included in the comments on the EA are either addressed in the response to comments on the EA and/or further clarified in my rationale for the decision.

Response to Public Comments on the Environmental Assessment

Alternatives – 100

1. The EA dismisses any alternative to the proposed action. Certainly, there are other parcels that could be exchanged or a purchased, partial purchase, or conservation easement options that should have been evaluated. Dismissing such alternatives may violate case law on the issue of land exchanges. (1/1)

Response: The proposed action alternative evolved from two land exchanges proposed in 1997. Public scoping in 1998 along with field reviews that same year revealed that some Federal parcels being considered for conveyance would not be in the public's best interest (EA pages 1 & 2). Continued evaluation by FS lands staff and interdisciplinary team members identified parcels to convey and acquire that would achieve the purpose and need statements (EA page 2) and achieve compliance with forest wide management direction. The Grandmother Mountain proposed exchange alternative was finally identified after Forest Capital Partners acquired and approved the non-Federal parcels proposed for acquisition.

NEPA regulations 40 C.F.R. Part 1502.14 state the environmental impacts of the proposal and the alternatives are to be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. Other significantly different levels of exchange (conveyed and acquired parcels), purchase and conservation easements were not acceptable to the FS or Forest Capital; therefore other exchange alternatives that sharply define the issues and provide a clear basis for choice were not feasible. The alternatives evaluated in detail do not prejudice the decision. Minor changes to the proposed action would not be sensitive to the issues and provide a clear basis for choice. Reasons for eliminating alternatives considered but eliminated from detailed study were disclosed on pages 12-15 of the EA.

2. The EA also should have looked at an alternative that kept the 555 and 8 trails in public ownership. Such an alternative would not have taken much out of the parcel to be exchanged. (1/5)

Response: The EA states trail easements for trails 8 and 555 would be reserved to the United States (EA pages 10 and 82). These reservations would be a condition of the proposed exchange to assure public access to these trail systems. Retaining the land immediately adjacent to trails 555 and 8 in public ownership would require an expensive and unnecessary survey and maintenance of property boundary that intrudes into adjacent private lands. This situation would not achieve the purpose and need of providing for more effective management of NFS lands. Public access and use of trails 8 and 555 are effectively maintained through the deed reservations.

3. The EA dismisses an alternative that considers easements as part of the package. However, easements are part of the exchange in terms of trail use and access (see pages 4, 10, 60, and 83). Could you please explain this inconsistency? (1/15)

Response: Page 4 of the EA documents Forest Capitals anticipated public access policies for the proposed exchange alternative and the no action alternative. Pages 10, 60 and 83 states that easements would be reserved to the United States for existing trails 8 and 555. Forest Capital has agreed to trail easement deed reservations as part of the condition for exchange. Deed restrictions discussed under Required Deed Restrictions or Conservation Easements on Conveyed Federal Parcels (EA page 13 & 14) refer to encumbrances that would restrict the management of the non-Federal properties for timber production and other purposes. Forest Capital has stated that such restrictions and conservation easements are unacceptable.

Access – 200

1. The EA states that the Lemonade Peak parcel has no road access in one place, then in another place it states this parcel has a road in the lower portion. Please explain. (1/3)

Response: Page 23 of the EA states “Lemonade Peak - Weeds are prevalent along the road located near the bottom of this parcel.” The Forest Capital road at the bottom southwest end of the Lemonade Peak parcel comes as close as 50 feet but never touches the parcel.

Heritage – 600

1. Page 81 of the EA indicates that heritage surveys have been done. It does not evaluate the impacts to heritage values from the exchange. The absence of national register eligible sites is no reason to forgo an analysis of the impact to heritage resources. As such, the EA fails NEPA’s mandates to assess impacts. (1/13)

Response: Heritage resources refer to historic property or historic resource. Heritage resource means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource.

The criteria listed in 36 C.F.R. 60.4 is as follows: “The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, building, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and (a) that are associated with events that have made a significant contribution to the broad patterns of our history, or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield information important in prehistory or history.” Critical considerations are also listed in 36 C.F.R. 60.4.

A review of all Federal parcel heritage site inventories revealed no heritage values were found that meet the criteria listed above. Evidence of a corduroy road was found but the site was in a deteriorated condition and lacked integrity. A determination by the Forest Archeologist of “no effect” to heritage resources was made. The State Historic Preservation Office concurred with the Forest Service findings and recommendations in their letters dated March 14, 1986 and January 29, 1999.

Land Exchanges – 701

1. Regulations found at 36 CFR 254.3(a)(1)(iv) state “The Forest Service will exchange only lands that are suitable for elimination from the NFS and will reserve rights or retain the interests

that are needed for the public interest.” Where in the forest plan are the areas proposed for exchange identified as suitable for elimination from the national forest system? (1/14)

Response: Appendix E in the Forest Plan lists criteria for determining lands suitable to convey and acquire. In addition, direction can be found in each management area which facilitates the decision-making process for determining lands suitable to convey and acquire.

