

Chapter One

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Clearwater National Forest Travel Planning DEIS
Chapter 1: Purpose and Need

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Chapter 1

Purpose and Need for Action

INTRODUCTION

LOCATION

The Clearwater National Forest encompasses 1,827,380 acres in north-central Idaho. The Clearwater National Forest is bounded on the north by the Idaho Panhandle National Forest, on the south by the Nez Perce National Forest, on the east by the Lolo and Bitterroot National Forests, and on the west by private lands. Portions of the Selway-Bitterroot Wilderness and the Mallard Larkins Pioneer Area are included within the boundaries of the Clearwater National Forest. The Palouse Ranger District, located north of the Clearwater National Forest on the St. Joe National Forest, is administered by the Clearwater National Forest.

BACKGROUND

Executive Order (EO) 11644 (February 8, 1972), "Use of Off-Road Vehicles on the Public Lands," as amended by EO 11989 (May 24, 1977), directs Federal agencies to ensure that the use of off-road vehicles on public lands will be managed to protect resources, to promote the safety of Forest users, and to minimize conflicts among the various Forest users.

Nationally, the Forest Service currently manages about 300,000 miles of National Forest System (NFS) roads that are open to motor vehicle use, and about 133,000 miles of NFS trails. Only a portion of those trails are open to motor vehicle use. This transportation system ranges from paved roads designed for passenger cars to single-track trails used by motorcycles. Many roads that were designed for high-clearance vehicles such as log trucks and sport utility vehicles are also used by all-terrain vehicles (ATV's) and other off-highway vehicles (OHV's) that are not normally found on city streets. Almost all NFS trails are also used for non-motorized activities such as hiking, biking, and horseback riding, alone or in combination with motorized uses.

In addition to the managed system of roads and trails, many Forests also have user-created roads and trails. These routes are generally found in areas where cross-country travel by motor vehicles has not been prohibited. There has been no national inventory of user-created routes, but they are estimated to number in the tens of thousands of miles.

The 1987 Clearwater National Forest Plan was prepared when motorized use levels were considerably lower than they are today. The spectrum of motorized and non-motorized recreation opportunities was not explored in depth, since user conflicts and resource issues were few. There was little distinct land area allocation between motorized and

non-motorized uses, other than for Wilderness. This regulatory structure required analysis, formal decisions, and Forest Supervisor's orders to implement restrictions on motorized travel. This situation, coupled with a management approach that lagged far behind the increase in motorized use, over time led to the establishment of motorized uses in many areas on the Forest where it was not specifically restricted. In the current climate, and with an eye toward the future of the Forest, its resources, and its users, there is a need to identify routes suitable for motorized, non-motorized, and non-mechanized travel.

Motorized recreationists currently use some roads and trails that are not restricted to motorized travel, but are not part of the official Clearwater National Forest transportation system. There is a need to identify and evaluate those routes, and consider them for possible adoption into the designated motorized system. On the other hand, some other routes are currently part of the official transportation system, but are not travelable with vehicles due to vegetation growth or loss of the road or trail template. Routes that are not travelable in their current condition would not be designated for motorized travel.

TRAVEL MANAGEMENT: DESIGNATED ROUTES AND AREAS FOR MOTOR VEHICLE USE; FINAL RULE (2005)

The detrimental effects of indiscriminate off-road motorized travel are nationally recognized. The Chief of the Forest Service identified unmanaged recreation, including OHV use, as one of the four greatest threats to forests of all kinds in the United States. This prompted a proposal for the national "OHV Rule" that was eventually adopted in 2005.

On November 9, 2005, the Forest Service published the final rule, "Travel Management; Designated Routes and Areas for Motor Vehicle Use" in the Federal Register (36 CFR Parts 212, 251, 261, 295 [*Travel Management: Designated Routes and Areas for Motor Vehicle Use; Final Rule*](#) (Federal Register 2005: 70FR68264)). The Rule requires each National Forest to complete a local analysis before the Rule can be implemented. It requires each National Forest to designate those roads, trails, and areas where motorized travel will be permitted, and to display them on a Motor Vehicle Use Map (MVUM). Once the MVUM is published, public summer motor vehicle use on the Clearwater National Forest will be allowed only on the designated routes displayed on the map. The MVUM will show routes designated for non-winter public motorized travel, along with permitted vehicles and use seasons.

The final rule does not require that over-snow vehicles such as snowmobiles be limited to designated routes, but it does provide that they may be allowed, restricted, or prohibited. The responsible official has elected to include over-snow vehicles in this analysis so that suitable areas, routes, and seasons for their operation can be provided as envisioned in the Clearwater Forest Plan. A Winter Use Map will also be developed to show routes and areas where over-snow vehicles are permitted and restricted.

RECENT CLEARWATER NATIONAL FOREST TRAVEL PLANNING DECISIONS

The Travel Planning Draft Environmental Impact Statement (DEIS) will address travel management and Off-Highway Vehicle (OHV) use Forest-wide. However, the DEIS will not reanalyze travel planning decisions that have been made recently, or will be made soon, for these other projects on the Clearwater National Forest:

- North Lochsa Face Recreation and Access Management Record of Decision, 2000
- Upper Palouse ATV Decision Notice, 2005
- Corralled Bear Record of Decision, December 2008 (Final)
- Cherry Dinner Record of Decision, March 2008 (Final)
- Orogrande OHV Decision Notice, Fall 2009 (Estimated)

A number of trails that were authorized and designated for motorized travel in the 2005 Palouse OHV decision and the Camp 60/Sheep Mountain analysis have not been included in the trail mileage totals because they are not fully constructed yet.

The DEIS discusses alternatives for managing motorized and mechanized travel within the Clearwater National Forest, and discloses the potential environmental consequences of those alternatives. The DEIS, in combination with public comments, legal requirements, and other information, will be used to create the MVUM that will be available to the public. For each road and trail, the MVUM will specify the types of motorized or mechanized uses that are appropriate, including: full size vehicle use, ATV use, motorcycle use, biking, and snowmobiling. The goal for the Clearwater National Forest is to publish a MVUM in 2009.

This DEIS has been prepared in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA provisions (40 CFR 1500), the National Forest Management Act (NFMA) and its accompanying regulations, as well as applicable Forest Service Manuals, Handbooks, and other direction.

PURPOSE AND NEED FOR ACTION

DESIGNATION OF MOTORIZED ROUTES

The Existing Condition: The 1987 Clearwater Forest Plan did not prohibit cross-country motorized travel, except in a few specific Management Areas such as B1 (Selway-Bitterroot Wilderness) and the non-motorized portions of A3 (Lochsa Face, Coolwater Ridge, and Moose Mountain areas). Currently, motorized recreationists use some routes that are not part of the official Clearwater National Forest Transportation system. Some of these routes are referred to as “user-created.” Although routes that are not part of the

Clearwater National Forest Transportation system may not have been authorized by the Forest Service, they may not have violated the Forest Plan, travel guide, or other restrictions when they were created.