Appraisal Process - 704

1. In our scoping comments we asked that the NEPA document include the appraisal methodology. Has an appraiser been chosen? If so, is the appraiser one that is agreed to by both parties? (1/7)

Response: Appendix C in the EA discusses the Appraisal Phase on page 134. The Federal lands and non-Federal lands of the Proposed Exchange were appraised in accordance with federal standards. The appraisal reports were completed by FS Qualified Review Appraiser C. Kim Zier. The appraisals were reviewed and approved by FS Regional Review John Hickey, ARA . The date of value of the appraisals is October 17, 2006. The Federal tracts are valued at \$5,800,000. The non-Federal tracts are valued at \$5,800,000.

NEPA Process - 1100

1. The lack of alternatives also suggests an EIS, rather than an EA, should have been prepared. (1/2)

Response: The conclusions of the EA did not warrant the writing of an EIS {40 C.F.R. Part 1501.4 (c)}. Refer to the response under “Alternatives” for additional information related to alternatives evaluated in detail.

Recreation – 1300

1. The EA notes increasing ATV use on Grandmother Mountain. The Forest Service issued an emergency ATV closure for much of the area because of abuse and unauthorized use. The EA should have incorporated that fact. (1/6)

Response: The Forest Service issued an ATV closure for portions of the Grandmother Mountain roadless area in 2006. Incorporating that fact into the environmental assessment was considered unimportant to the analysis of the proposed land exchange.

Inventoried Roadless Areas – 1400

1. ... the Lemonade Peak parcel is contiguous to the Big Creek IRA. Nothing but trail 555 separates this parcel from the inventoried roadless area. ... Case law is explicit, the on-the-ground situation determines whether an area is roadless. Exchanging whatever portion of this parcel remains roadless requires an EIS as this area would be developed and logged. (1/4)

Response: The Lemonade Peak parcel is almost completely surrounded by private land. Only ¼ mile of common boundary connects it to the Big Creek roadless area, compared to over 4 miles of common boundary with private lands (see Maps, Figure 2). The western boundary of the Big Creek roadless area was located to avoid development areas on private lands (IPNF Forest Plan, Appendix C, p. C-222); the Lemonade Peak parcel was never intended to be part of the Big Creek roadless area.

Old Growth – 2001

1. ...the EA admits it mixes mature and immature forest types together in the analysis (pages 65 and 68). This admission suggests that there has been no real analysis of old growth on the lands that may be acquired and that the analysis is so inadequate that very different habitat types are mixed together. Please explain these problems/inconsistencies. (1/9)

Response: The EA (page 65) states the TSMRS/FSVeg/FACTS databases and/or field cruise data provided the information on forest structure and composition. This information provided stand data of sufficient quality to adequately assess existing habitat conditions and to analyze potential impacts for the alternatives evaluated in detail.

2. The EA refers to allocated old growth in an attempt to justify that the IPNF has 10% old growth habitat as required by the forest plan. It does not assess the effectiveness of that old growth, whether it has been verified on-the-ground, or how those numbers compare with FIA information. Without some concrete information, it is impossible to determine the impacts of this proposal, positive or negative, on old growth habitat. ... We are concerned about the impacts to the MIS on the Forest. (1/11)

Response: A field review of the Freezeout parcel was completed on June 28th, 2007 (PR). The purpose of the inspection was to verify the condition and amount of old growth present within the parcel. Review participants were Art Zack, Forest ecologist and old growth coordinator; Tom Ball, lands program manager; Karl Dekome, NEPA coordinator; and David Roberts, Forest wildlife biologist. The parcel was traversed from North to South and data was collected from 1/10th acre plots. The data collected and visual observations revealed that within this 320 acre non-Federal parcel the IPNF would gain approximately 220 acres of Mountain hemlock old growth (Green et al, 1992) under the Proposed Action alternative. This field verification revealed that the EA analysis and conclusions reached on Forest MIS and other old growth dependant species was adequate.

3. We asked in scoping comments that the NEPA document provides maps to depict various habitat types such as old growth. None of that site specific information has been provided. (1/12)

Response: The TSMRS/FSVeg/FACTS data bases queries were used to determine site specific information. The information received from these data bases provided habitat associations by species and also size class information. It was determined that maps were not a necessary component of the analysis.

Wildlife Habitat – 2201

1. The EA notes that designated old growth habitat would be lost from the public domain by this proposed exchange. The EA then explains that more old growth would likely be gained. However, the EA admits no on-the-ground surveys have been done to verify the quality of the old growth habitat that might be gained. It is a basic requirement of NEPA and of NFMA to do that kind of analysis. (1/8)

Response: Refer to the response under Old Growth- 2001 #2. The June 28, 2007 field review verified that the IPNF would gain at least 220 acres under the Proposed Action alternative (Green et al, 1992).

2. Another inconsistency is the implication that 375 acres of habitat (mature and immature) would be gained by the exchange. The EA assumes that development would occur on the private

land whether or not the exchange goes forth. That is not necessarily true. Some of the private land (Marks Butte) is not very well forested, being high elevation, and other parcels would be expensive to access and log. (1/10)

Response: The EA assumptions are based upon anticipated management plans developed by Forest Capital for each of the alternatives evaluated in detail. Forest Capital's anticipated management plans represent the best information available for the analysis. Marks Butte (Freezeout), is well-forested. This parcel contains nearly 8 million board feet (24 MBF/ac), and is a likely candidate for eventual timber harvest (Grandmother Mountain Timber Cruise).

The Decision

I have selected Alternative 1 for implementation as described on pages 9 & 10. The FS will exchange approximately 1,325.38 acres of Federal lands for 2,394.38 acres of non-Federal lands. The legal descriptions are shown below in Tables 4 and 5. These lands were also described in the EA, Appendices A and B. Since the EA was prepared, the acreage of the non-Federal lands were revised from 2399.5 to 2394.38, due to the Forest land surveyor's examination of legal descriptions, and documented in legal description verification reports in the project file.

No specific proposed mitigation measures are included in my decision. The mineral estate of the Federal and non-Federal parcels would be conveyed along with the surface estate.

Trail easements for trails 8 and 555 would be reserved to the United States across the Lemonade Peak Federal tract (T. 47 N., R. 2 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$).

A right-of-way for ditches and canals will be reserved to the United States across the Whistling Creek Federal tract (T. 44 N., R. 7 E., section 20).

An easement on Forest Road 633 will be granted to Forest Capital across the Myrtle Creek parcel (T. 62 N., R. 1 W., section 23). Segments of seven road easements held by Forest Capital across Federal lands will be terminated. Segments of nine road easements granted to the United States across non-Federal lands will be terminated.

The FS will modify the special use permit for a municipal water system held by the City of Bonners Ferry across the Myrtle Creek parcel (T. 62 N., R. 1 W., section 23) to include all improvements related to the water system.

Table 4. Federal Lands to be Conveyed

General Exchange Act Lands		Acres
T. 44 N., R. 7 E., B.M. (Whistling Creek)		
Sec. 20	S1/2, S1/2S1/2N1/2	400.00
Weeks Law Lands		
T. 47 N., R. 1 E., B.M. (Pine Creek West)		
Sec. 23	SE1/4SE1/4	40.00
Sec. 24	SW1/4SW1/4	40.00
Sec. 25	NW1/4NW1/4	40.00
Sec. 26	N1/2NE1/4, SE1/4NE1/4	120.00
T. 47 N., R. 1 E., B.M. (Pine Creek East)		
Sec. 25	N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4	160.00
T. 47 N., R. 2 E., B.M.		
Sec. 30	lots 1-3 inclusive, NE1/4NW1/4	165.38
T. 47 N., R. 2 E., B.M. (Lemonade Peak)		
Sec. 28	N1/2NE1/4, NW1/4	240.00
Sec. 29	SE1/4NE1/4, N1/2SE1/4	120.00
Total Federal Lands to be Conveyed		1,325.38

Table 5. Non-Federal lands to be Acquired

General Exchange Act Lands		Acres
T. 43 N., R. 4 E., B.M. (Twin Springs Creek)		
Sec. 33	N1/2SE1/4	80.00
T. 44 N., R. 2E., B.M. (Lines Creek)		
Sec. 33	NW1/4SW1/4	40.03
T. 44 N., R. 4 E., B.M. (Daveggio Creek)		
Sec. 7	NE1/4, E1/2NW1/4	240.00
T. 44 N., R. 4. E., B.M. (Twodot Peak)		
Sc. 17	E1/2NE1/4, NE1/4SE1/4	120.00
Weeks Law Lands		
T. 43 N., R. 4 E., B.M. (Lost Lake Creek)		
Sec. 1	SW1/4SW1/4	40.00
Sec. 3	SE1/4SE1/4	40.00
Sec. 11	N1/2	320.00
T. 43 N., R. 4 E., B.M. (Duplex Creek)		
Sec. 5	lots 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4	440.10
Sec. 7	E1/2E1/2	160.00
Sec. 17	N1/2NW1/4	80.00
T. 43 N., R. 4 E., B.M. (Freezeout)		
Sec. 31	lots 1-4 inclusive, E1/2W1/2	319.40
T. 43 N., R. 5 E., B.M. (Adair Creek)		
Sec. 9	N1/2N1/2	160.00
T. 44 N., R. 4 E., B.M. (Fishhook Peak)		
Sec. 21	N1/2NE1/4	80.00
T. 62 N., R. 1 W., B.M. (Myrtle Creek)		
Sec. 23	NE1/4NE1/4, S1/2NE1/4, NE1/4SW1/4, N1/2SE1/4, SE1/4SE1/4	274.85
Total non-Federal Lands to be Acquired		2,394.38

The Federal lands and non-Federal lands of the Proposed Exchange were appraised in accordance with federal standards. The appraisal reports were completed by FS Qualified Review Appraiser C. Kim Zier. The appraisals were reviewed and approved by FS Regional Review John Hickey, ARA . The date of value of the appraisals is October 17, 2006. The Federal tracts are valued at \$5,800,000. The non-Federal tracts are valued at \$5,800,000. The Proposed Exchange is also balance by respective exchange authority; General Exchange and Weeks Act.

Determination of Public Interest

As required in 36 CFR 254.3(b), I have determined that the public interest is well served through the selected Alternative 1 exchange.