The Desired Condition: All routes available for public motorized travel must be a part of the transportation system and must be designated open for motorized travel, including the type of vehicle and season of use, according to 36 CFR 212.

***Need:* There is a need to designate the type of vehicle and season of use for all routes that will be used by motorized traffic, and to eliminate unmanaged cross-country motorized traffic off of designated routes.**

SEASONAL RESTRICTIONS

The Existing Condition: The Clearwater National Forest Travel Guide currently lists seasons of use for motor vehicles, including over-snow vehicles, on system roads and trails. There are more than 35 different date combinations for the different seasonal use restrictions. Both the public and the Forest Service find the variety of seasonal restrictions confusing.

The Desired Condition: Minimize the number of different seasonal restrictions to only those necessary to provide for resource protection and recreational opportunities.

***Need:* There is a need to combine similar seasonal restrictions where resource protection objectives can be achieved while still providing for a variety of recreational opportunities.**

SYSTEM TRAILS

The Existing Condition: In contrast to the planned road system, the existing trail system evolved from trails built or used for fire control, access to Forest Service stations, or activities such as mining, hunting, and grazing. The 1987 Forest Plan provided direction for trail use, but was developed when motorized trail use was limited. Since then, trail vehicle numbers and capabilities have increased dramatically. However, the Forest Plan did provide goals, objectives, and standards for trails in each Management Area.

The Desired Condition: The system of trails on the Forest should be managed to meet the goals, objectives, and standards for each Forest Plan Management Area.

***Need:* There is a need to evaluate and identify a system of motorized trails that provide for a variety of recreational opportunities while meeting Forest Plan Management Area direction.**

OVER-SNOW VEHICLES

The Existing Condition: At the present time, cross-country over-snow vehicle use is not restricted except in Management Areas where motorized use is prohibited by the Forest Plan, Wilderness Areas, and some small restricted areas that have been previously identified for resource protection. The over-snow vehicle restrictions that currently exist are route-based. Over-snow vehicle use is allowed on some routes in big game winter range on the Lochsa Ranger District. At the same time, there are routes in high-elevation areas that have over-snow vehicle restrictions that do not have clear objectives.

The Desired Condition: The desired condition is to protect overwintering big-game animals from the potential effects of winter motorized recreation without unnecessarily restricting over-snow vehicle use.

Need: **There is a need to restrict motorized over-snow travel on routes within big game winter range in the Lochsa drainage. There is a need to remove over-snow vehicle restrictions that are not serving a clearly identifiable purpose.**

MOUNTAIN BIKES

The Existing Condition: Some trails and roads currently have mountain bike restrictions, and the objectives for those restrictions are not clear.

The Desired Condition: The desired condition is to meet Forest Plan goals and objectives without unnecessarily restricting mountain bike recreational opportunities.

Need: **There is a need to remove mountain bike restrictions that do not serve a clearly identifiable purpose.**

RECOMMENDED WILDERNESS

The Existing Condition: The Forest Plan recommends some areas (Management Area B2) to be considered for future wilderness designation, and provides goals, objectives, and standards for the management of those areas. Currently, summer motorized travel is allowed on some trails, and over-snow vehicles and mechanized vehicles like motorbikes are allowed in all of the recommended wilderness areas.

The Desired Condition: Areas that were recommended for wilderness designation should be managed to protect and preserve their wilderness character, consistent with the goals and objectives described for these areas in the Clearwater Forest Plan.

Need: **There is a need to evaluate the motorized and mechanized activities that currently occur in recommended wilderness areas, and to manage those uses so that they do not adversely impact the wilderness character of those areas.**

PROPOSED ACTION

In response to the purpose and need for action described earlier in this chapter, a proposed action was developed and was advertised for public comment beginning in November 2007. The public scoping period was extended through February 2008. More than 4,000 comment documents were received.

The original proposed action is described in this section. The original proposed action was the Forest’s best effort to develop an action that would satisfy the requirements of the 2005 OHV rule, while addressing Forestwide resource needs and concerns related to motorized and mechanized travel on the Clearwater National Forest. However, in response to the large number of comments that were received during the scoping period, other alternatives to the proposed action were developed by the IDT and the original proposed action was not carried forward to be analyzed in detail in the DEIS. The action alternatives that have been developed by the IDT for analysis in this document respond to public comments that were received during scoping, as well as the purpose and need for action that has been described for this proposal.

ROADS AND TRAILS

The proposed action would designate motorized routes for summer travel on the Clearwater National Forest. Table 1-1 summarizes the mileage for the existing condition, the mileage proposed for designation in the proposed action, and the change that would result from implementation of the proposed action for each category of routes.

In Table 1-1, “Existing Condition” includes roads and trails identified as open to motorized travel in the 2005 Clearwater National Forest Travel Guide, plus any error corrections or project NEPA decisions made since then. “Change” indicates the change from existing conditions that would occur if the proposed action were implemented. Generally, for roads (OYA, OYS, OSA and OSS), the changes would result from road to trail conversions, designating some roads previously not thought to be travelable, and not designating some roads that were previously thought to be travelable.

Table 1-1: Designated Motorized Road and Trail Mileages

Route Description ⁴	Existing Condition (miles) ³	Proposed Designation (miles) ³	Change (miles)
Roads Open Yearlong to All ¹ vehicles (OYA)	1,615	1,623	+8
Roads Open Yearlong to Small ² vehicles (OYS)	500	509	+9
Roads Open Seasonally to All vehicles (OSA)	676	663	-13
Roads Open Seasonally to Small vehicles (OSS)	152	151	-1
Trails Open Yearlong to Small vehicles (OYS)	93	93	0
Trails Open Yearlong to Motorcycles (OYM)	404	226	-178
Trails Open Seasonally to Small vehicles (OSS)	73	75	+2
Trails Open Seasonally to Motorcycles (OSM)	93	93	0

¹On roads open to highway vehicles, “All” means any vehicle that can be legally operated on that class of road per the State of Idaho Code.

²“Small” vehicles are ATV’s and Motorcycles but not UTV’s.

³ Mileages do not reflect road and trail development decisions already made in project-level NEPA decisions unless the road or trail has been already constructed. These routes will be designated with no further analysis as they are constructed or in some cases reconstructed.

⁴ See Appendix B, Report RP-10, for more information about the route description codes.

For trails (OYS, OYM, OSS, and OSM), the proposed action would provide a broad spectrum of trail opportunities, reduce wildlife disturbance in key areas, and protect the character of areas recommended for Wilderness designation. Generally this would be accomplished by restricting motorcycle use on some backcountry trails. This would affect trails where motorized travel is not currently restricted but does not occur (about 36 miles) or occurs at very low levels (45 miles) due to trail conditions, as well as other trails that currently receive motorcycle use to varying degrees.

The proposed action would also modify the dates of some seasonal restrictions for roads and trails to reduce the variety of restricted periods and ultimately improve the clarity of the Motor Vehicle Use Map. Tables on the Clearwater National Forest website (<http://www.fs.fed.us/r1/clearwater/Projects/TravPlan/ClwTravel.htm>) highlight all proposed restriction changes to roads and trails. The website also includes maps that show the proposed action for roads and trails in more detail.

Motorized travel up to 300 feet off of designated routes to access established campsites would be permitted in most areas but would be subject to some conditions designed to minimize resource impacts. In certain areas (within 100 feet of the North Fork Clearwater River, Kelly Creek, Middle Fork Clearwater River, Lochsa River, and Elk Creek north of Elk River) off-route travel would be permitted only to access existing campsites.

BICYCLES

Existing restrictions on all but one road would be eliminated. Bicycle restrictions on roads would drop from a total of 10 miles to only 1 mile, which would be entirely within the Clearwater National Forest Seed Orchard. Areas recommended for wilderness by the Clearwater National Forest Plan would become off-limits to bicycles. This would reduce the system trail mileage available to bicycles from 811 miles to 730 miles. Tables on the Clearwater National Forest website show the currently maintained trails that would be affected.

OVER-SNOW VEHICLES

The proposed action would restrict over-snow vehicle use in areas recommended for wilderness by the Forest Plan. This includes the Great Burn, Mallard Larkins, and some additions to the existing Selway-Bitterroot Wilderness. The proposed winter use map shows the areas where over-snow vehicles like snowmobiles would be generally permitted and where they would be prohibited. Within the generally permitted area there would continue to be some specific routes where over-snow vehicles are restricted, primarily to eliminate conflicts with ski routes and to reduce disturbance to wildlife on

certain areas of winter range. Maps that show the restricted and open areas and routes in more detail are available on the Clearwater National Forest web site.

Instead of road-by-road restrictions during the primary hunting season, over-snow vehicle use would be prohibited forest-wide from October 1st to November 15th. The proposed action would remove some over-snow vehicle restrictions that are not considered necessary for wildlife protection.

Tables on the Clearwater National Forest website (<http://www.fs.fed.us/r1/clearwater/Projects/TravPlan/ClwTravel.htm>) show the proposed changes and maps available there show proposed winter uses in more detail.

The opportunities for over-snow vehicle use during the winter season would include:

- 364 miles of groomed over-snow vehicle routes – no change from the current situation.
- 1,322,943 acres generally open to over-snow vehicle use except for certain restricted routes.
- 3,484 miles of roads where over-snow vehicle use would be permitted during the winter season (October 1 until November 15) as compared to 3174 miles available now.
- 503,057 acres closed to over-snow vehicle use as compared to 302,856 acres currently.

FOREST PLAN AMENDMENTS

The Clearwater National Forest Plan was completed in 1987, at a time when trail vehicles were few and the travel planning focus was almost completely on roads and highway vehicles. Since then, motorized vehicle use has grown dramatically. Modern vehicles such as over-snow vehicles, ATV's and even motorcycles have capabilities that could not have been envisioned in 1987. To provide the flexibility to implement a travel plan for today and for the future, two non-significant Forest Plan amendments are included in the actions common to all alternatives. One amendment would change the language in Forest Plan Appendix F regarding the periods of restriction necessary to limit motorized use when necessary to accomplish resource objectives. The other amendment would remove current elk habitat potential standards. The proposed Forest Plan amendments are described in detail in Appendices D and E of this DEIS.

This analysis tiers to the Clearwater National Forest Land and Resource Management Plan Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) (USDA 1987), as amended. This analysis also incorporates information from the Idaho Roadless Final Rule (USDA-FS 2008) published on October 16, 2008.

PUBLIC INVOLVEMENT

PRE-SCOPING

The Clearwater National Forest 2005 Travel Guide was released to the public in July 2005. In light of the soon-to-be-published Travel Management Rule, the 2005 Travel Guide provided a preview of how the Forest Service would approach travel management in the future. It described the roads and trails in the 2005 guide as the Clearwater National Forest's idea of a designated system, and invited comments about what a designated system should include.

Pre-scoping public involvement activities for the Clearwater National Forest's travel planning proposal began in 2006. A formal news release was advertised in July 2006, encouraging anyone interested in travel on the Clearwater National Forest to get involved in the travel planning effort. The Forest requested suggestions for motorized routes that already existed on the ground, but were not part of the initial designated system described in the 2005 Clearwater National Forest Travel Guide. Public information packets were available at the Supervisor's Office and at each Ranger District Office, and included forms to be used for suggesting additional routes that might not appear on the current designated system. Additional information about travel planning, the OHV rule, and how to suggest a route for consideration has been posted on the Clearwater National Forest website since 2006.

Beginning in 2006 and continuing through 2007, representatives from the Clearwater National Forest met with county commissioners, local outfitters and guides, the Nez Perce Tribe, the Idaho Department of Fish and Game, Congressional staff, and various industry and recreational groups to share information about the Clearwater National Forest's travel planning effort and to solicit participation by interested individuals.

The Clearwater National Forest Travel Planning EIS was listed in the Schedule of proposed Actions (SOPA) beginning in April 2007.

FORMAL SCOPING PERIOD

On November 13, 2007, a legal notice announcing the proposed action was advertised in the *Lewiston Morning Tribune* (the Clearwater National Forest's newspaper of record), initiating the formal scoping period. Legal notices were also published in the *Clearwater Progress* and the *Clearwater Tribune*, local newspapers based in Kamiah and Orofino, on November 15, 2007. A Notice of Intent to prepare an Environmental Impact Statement was published in the Federal Register on November 28, 2007. To provide ample opportunity for all interested parties to comment on the proposal, the scoping period was extended through February 2008. Over 4,000 comment documents were received.

OPEN HOUSES

A news release was issued on December 3, 2007 announcing Open Houses to be held in Moscow, Idaho on December 17, in Kamiah, Idaho on December 18, and in Orofino, Idaho on December 19. Forest Service representatives were present at the Open Houses to share information about the Clearwater National Forest's travel planning proposal with interested persons, and to answer questions. Forms were available at the Open Houses so that attendees could easily submit comments and suggestions.

PRELIMINARY ISSUES

During public scoping from November 2007 to February 2008, the Forest received over 4,000 comments, including letters, emails, and comments that were presented at Open Houses. Many comments included proposals to change uses by motorized or non-motorized vehicles, or changes to the types of uses allowed. There were also a few proposals for new designated motorized routes. The Forest reviewed these proposals using route proposal criteria that were explained during pre-scoping, in the formal scoping documents, and on the Forest website.

Through the scoping process, the public and other agencies raised numerous concerns in response to the Proposed Action. Comments that were identified during scoping were evaluated against the following criteria to determine their prominence in the analysis process:

- Has the concern been addressed in a previous site-specific analysis or through legislative action?
- Is the concern relevant to and within the scope of the decision being made, and does it pertain directly to the proposed action?
- Can the concern be resolved through mitigation (avoiding, minimizing, rectifying, reducing, eliminating, or compensating for the proposed impact) in an alternative?
- Can the concern be resolved through project design in an alternative?