The resource values and the public objectives served by the non-Federal parcels to acquire equal or exceed the resource values and public objectives served by the Federal parcels to be conveyed. The needs of state and local residents will be met since the acquired parcels will be available for uses that are consistent with the current IPNF Forest Plan. This exchange achieves the purpose and need of providing for more effective management of National Forest System lands through consolidation of existing Federal ownership.

My decision results in increasing intermediate and perennial streams to the Federal estate by 6.4 miles. When considering planned Forest Capital management actions, this decision will result in reduced long-term and short-term sediment yield in the analysis area. Also, the number of stream crossings needed to implement Forest Capital's planned management actions will be substantially reduced (Table 1). I believe my decision will likely result in no decreasing trend in fish habitat quality since more restrictive laws and regulations apply on Federal lands. The Biological Assessment on bull trout determined the exchange may affect, but is not likely to adversely affect bull trout and the USFWS concurred with this conclusion in letter dated July 20, 2007. The land exchange will result in an increase of .7 acre of wetlands and 1.1 acres of floodplains on the Federal estate. Compliance with Executive Orders 11990 and 11988 will be achieved.

My decision will not adversely affect populations of goshawks, pileated woodpeckers or any IPNF management indicator species associated with mature and old forest habitat. The EA analysis determined the exchange will increase old growth acres meeting Region One standards. This determination was confirmed by a June 28th, 2007 field trip to the non-Federal Freezeout parcel. The exchange will result in less potential for adverse impacts on big game values or potential elk use than the No Action alternative. Also, the determination of effects on sensitive species was determined to be negligible. I reviewed the biological assessments for Threatened and Endangered wildlife. The USFWS concurred with the conclusion that the exchange may affect, but is not likely to adversely affect grizzly bear, gray wolf (north of I-90), Canada lynx, bald eagle and is not likely to jeopardize the continued existence of gray wolf (South of I-90) in letter dated July 20, 2007.

My decision will result in an increase of 80 acres to the Federal estate within the Pinchot Roadless Area and an increase of 1,279 acres to the Federal estate within the Grandmother Mountain Roadless Area. The roadless area attributes in the Grandmother Mountain Roadless Area would be protected and/or improved. The roadless area attributes in the Pinchot Butte Roadless area would be maintained as they currently exist. I acknowledge my decision would result in increased sounds and sights of road construction and timber harvesting from Trail 555, prominent peaks and NFS land near conveyed Pine Creek West, Pine Creek East and the Lemonade peak parcels. These parcels are adjacent to the Big Creek Roadless area. After considering the improved roadless area attributes within the Pinchot Butte and Grandmother

Mountain roadless areas, as well as the decline in recreation opportunity spectrum to the Big Creek Roadless Area, I have determined it is in the best public interest to exchange lands. My decision will be a favorable action for the overall recreation resource when considering the anticipated land management that would occur if the non-Federal parcels remain in Forest Capital's ownership.

My decision will result in a one time administrative savings to the IPNF when considering future foreseeable savings in easement acquisition/grants, and property boundary administration and the cost of land title transfer and closing. Change in annual administrative costs to the IPNF was determined to be a minor decrease in costs. I considered the potential change in Shoshone and Boundary County tax revenues and concluded the decrease in revenue resulting from my decision was minimal.

The intended use of the Federal lands to be conveyed will not substantially conflict with established management objectives on adjacent Federal lands.

My assessment of cumulative effects resulting from landownership adjustment since 1981 revealed there has been a net gain on the IPNF during this period of approximately 22,748 acres. Forest Plan Monitoring and Evaluation Reports indicate an overall net gain in timber growth, timber volume, recreation visitor days, roadless area acres, floodplain acres and wetland acres from past exchanges. I noted that minimal landownership adjustment has occurred since year 2001. I have determined the cumulative effects from my decision will not significantly change land adjustment trends and affects.

Decision Criteria

The criteria for making my decision included achieving the Purpose and Need statements, resolution of the three significant issues identified by the ID team and scoping, and consideration of public comments on the EA (March 2007).

Rational for the Decision

This decision is based on the Grandmother Mountain Land Exchange EA (March 2007), the Biological Assessments, the Biological Evaluations, scoping comments, public comments on the EA and awareness of information in the Project Record.

I reviewed public scoping comments and determined all issues, concerns, and proposed alternatives were addressed in the EA. I reviewed public comments on the EA and found that issues or concerns related to the EA were adequately addressed in the response to public comments.

I reviewed the alternatives given detailed study to determine if the alternatives were responsive to the issues and purpose and need for the analysis. I also reviewed the alternatives that were considered but not given detailed study. I determined a through and complete range of alternatives were evaluated.

I also reviewed the appraisal reports to understand the land values and how equal value was determined.

Consistency with Laws, Regulation or Policy

To the best of my knowledge this decision is in compliance with all laws, regulations and policies.

I find that this decision is consistent with the IPNF Forest Plan (1987), as amended. I reviewed the project for compliance with the General Exchange Act, the Weeks Law Act, the Federal Land Policy Management Act, the Federal Land Exchange Facilitation Act, The National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Clean Water Act of 1987, the Endangered Species Act, the National Forest Management Act, the Alaska National Interest Lands Conservation Act, the National Historic Preservation Act of 1966, and Executive orders 11988, 11990 and 12898.