Using comments from individuals, other agencies, and various interested groups, the IDT developed a list of significant issues and concerns to be addressed. Significant issues are discussed in detail in Chapter 2. For each significant issue, indicators will be used to compare the alternatives. These comparisons are relative; there is no requirement to establish thresholds for indicators or issues.

Public meetings may be hosted in local communities following the release of the DEIS.

DECISION FRAMEWORK

Given the purpose and need for action, and considering the potential effects of the alternatives, the responsible official will decide:

- Which roads and trails will be designated as available for motor vehicle use by type of vehicle and season of use across the Clearwater National Forest. These routes will be displayed in the MVUM;
- What areas and routes will be available for use by over-snow vehicles;
- What areas and routes will be available for use by mechanized vehicles like mountain bikes;
- Whether to amend the Clearwater Forest Plan; and
- What design measures would be applied to proposed activities to meet Forest Plan objectives.

The travel planning analysis will not revisit access management decisions resulting from the following recent, or soon-to-be-completed, site-specific NEPA analyses: the North Lochsa Face Record of Decision (2000), Upper Palouse ATV Decision Notice/Finding of No significant Impact (2005), Cherry Dinner Record of Decision (2008), Corralled Bear Record of Decision (2008), and the Orogrande OHV Decision Notice/Finding of No Significant Impact (estimated fall 2009).

The travel planning analysis also will not include the construction, reconstruction, decommissioning, or obliteration of roads or trails. The effects of these activities would be better analyzed at a more site-specific scale.

LEGAL REQUIREMENTS

FOREST PLAN DIRECTION

This action would help move the Forest toward desired conditions as described in the Forest Plan and other relevant planning direction. The Clearwater Forest Plan (USDA FS 1987, as amended) includes the following goals, objectives, and standards that direct management of roads and trails. The Forest Plan directs us to provide a wide range of dispersed and developed recreation opportunities and experiences by providing access, facilities, and education necessary to meet public demand. Table 1-2 lists the Forest Plan Management Areas.

Table 1-2: Clearwater Forest Plan Management Areas

Management Area	Description	Management Area	Description
A2	Elk Creek Falls	C3	Big Game Winter Range on South Exposures
A3	Dispersed Recreational Areas	C4	Big Game Winter Range on North Aspects
A4	Travel Corridors Along Designated Roads and Trails	C6	Critical Watersheds with High Fishery Stream Values

Management Area	Description	Management Area	Description
A5	Administrative and Recreational Sites	C8S	Big Game Summer Range, and High Fishery Stream Values where applicable
A6	Travel Corridors Along Historic Travelways	E1	Timber Producing Land
A7	Middle Fork-Lochsa Recreation River Corridor	E3	Timber Producing Land on Steep and/or Unstable Ground
B1	Selway-Bitterroot Wilderness	M1	Research Natural Areas
B2	Recommended Wilderness Areas	M2	Riparian Areas
C1	Key Big Game Summer Range	US	Unsuitable for Timber Management

Aquatics

Forest standards for water resources are found in the Clearwater National Forest Plan on pages II-27 through II-29. They include:

- Manage water quality and stream conditions to assure that National Forest management activities do not cause permanent or long-term damage to existing or specified beneficial uses.
- Apply best management practices to project activities to ensure water quality standards are met or exceeded.
- Manage all water in the Forest under appropriate Clearwater Forest Plan Appendix K standards to maintain the physical and biological stability of streams on the Forest.

PACFISH and INFISH (please see the Glossary in Chapter 5 for a definition of these acronyms) amended the Clearwater Forest Plan in 1995, and provided direction and guidelines for management of riparian areas, watersheds, and streams. They established riparian goals, Riparian Management Objectives (RMO’s), and Riparian Habitat Conservation Areas (RHCA’s) and included the general premise that actions that reduce habitat quality, whether existing conditions are better or worse than objective values, are inconsistent with the purpose of PACFISH and INFISH. PACFISH and INFISH directions and guidelines are very similar; INFISH was developed after PACFISH was finalized and had a few modifications for resident fisheries. On the Forest, PACFISH provides direction for anadromous watersheds (Potlatch River, Orofino Creek, Lolo Creek, Middle Fork Clearwater River and Lochsa River) while INFISH provides direction for the remaining resident fish watersheds (Palouse River and North Fork Clearwater River).

PACFISH/INFISH standards and guidelines related to recreation management are generally related to managing recreation facilities, including trails, and adjusting dispersed and developed recreation practices, such that they do not retard or prevent attainment of Riparian Management Objectives (RMO’s). RMO’s include stream habitat

variables such as large woody debris, pools per mile, lower bank angle, width:depth ratio, and stream temperature.

PACFISH and INFISH also provide project and site-specific standards and guidelines related to a number of activities. Standards and guidelines relevant to travel management are the same for both and include the following:

- Design, construct, and operate recreation facilities, including trails and dispersed sites, in a manner that does not retard or prevent attainment of RMO's and avoids adverse effects on listed anadromous fish (inland native fish). Complete Watershed Analysis prior to construction of new recreation facilities in RHCA's. For existing recreation facilities in RHCA's, assure that the facilities or use of the facilities will not prevent attainment of RMO's or adversely affect listed anadromous fish (inland native fish). Relocate or close recreation facilities where RMO's cannot be met or adverse effects on listed anadromous fish (inland native fish) avoided.
- Address attainment of RMO's and potential effect on listed anadromous fish (inland native fish) and critical habitat in Wild and Scenic Rivers, Wilderness, and other Recreation Management Plans.

The Forest Plan notes the following Forest-wide management direction that is specific to the fisheries resources:

For Management Area C8S: Plan and implement transportation systems to avoid crossing of major fishery streams where possible or to provide for mitigation if required to cross (Facilities, pg. III-55, Standards 1.a.).

The Clearwater National Forest to date continues to operate under its 1987 plan, although a more contemporary plan is in draft form. The 1987 Forest Plan contains fish/water quality objectives and sediment yield guidelines outlined in Appendix K.

Table 1-3 describes how Forest-wide standards for water resources, from among those listed on pages II-27, II-28, and II-29 of the Clearwater Forest Plan, apply to this project and will be met.

Table 1-3: Compliance with Forest Plan Standards for Water Resources

Standard Number	Standard Summary	Compliance Will Be Achieved By
8-B, D, E	Meet established fish and water quality objectives in Appendix K	Project will move toward objectives
8-C	Application of State water quality standards and BMP's.	Adherence to standards
8-G	Evaluate water quality effects in effects analysis.	Evaluation of effects

Cultural Resources

The following standards relate to cultural resource management and are found in the Clearwater Forest Land and Resource Management Plan:

- Standard b. Identify and evaluate appropriate sites for nomination to the National Register of Historic Places, primarily in conjunction with surveys of potential impact project areas, but also backlog areas on a priority basis.
- Standard c. Protect cultural resources from vandalism and other human depredation and natural destruction through signing, patrolling and/or monitoring.
- Standard g. Ensure that Forest actions are not detrimental to the protection and preservation of Indian Tribes' religious and cultural sites and practices and treaty rights.

The following Forest-wide Standards for cultural resources, from among those listed on Page II:22-23 of the Clearwater National Forest Plan, apply to this project. The standards listed in Table 1-4 address those aspects of the National Historic Preservation Act that apply directly to effects associated with any motorized or non-motorized use of National Forest System Lands. These standards will be met as summarized in Table 1-4.

Table 1-4: Forest Plan Compliance – Cultural Resources

Standard Number	Subject Summary	Compliance Will Be Achieved By
b	Evaluate and protect sites and districts...	Ongoing inventory, evaluation in accordance with Programmatic Agreement
c	Protect cultural resources from vandalism...	Signing, monitoring, public education
g	Ensure that Forest actions are not detrimental...	Ongoing inventory, evaluation in accordance with Programmatic Agreement
g	Protect American Indian religious and cultural sites...	Government-to-Government consultation has occurred

Rare Plants

The objective for managing sensitive species is to ensure population viability throughout their range on National Forest lands and to ensure they do not become federally listed as threatened or endangered. The forest plan supports this direction but does not set specific standards and guides for sensitive plants. The alternatives are consistent with this direction to the extent that proposed management actions would not adversely affect viability of existing sensitive plant populations.

Recreation

Forest-wide Goals

Recreation

- Provide a range of quality outdoor recreational opportunities within a Forest environment that will meet public needs now and in the future.
- Provide opportunity for a broad spectrum of dispersed activities with sufficient area to maintain a low user density compatible with public expectations
- Protect inherent values of those streams selected for study as potential wild and scenic rivers.

Wilderness and Unroaded

- Maintain potential wilderness values on those areas that are being recommended for classified wilderness
- Maintain the natural integrity of those lands chosen for unroaded management, and provide the management of their key resources (dispersed recreation, big-game summer range, anadromous and resident fishery habitat) found within each area.

Facilities (Trails)

- Apply transportation planning concepts considering present and anticipated future demands for trails and related facilities as a part of project planning to determine need for retaining trails and appropriate standards.
- Apply FSH 2309.18 (Trails Management Handbook) planning guidance for Forest trails and prepare guides for all trails.
- Manage use of trails to provide user safety, minimize conflicts between users, and prevent damage or loss of facilities from improper use.

Forest-wide Standards

Recreation

- Designate areas, roads, and tracts for Off-Road Vehicle (ORV) use in accordance with management area goals and standards
- Manage the Lolo Pass and North-South winter sports areas for winter recreational opportunities (cross-country skiing, snowmobiling, snowshoeing, etc). Regulate ORV use to minimize user conflicts and public safety hazards
- Regulate use of roads, trails, and specified areas along with designating areas for ORV use per Executive Order 11644.

Wilderness and Unroaded

- Manage recommended additions to the wilderness system to prevent changes in character which would be inconsistent in wilderness until Congress makes classification decisions

Facilities (Trails)

- Restrict use of roads as needed to prevent resource damage and close roads and restrict the use of ORV's to protect road beds and to protect wildlife from undue harassment. Closures may be seasonal or yearlong to accomplish resource management objectives.
- Prohibit ORV use on trails which enter wilderness when:
 - The boundary is not well defined
 - User conflicts or unsafe conditions will result from ORV use
 - Cross-country use of ORV's is prohibited in the potential recreation and scenic river corridor segments of Kelly Creek, Cayuse Creek and the North Fork of the Clearwater (II-36)

Management Area Goals, Objectives, and Standards

Management Area B1 (Selway-Bitterroot Wilderness)

- Manage the Selway-Bitterroot Wilderness in accordance with the Wilderness Act of 1964. Protect and maintain the inherent wilderness resource while providing quality wilderness recreation.
- Prohibit any motorized vehicle use except at the emergency airfield at Fish Lake.

Management Area B2 (Recommended Wilderness)

- Manage each recommended wilderness to protect its wilderness character
- Manage all uses to maintain wilderness qualities and retain semiprimitive settings

Management Area A2 (Elk Creek Falls)

- Manage Road 1452A to the parking lot as a system road. All other roads will be rehabilitated to near-natural conditions.
- Maintain trails to easy hiking standard
- Prohibit use of motor vehicles on trails
- Do not permit vehicle use off roads.

Management Area A3 (Dispersed Recreation Areas)

- Manage to maintain a semiprimitive setting with a variety of opportunities for dispersed recreation in an essentially unroaded setting. Minimize control of recreational activities.
- Manage recreational use and management activities to the lowest level necessary to maintain a semiprimitive setting
- Manage the Lochsa Face, Coolwater Ridge and Moose Mountain areas as semiprimitive, non-motorized recreational settings.
- Manage the Elizabeth Lakes and North Lochsa Slope areas as semiprimitive, motorized recreational settings.
- Prohibit ORV use in Lochsa Face and Moose Mountain areas
- Support a desired condition to maintain a semiprimitive setting with a variety of opportunities for dispersed recreation in an essentially unroaded setting. Minimize management control of recreational activities. Manage other resources within constraints necessary to retain a semiprimitive setting and to maintain and enhance recreational opportunities.

Management Area A6 (Lolo Trail National Historic Landmark Corridor)

- Manage the Lolo Trail (Road 500) to provide safe travel for conventional four-wheel vehicles.
- Manage trail within corridor to provide a variety of trail settings as per The Lolo Trail System Implementation Guidelines (Clearwater Forest Plan, Appendix L).
- Prohibit ORV use on the historic trails (III-22)

Management Area A7 (Middle Fork of the Clearwater River - Wild & Scenic River, Recreational Segment)

- Exclude motor vehicle use on trails that provide access to wilderness
- Permit motor vehicle use on other trails if it can be done safely and without damage to other resources. (III-30).

Management Area C1 (Key Big-Game Summer Range)

- Provide for high quality dispersed recreation in a semiprimitive motorized setting.
- Permit trail bike use on trails to extent that use does not damage trails, result in unsafe conditions for other users, or prevent achievement of fish and wildlife management goals.

Management Area C6 (High Fishery Stream Values)

- Manage for dispersed recreation in a semiprimitive motorized setting
- Permit trail bike use on trails to extent use does not damage trails, result in unsafe conditions for other users, or prevent achievement of fish and wildlife management goals.

Management Area C8S (Big-Game Summer Range)

- Manage these areas to maintain high quality wildlife and fish objectives while producing timber from the productive Forest land. These objectives can be met by modifying standard timber practices and scheduling and prohibiting most public motorized uses.
- Provide opportunities primarily for non-motorized dispersed recreation in a roaded natural setting
- Permit trail bike use on trails suitable for trail bikes until the area is roaded, at which time the entire area will be closed to all public use of motor vehicle

Management Areas E1 and E3 (Timber Producing Land)

- Manage a natural setting for dispersed recreation (E1) and to provide for opportunities primarily in connection with the existing trail systems (E3)
- Regulate use of roads and trails (to motorized vehicles) where needed to accomplish wildlife, watershed objectives, or property values. Manage seasonal and year-long road closures to provide security for elk to meet area objectives.
- Restrict public use of motor vehicles as needed, to protect road facilities.