I reviewed the project for compliance with the Environmental Justice Executive Order 12898. Based on the EA, I find this decision will not adversely affect human health or minority and low-income populations. Also, the environmental effects of this decision will not have an impact on minority or low income populations. There has been ample opportunity for participation in the analysis process, as documented in the public involvement records. The implementation of this project will not subject anyone to discrimination because of race, color, or national origin.

Finding of No Significant Impact

In reviewing the analysis within the EA, the Biological Assessments, Biological Evaluations, and the project record, I have determined that the implementation of Alternative 1 will result in no significant effect on the quality of the human environment. I have reviewed the provisions in 40 CFR1508.27(b) in terms of project context and intensity relationships in determining project significance. It is my decision that an Environmental Impact Statement (EIS) is not necessary and will not be prepared for this project. My rationale for not preparing an EIS includes:

Context

The setting of this project is localized, with implications only for the immediate area within the St Joe, Coeur d'Alene and Bonners Ferry Ranger Districts of the IPNF. The actions involved in this decision are consistent with the management direction contained in the IPNF Forest Plan, August 1987, as amended.

Intensity

Consideration of both beneficial and adverse impacts

My decision meets the purpose and need of the land exchange. It is consistent with the desired condition described in the IPNF Forest Plan and it achieves the intent of Goals and Objectives outlined in the Forest Plan. My review of Chapter 3 of the EA and the Project Record revealed beneficial effects will result.

Consideration of the effects on public health and safety

My decision will have no significant impact or unacceptable effect on public health or safety. During scoping, there were no issues related to public health or safety. There are no known hazardous substances on Federal and non-Federal lands.

Consideration of unique characteristics of the area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands wild and scenic rivers, or ecologically critical areas

The Federal and non-Federal parcels have wetlands and floodplains. My decision results in a net gain of approximately 1.1 acres of floodplains and .7 acres of wetlands. The direction required by Executive Order 11988, Floodplain Management and 11990, Protection of Wetlands will be achieved.

My review of the EA and associated project record revealed there are no historic or cultural resources, park lands, prime farm lands, wild and scenic rivers or ecologically critical areas within the Federal and non-Federal parcels.

Consideration of the degree of controversy associated with the effects

Based upon public scoping comments, interdisciplinary analysis of the proposed action, and comments on the EA, the effects on the human environment are not likely to be controversial. Public comments primarily focused on alternative development, NEPA process, appraisal process, inventoried roadless areas and old growth. The effects disclosure revealed compliance with laws, regulation and Forest Service policy.

Consideration of the uncertainty of the effects, or unique or unknown risks

The effect of the proposed action will be similar to the effect of other land exchanges that have been completed. Forest Capital, LLC provided anticipated management plans for conveyed parcels. There are no extraordinary circumstances in Forest Capital's management plans associated with this action that would make the effects highly uncertain or involve unique or unknown risks. The comments on the EA didn't reveal new significant issues that were not considered in the EA.

Consideration of whether the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

This is a project-level decision. The implementation of this decision is not precedent setting, and does not represent a precedent for any future decision. Any other proposals for this area will be subject to full NEPA disclosure.

Consideration of cumulative effects

A cumulative effects analysis was conducted for the proposed action. Forest Capital and Forest Service anticipated foreseeable management plans were considered in the cumulative effects analysis (EA chapter 3). There are no known significant cumulative effects between this project and other projects implemented or planned in areas separated from the affected area of this project. All other known and reasonably foreseeable activities were considered.

Consideration of the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural or historical resources

All Federal parcels proposed for conveyance in the proposed action have completed heritage resource inventories filed in the project record. All inventories and reports have been reviewed for compliance with the NHPA of 1966, Protection of Historic Properties, and Programmatic Memorandums of Agreement. The Idaho State Historic Preservation Office (SHPO) has received copies of the Heritage Resource Inventory Reports. There are no sites eligible for the National Register of Historic Places on Federal Parcels to convey and SHPO has concurred with this determination per letters dated March 14, 1986 and January 29, 1999.

Consideration of adverse effects on endangered or threatened species or their critical habitat, as determined under the Endangered Species Act of 1973

Potential habitat for Spalding's Catchfly in the Whistling Creek parcel to convey was found to be of very low suitability, and no occurrences of this Threatened species were found during surveys. The proposed exchange was determined to may affect, but is not likely to adversely affect Spalding's catchfly (PR). It was determined there would be no effect on water howellia since no Federal parcels to convey have habitat for this Threatened species (PR).

The Kootenai River White Sturgeon has no recognized sturgeon habitat within the analysis area therefore this species was eliminated from detailed analysis. A biological assessment (BA) was completed on the Threatened bull trout within the analysis area. The BA concluded the proposed exchange may affect, but is not likely to adversely affect bull trout populations. In addition, an analysis on the impact to westslope cutthroat trout individuals or their habitat determined the proposed action will not likely contribute to a trend towards Federal listing or cause a loss of viability to the population or species (EA chapter 3).