Management Areas C3 and C4 (Big-Game Winter Range) (“Embedded” areas in other MAs)

- Support a desired condition that is compatible with the MA’s above when considering the wildlife resource goals for elk in the winter.
- Limit motorized vehicle use during winter periods when big-game animals are vulnerable to harassment

Management Area M1 (Research Natural or Special Interest Areas)

- Restrict off-road vehicle use to approved existing trails
- Do not permit special uses

Research Natural Areas (RNA's) (Management Area M1)

Permit use of motor vehicles only on Forest trails where use would not adversely affect Research Natural Area (RNA) values. Prohibit new road or trail construction within the boundaries of all RNA's and unique areas with the following exceptions: 1) Provide possible road access through the Bull Run Creek RNA to access private land. 2) provide possible road access through the Aquarius RNA north of the Clearwater River. 3) Conduct maintenance of existing roads and trails within RNA's with the least possible impact on the particular RNA values.

Forest Plan goals for rare plants are to establish sufficient research natural areas to include at least two to three examples of each major habitat and at least one example of a minor habitat in the forest and to meet Regional standards (USDA FS 1987).

Roads

Forest Plan direction is established at two scales. Forest-wide direction is applicable throughout the Forest, while management area direction ties specific goals, objectives, and standards to the unique capabilities of given parcels of land. The following Forest Plan goals, objectives and standards are applicable to roads Forest-wide and are appropriate for the broad scale of this analysis (Clearwater National Forest Plan, 9/23/87 and as amended).

Goals

Locate, design and manage roads to meet resource objectives and public concerns and to provide optimal soil and watershed protection.

Objectives

Incorporate transportation planning into all project and area analysis to determine road construction/reconstruction needs, appropriate road standards, and mitigation measures needed to minimize adverse effects.

Review existing system and non system roads as part of transportation planning to determine road management needs, such as closures, maintenance and decommissioning.

Implement a road management program that is responsive to resource protection needs, water quality goals, and public concerns. Miles of road left open to public use will be that amount necessary to meet public needs and resource management objectives.

Standards

Maintain the road network system in accordance with annual operating plans. Road maintenance priority shall be: user safety, road preservation and adjacent resource protection, and comfort and convenience.

Restrict use of roads as needed to prevent resource damage and closes roads and restrict the use of ORV's to protect road beds and to protect wildlife from undue harassment. Closures may be seasonal or yearlong to accomplish resource management objectives.

Soils

The Clearwater Forest Plan (Forest Plan; USDA-FS 1987a) directs us to manage soil and water resources at levels designed to meet Forest management objectives for watersheds. “Best Management Practices” shall be applied to all land-disturbing activities, including prevention of soil erosion during land management activities. The Plan additionally directs that we manage the soil resource such that the potential for soil productivity is maintained though the following standards. Table 1-5 describes how the forest-wide standards for soils, from among those listed on page II-33 of the Forest Plan, apply to this project and will be met.

Table 1-5: Forest Plan Compliance – Soils

Standard	Compliance Will Be Achieved By
Manage activities on lands with ash caps such that bulk densities on at least 85 percent of the area remain at or below 0.9 gram/cubic centimeter.	Limit motorized vehicle use to designated routes of the transportation system. Minimize motorized vehicle use on road and trail cut and fill slopes.
Design resource management activities to maintain soil productivity and minimize erosion.	Limit motorized vehicle use to designated routes of the transportation system.
The minimum coordinating requirements for projects on landtypes with high or very high mass stability parent material erosion hazard ratings.	No road construction is proposed as part of this analysis.

Wildlife

The principle policy document relevant to wildlife management on the Clearwater National Forest is the Clearwater Forest Plan of 1987, which contains goals, objectives, standards, and guidelines for management of wildlife species and habitats on the Forest. The Forest Plan includes the following goals, objectives, standards and guidelines for wildlife management:

Forest-wide Goals

- Provide habitat for viable populations of all indigenous wildlife species.
- Maintain and, where appropriate, improve the winter and summer habitat over time to support increased populations of big-game wildlife species.
- Limit motorized use on selected big-game range to minimize effects on big game.
- Manage habitat to contribute to recovery of each threatened and endangered species occurring on the Forest.

Forest-wide Standards

- Provide the proper mix of hiding and thermal cover, forage, and protection from harassment during critical periods on big-game summer range (primarily elk) in accordance with criteria contained in the "Guidelines for Evaluating and Managing Summer Elk Habitat in Northern Idaho."
- Provide habitat for snag-dependent indicator species.
- Rehabilitate key big-game winter range to meet elk population goals.
- Manage use of motorized vehicles off roads, on roads, and on trails in areas of key wildlife habitat features such as elk licks, wallows, and calving areas to accomplish habitat objectives.

Management Area Goals, Objectives, and Standards

- B1: Support a desired condition permitting no mechanized/motorized use.
- B2: Support a desired condition of a low level of mechanized/motorized use based on language to protect wilderness character; the desired condition of protecting wilderness character could be adversely affected by increasing levels of mechanized motorized use.
- A3: Support a desired condition to maintain a semiprimitive setting with a variety of opportunities for dispersed recreation in an essentially unroaded setting. Minimize management control of recreational activities. Manage other resources within constraints necessary to retain a semiprimitive setting and to maintain and enhance recreational opportunities. Manage optimum wildlife habitat for elk within limits necessary to meet visual management standards and to maintain a semiprimitive setting.
- C1: Support a desired condition to maximize big-game summer habitat and provide for high quality dispersed recreation in a semiprimitive motorized setting oriented to big game hunting season.
- C6: Support a desired condition to manage for the protection of soil and water resources and provide for dispersed recreation in a semiprimitive motorized setting to the extent that uses do not prevent achievement of fish and wildlife management goals.
- C8S: Support a desired condition emphasizing high quality wildlife and fisheries resources and provide opportunities primarily for non-motorized dispersed recreation in a roaded natural setting.
- E1, E3: Support a desired condition that is compatible with motorized road and trail use to the extent that resources (wildlife, fish, soil, water and recreation) are not adversely affected.
- C3, C4: Support a desired condition that is compatible with the MAs above when considering the wildlife resource goals for big game in the winter.

ROADLESS AREAS, RECOMMENDED WILDERNESS, AND WILDERNESS

The 1987 Clearwater Forest Plan Record of Decision determined that the acres to be managed under Management Area B2 direction (recommended wilderness) were suitable for inclusion in the Wilderness Preservation System. This decision was based on determining that these lands met the criteria for capability, availability and need at that time per Forest Service Land Management Planning direction found in FSH 2309.12, Section 72. Managing to protect wilderness character as mandated by the Forest Plan is essential if the basis for recommendation of these lands is to be retained into the future until the decision for or against designation can be made. This decision is only made at the congressional level.

A Capability Analysis was completed for inventoried roadless areas, including the three recommended wilderness areas, on the Clearwater National Forest prior to implementation of the 1987 Clearwater Forest Plan in 1978 and these areas were again analyzed for their capability, availability and need in 2005. The Capability Analysis is described in greater detail in Appendix E.

In December 2007 the National Forests in Idaho published a Draft Environmental Impact Statement (DEIS) to promulgate a State-specific rule in response to the Idaho State Petition presented by Governor James Risch on November 29 and 30, 2006. This process identified a system of lands called “Idaho Roadless Areas” and established five management area themes which included prohibitions for road building and timber harvest in certain theme assignments, and provides a mechanism for modifying designations. The final Rule was based on the Clearwater National Forest 2005 roadless area inventory. It was published in October 2008.

CLEAN WATER ACT

The Clean Water Act stipulates that states are to adopt water quality standards. Included in these standards are provisions for identifying beneficial uses, establishing the status of beneficial uses, setting water quality criteria, and establishing Best Management Practices (BMP’s) to control non-point sources of pollution. Executive Order 12088 also requires the Forest Service to meet the requirements of the Act.

Section 313 of the Clean Water Act requires Federal agencies to comply with all Federal State, interstate, and local requirements, administrative authority, and process and sanctions with respect to control and abatement of water pollution.

Section 303(d) of the Clean Water Act stipulates that states must identify and prioritize water bodies that are water quality limited (i.e., water bodies that do not meet water quality standards). For waters identified on this list, states must develop a total maximum daily load (TMDL) for the pollutants, set at a level to achieve water quality standards.

The Draft 2008 Integrated Section 303(d)/Section 305(b) Report is available online at http://www.deq.state.id.us/water/data_reports/surface_water/monitoring/2008.cfm.

Section 404 of the Clean Water Act requires permits to dredge or fill within waters of the United States. The US Army Corps of Engineers administers these provisions.

ENDANGERED SPECIES ACT (ESA)

Forest Service Manual (FSM) 2670 directs that all federal departments and agencies shall seek to conserve endangered and threatened species and shall utilize their authorities in furtherance of the Endangered Species Act and to avoid actions that may cause a species to become threatened or endangered. FSM 2670 also requires the Forest Service to maintain viable populations of all native and desirable non-native wildlife, fish, and plant species in habitats distributed throughout their geographic range on system lands.

As directed by the ESA, biological assessments and consultation under Section 7 of the Act will be completed for this decision.

The U.S. Fish and Wildlife Service provided an updated species list for the Clearwater National Forest on December 1, 2008 (File #103.0000 14420-2009-SL-0038). This list identifies three fish species (fall Chinook salmon, steelhead trout and bull trout), all of which are listed as threatened. Designated critical habitat included on the list is for steelhead trout and occurs throughout the Forest with the exception of the North Fork Clearwater River subbasin and Palouse River drainage.

Alternatives B, C, and D are not expected to result in a jeopardy biological opinion for any listed fish species.

EXECUTIVE ORDER 11644 (FEBRUARY 8, 1972) "USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS," AS AMENDED BY E.O. 11989 (MAY 24, 1977)

National direction for travel planning, specifically off-road use of motor vehicles on Federal lands, is provided by Executive Order (E.O.) 11644 as amended. Section 3(a) of E.O. 11644 directs the Forest Service to promulgate regulations that provide for designation of trails and areas for off-road motor vehicle use. The regulations require that designation of these trails and areas be based upon protection of National Forest System resources, promotion of public safety, and minimization of conflicts among uses of National Forest System lands. Section 9(b) was added to E.O. 11644 when it was amended by E.O. 11989. Section 9(b) specifically authorizes the Forest Service to adopt the policy to designate those areas or trails that are suitable for motor vehicle use and to close all other areas and trails to that use.

EXECUTIVE ORDERS 11988, 11990

These federal executive orders provide for the protection and management of floodplains and wetlands. Numerous floodplains and wetlands exist within the analysis area.

Executive Order 11988 on floodplain management requires Federal agencies to evaluate the potential effects of actions it may take in a floodplain to avoid adversely impacting floodplains wherever possible, to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management, including the restoration and preservation of such land areas as natural undeveloped floodplains, and to prescribe procedures to implement the policies and procedures of this Executive Order.

Executive order 11990 on Wetland Protection requires Federal agencies to take action to avoid adversely impacting wetlands wherever possible, to minimize wetlands destruction and to preserve the values of wetlands, and to prescribe procedures to implement the policies and procedures of this Executive Order.

EXECUTIVE ORDER 12898

Executive Order 12898 directs each federal agency to make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. An associated memorandum emphasizes the need to consider these types of effects during NEPA analysis. The Proposed Action and alternatives would not disproportionately adversely affect minority or low-income populations (including American Indian Tribal members) because access would be afforded to these groups equally in the Clearwater National Forest Travel Management Plan.

EXECUTIVE ORDER 12898

Executive Order 12898 directs each federal agency to make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. An associated memorandum emphasizes the need to consider these types of effects during NEPA analysis. The Proposed Action and alternatives would not disproportionately adversely affect minority or low-income populations (including American Indian Tribal members) because access would be afforded to these groups equally in the Clearwater National Forest Travel Management Plan.

EXECUTIVE ORDER 13112

EO 13112 was issued on February 3, 1999 to enhance federal coordination and response to the complex and accelerating problem of invasive species. The EO directs Federal agencies to work together [as stated in the Preamble] to "... prevent the introduction of

invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.”

IDAHO FOREST PRACTICES ACT

This act regulates forest practices on all land ownership in Idaho. Forest Practices on National Forest lands must adhere to the rules pertaining to water quality (IDAPA 20.02.01). The rules are also incorporated as BMP’s in the Idaho Water Quality Standards. This project does not propose any timber harvest activities.

IDAHO ROADLESS RULE

The Idaho Roadless Rule, promulgated on October 16, 2008 (73 FR 61456) identified a system of lands called “Idaho Roadless Areas” and established five management themes. The five themes protect roadless areas and their important characteristics by assigning various permissions and prohibitions regarding road building, timber cutting, and discretionary mineral activities. The final Rule also allows the Forest Service to reduce the risk of wildland fires to at-risk communities and municipal water supply systems. The final Rule supersedes the 2001 Roadless Area Conservation Rule for National Forest System lands in the State of Idaho.

IDAHO STATE WATER QUALITY STANDARDS

Environmental Protection Agency regulations require each state to adopt an anti-degradation policy as one component of its water quality standards. The objective of the Idaho Anti-degradation Policy is, at a minimum, to maintain and protect existing instream water uses and the level of water quality necessary to protect those uses (IDAPA 16.012501,01). Beneficial uses and water quality criteria and standards are identified in the State of Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02). Beneficial uses for the Forest include cold-water communities, salmonid spawning, primary contact recreation, domestic water supply, and special resource waters (IDEQ 2005). The two factors that have the greatest potential to impact those uses are sediment and temperature. The state standards that would be followed for the travel planning project are:

- Sediment: “Sediment shall not exceed quantities ...which impair beneficial uses.” (IDAPA 16.01.02200,08.).
- Turbidity. The turbidity standard allows for an increase over background of no more than 25 nephelometric turbidity units (NTUs) for a period of 10 days, and no more than 50 NTU’s, instantaneous, over background (IDAPA 16.01.02250, 02.c.iv.).
- Cold Water Biota: Water temperatures of 22 degrees C. or less with a maximum daily average not greater than 19 degrees C. (IDAPA 16.01.02250,02.c.ii.).