Four listed wildlife species were identified that may occur within the analysis area of the proposed action.

Based on the lack of noteworthy habitat and the increased protection afforded **bald eagles** under management, the proposed exchange would have discountable effects and/or beneficial effects on the bald eagle (PR).

Effects on **lynx** populations, denning sites and habitat would be minimal/insignificant, discountable or positive. Under the proposed exchange there would be minor and inconsequential positive and negative indirect and cumulative effects on lynx. There would be no net adverse effect on lynx or lynx habitat (PR).

The Federal parcels to convey and the surrounding landscape do not provide habitat or extraordinary value for the conservation of the **gray wolf** (e.g. no den sites, rendezvous sites, or exceptional big game habitat). Under the proposed action there would be no direct or indirect impact on any known wolf den or rendezvous site. No interruption of any linkages or connections between habitats would occur and no appreciable increase in human activity above existing levels or increase in the likelihood of human wolf conflicts would occur (PR).

Under the proposed exchange there would be no effect on **grizzly bears** or their habitat. There are no cumulative effects which would cause the proposed action to contribute to the loss of key populations or adversely affect proposed critical habitat.

In summary, Biological Assessments for the Grandmother Mountain Land Exchange determined this proposed exchange may affect but is not likely to adversely affect Canada lynx, bald eagle, gray wolf and grizzly bear. A letter from the US Fish and Wildlife Service dated July 20, 2007 concurred with the determination of the wildlife BAs and the bull trout BA. The proposed action would not result in any irreversible or irretrievable commitment of resources which would violate Section 7(a) (2) of the Endangered Species Act.

Consideration of Federal, State, or local law or requirements imposed for the protection of the environment

As discussed elsewhere in this decision, this land exchange is in compliance with all applicable laws, regulations, and policies, and will not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The proposed action is in compliance with the IPNF Forest Plan, August 1987, as amended, Endangered Species Act, Departmental Regulation 9500-3 for prime forest and farmlands, and Executive Orders for invasive species, environmental justice, and protection of floodplains and wetlands.

Implementation of Decision

If no appeal is received, implementation of this decision may occur on, but not before, five (5) business days from the close of the appeal period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Administrative Review or Appeals Opportunities

This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in the Coeur d'Alene Press. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file an appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

Regular Mail:
USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
P.O. Box 7669
Missoula, MT 59807

Express Mail:
USDA Forest Service, Northern Region
ATTN: Appeal Deciding Officer
200 East Broadway
Missoula, MT 59802
Phone; 406-329-3555

Electronic appeals must be submitted to:
Appeals-northern-regional-office@fs.fed.us

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

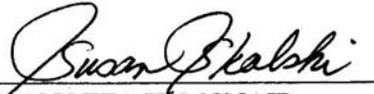
It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

Contacts

Detailed records of the environmental analysis are available for public review at the Idaho Panhandle National Forests, 3815 Schreiber Way, Coeur d'Alene, Idaho 83851. For additional information concerning this decision contact Tom Ball, Lands Program Manager, at the Idaho Panhandle National Forests Supervisor Office; telephone (208) 765-7289. For additional information on the Forest Service appeals process, contact Ray Smith, Northern Regional Office, P.O. Box 7669, Missoula, MT 59807, phone (406) 329-3381.

Signature and Date


for RANOTTA K. MCNAIR
Forest Supervisor
Idaho Panhandle National Forest
USDA Forest Service
Responsible Official

10-16-07
Date

Appendix A - Maps

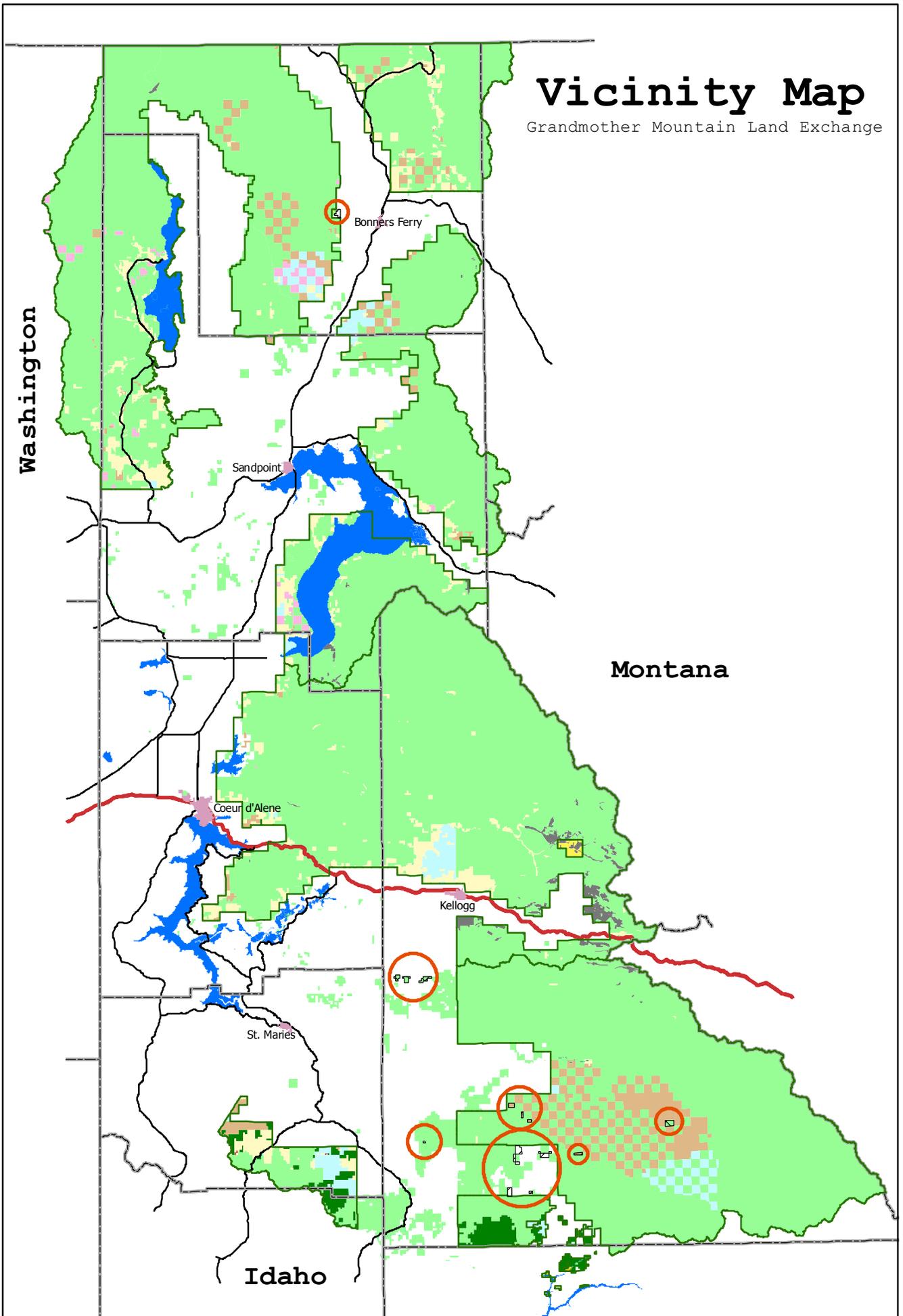


Figure 1. Grandmother Mountain Land Exchange Vicinity Map

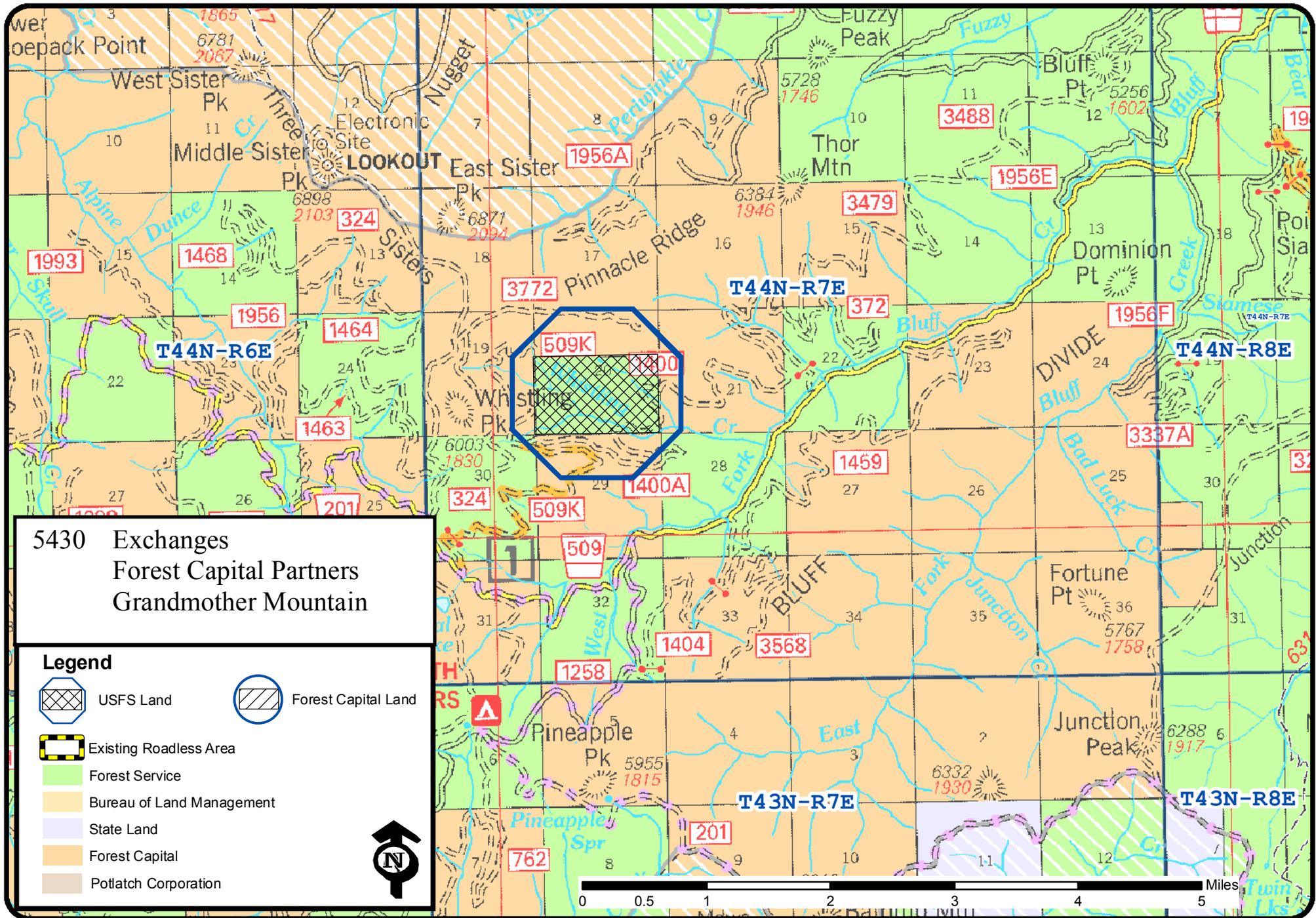