- **Salmonid Spawning:** During the spawning and incubation period for cutthroat trout (February through July) water temperatures will be 13 degrees C. or less with a maximum daily average no greater than 9 degrees C. (IDAPA 16.01.02250,02.d.ii.).

IDAHO STREAM CHANNEL PROTECTION ACT

The Idaho Stream Channel Protection Act regulates stream channel alterations between mean and high water marks on perennial streams in Idaho. Instream activities on National Forest Lands must adhere to the rules pertaining to the Act (IDAPA 37.03.07). The rules are also incorporated as Best Management Practices (BMP's) in the Idaho Water Quality Standards.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), SECTIONS 101 AND 106

The National Environmental Policy Act (NEPA) [42 U.S.C. 4321 et seq.] was signed into law on January 1, 1970. The Act establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment, and it provides a process for implementing these goals within the federal agencies. The Act also established the Council on Environmental Quality (CEQ).

Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony. Section 102 requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment. These statements are commonly referred to as Environmental Impact Statements (EIS's).

The public has an important role in the NEPA process, particularly during scoping, in providing input on what issues should be addressed in an EIS and in commenting on the findings in an agency's NEPA documents. The public can participate in the NEPA process by attending NEPA-related hearings or public meetings and by submitting comments directly to the lead agency. The lead agency must take into consideration all comments received from the public and other parties on NEPA documents during the comment period.

NATIONAL FOREST MANAGEMENT ACT (NFMA)

The National Forest Management Act (NFMA) [16 U.S.C. 1600-1614, August 1974, as amended 1976, 1978, 1980, 1981, 1983, 1985, and 1990) reorganized, expanded and otherwise amended the Forest and Rangeland Renewable Resources Planning Act of 1974, which called for the management of renewable resources on National Forest lands.

NFMA requires the Secretary of Agriculture to assess forest lands, develop a management program based on multiple-use, sustained-yield principles, and implement a resource management plan for each unit of the National Forest System. It is the primary statute governing the administration of national forests.

Forest Service Manual (FSM) 2670 directs the Forest Service to conserve endangered and threatened species, utilize its authorities in furtherance of the Endangered Species Act, and avoid actions that would cause a species to become threatened or endangered. FSM 2670 also directs the Forest Service to maintain viable populations of native and desired non-native wildlife, fish, and plant species in habitats distributed throughout their geographic range on system lands.

NATIONAL HISTORIC PRESERVATION ACT

Section 101 of the National Environmental Policy Act (NEPA) requires the Federal Government to preserve important historic, cultural, and natural aspects of our national heritage. To accomplish this, federal agencies utilize the Section 106 process associated with the National Historic Preservation Act (NHPA). Passed by Congress two years before NEPA, the NHPA sets forth a framework for identifying and evaluating historic properties, and assessing effects to these properties. This process has been codified in 36 CFR 800 Subpart B. The coordination or linkage between the Section 106 process of the NHPA and the mandate to preserve our national heritage under NEPA is well understood, and is formally established in 36 CFR 800.3b and 800.8. The terminology of "...important historic, cultural, and natural aspects of our national heritage" found in NEPA includes those resources defined as "historic properties" under the NHPA (36 CFR 800.16(l)(1)). It is thus the Section 106 process agencies utilize to consider, manage and protect historic properties during the planning and implementation stages of federal projects. Locally, the Clearwater National Forest uses a programmatic agreement (PA) signed between Region-1 of the USFS, Idaho State Historic Preservation Office and Advisory Council on Historic Preservation to implement the Section 106 process.

TRIBAL TREATY RIGHTS

American Indian Tribes are afforded special rights under various federal statutes including: the National Historic Preservation Act (NHPA) of 1966 (as amended); the National Forest Management Act of 1976 (P.L.4588); the Archaeological Resources Protection Act of 1979, and implementing regulations 43 CFR Part 7; the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, and implementing regulations 43 CFR Part 10; the Religious Freedom Restoration Act of 1993 (P.L. 103141); and the American Indian Religious Freedom Act (AIRFA) of 1978. Federal guidelines direct federal agencies to consult with American Indian Tribal representatives who may have concerns about federal actions that may affect religious practices, other traditional cultural uses, as well as cultural resource sites and remains associated with American Indian ancestors. Any Tribe whose aboriginal territory occurs within a project area is afforded the opportunity to voice concerns for issues governed by NHPA, NAGPRA, or AIRFA.

Federal responsibilities to consult with Indian Tribes are included in the National Forest Management Act of 1976 (P.L. 4-588), Interior Secretarial Order 3175 of 1993 and Executive Orders 12875, 13007, 12866, and 13084. Executive Order 12875 calls for regular consultation with tribal governments; and Executive Order 13007 requires consultation with Indian Tribes and religious representatives on the access, use, and protection of Indian sacred sites. Executive Order 12866 requires that federal agencies seek views of tribal officials before imposing regulatory requirements that might affect them; and Executive Order 13084 provides direction regarding consultation and coordination with Indian Tribes relative to fee waivers. Executive Order 12898 directs federal agencies to focus on the human health and environmental conditions in minority and low-income communities, especially in instances where decisions may adversely impact these populations (see the “Environmental Justice” above). The 40 CFR 1500-1508 regulations of the NEPA invite Indian tribes to participate in Forest management projects and activities that may affect them.

Portions of the Clearwater National Forest are located within ceded lands of the Nez Perce Tribe. Ceded lands are federal lands on which the federal government recognizes that a tribe has certain inherent rights conferred by treaty. In the Nez Perce Treaty of 1855, Article 3, the United States of America and the Nez Perce Tribe mutually agreed that the Nez Perce retain the right of:

“... taking fish at all usual and accustomed places in common with citizens of the Territory [of

Idaho]; and of creating temporary buildings for curing, together with the privilege of hunting,

gathering roots and berries, and pasturing horses and cattle...”

WILD AND SCENIC RIVERS ACT

There are several designated and eligible segments of rivers on the Clearwater National Forest. These river segments are managed, consistent with their designations, in accordance with PL 90542, as amended by 16 U.S.C. 1271-1287 and known as the “Wild and Scenic Rivers Act”.

WILDERNESS ACT

Management of the Selway-Bitterroot Wilderness is guided by: 1964 Wilderness Act, 36 CFR 261.16, FSM 2320, 1987 Clearwater Forest Plan (Management Area B1) including the 1994 amendment to the Forest Plan: Selway-Bitterroot Wilderness General Management Plan.

COOPERATING AGENCIES

No formal Cooperating Agencies participated in the development of this Draft Environmental Impact Statement. However, a representative from the Idaho Department of Parks and Recreation participated on the Interdisciplinary Team in an informal capacity.

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