Figure 3. Grandmother Mountain Land Exchange Federal Lands to Convey Map

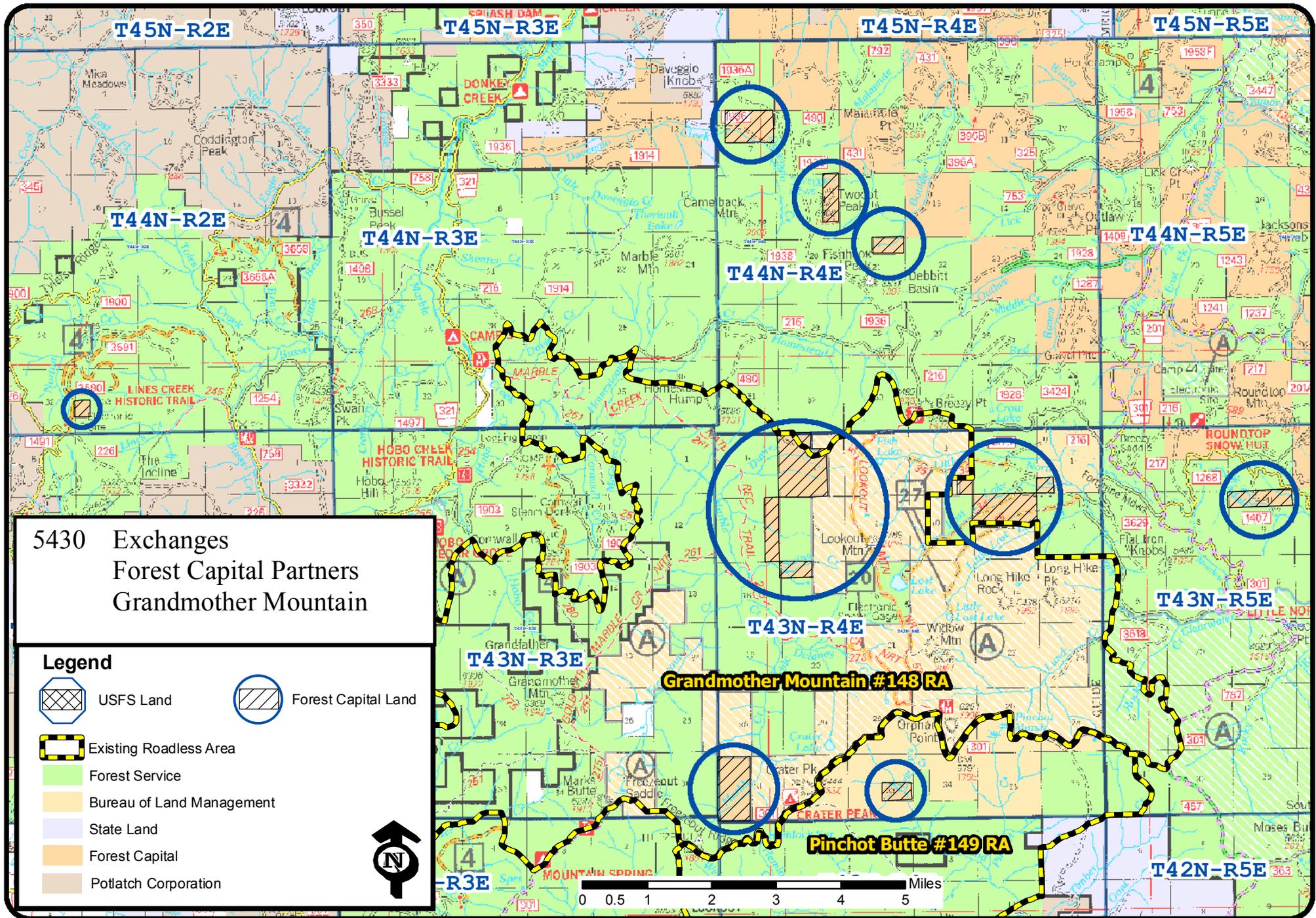


Figure 5. Grandmother Mountain Land Exchange non-Federal Lands to Acquire Map