

Draft Decision Notice for the Emerald Creek Garnet Area Improvement Project

USDA Forest Service
St. Joe Ranger District
Idaho Panhandle National Forest
Latah County, Idaho

Summary

This Draft Decision Notice authorizes construction of a road from 281 Gulch to Garnet Gulch, approximately 0.9 miles in length, and several ancillary projects on the current administrative site in the Emerald Creek Garnet Project Analysis Area. The decision is based on, and supported by, the analysis documented in the Emerald Creek Garnet Area Improvement Project Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), completed in February 2016.

The purpose of the project is to continue to provide a public recreational area for collecting gem-quality star garnets at the current 281 Gulch site, while providing for public safety and protecting water quality and aquatic habitats. Instead of moving the site to Garnet Gulch, as stated in the 2006 Emerald Creek Garnet Area ROD, it is proposed to truck garnet gravels from Garnet Gulch to the current public site in 281 Gulch. This would require improving specific areas at the current site.

More specifically, the project purpose is to:

- Construct a road from 281 Gulch to Garnet Gulch, approximately 0.9 miles in length with an average grade of 5 percent. Only authorized vehicles would be allowed a few weeks in the year to facilitate trucking garnet gravels from Garnet Gulch to the current 281 Gulch site and administering the work. Corrugated metal pipe cross drains would be installed in four drainages.
- Improve 281 Gulch Road (Road 3781) which would be widened to accommodate two lanes of traffic, where feasible, or maintain a single lane of traffic with inter-visible turnouts.
- Construct a parking lot nearer to the sluicing area, yet still be visibly screened from it. It would have a gravel bed and would accommodate approximately 60 vehicles. The lower parking lot would remain for over-flow parking and large vehicles (RVs and buses).
- Enlarge the existing sifting area and install a concrete floor and retaining wall to facilitate drainage and periodic removal of the screened material.
- Pour a concrete pad in the pavilion area and construct a permanent roof to provide the public a more enjoyable place to rest.
- Install a permanent vault toilet with a concrete pad, at, or near, the same area as the temporary, portable toilet.
- Install a concrete foundation at the current site of the permit sales building. It would remain in its current location.

The project is needed because:

- The approved decision in the 2006 ROD required a road to be constructed from Road 447 up Garnet Gulch to the public sluicing site which would be located in the Garnet Gulch Drainage. This road would be located on a very steep slope as it leaves Road 447 resulting in very large, obvious cut banks with grades up to 12%. The 12% pitch would drain right into Garnet Gulch itself. There is a need to construct a new, non-public road to facilitate trucking garnet gravels from Garnet Gulch to the current 281 Gulch site.
- The existing parking area is located on Road 447, approximately ¼-mile below the operations area and has limited parking spaces. There is a need to construct a new parking lot nearer to the sluicing area, yet still be visibly screened from the site.
- The public currently walks up the 281 Gulch Road a steep, gated road to reach the public sifting and sluicing site. This arrangement is not conducive to accommodating people with disabilities. There is a need to widen or construct inter-visible turnouts on this road to allow vehicles to travel in both directions at the same time to access the proposed parking area.
- The area where the public sifts the stockpile material is too small to accommodate the average 90 visitors per day and also it gets muddy and holds water. There is a need to expand this area and pour a concrete pad and facilitate drainage.
- Currently there is a flat area located across from the sifting area with a make- shift tent. This area is used for a shady resting place for the public. There is a need to pour a concrete pad and construct a permanent roof to provide the public a more enjoyable place to rest and wait for a turn at the sluicing area.
- We currently provide a temporary portable commercial toilet at the operations site. There is a need to install a concrete pad and a permanent vault toilet in the same area.
- The current permit sales building is placed on temporary blocks and there is a need install a concrete foundation in its current location.

Project Area and Existing Condition

The Emerald Creek Garnet Area Improvement Project covers approximately 780 acres and is located on National Forest System lands in Latah County, Idaho. It includes 281 Gulch, Garnet Gulch, and a portion of the East Fork of Emerald Creek drainages in T42N, R1E, Boise Meridian (figure 1).

In 2006, the Forest Service completed the Emerald Creek Garnet Area Final Environmental Impact Statement (2006 FEIS) and Record of Decision (2006 ROD) to address issues of safety and water quality related to the public garnet digging operations. As stated in the 2006 ROD, the public garnet sluicing operations would be moved to Garnet Gulch when the garnet source in 281 Gulch is depleted. When the 2006 ROD was signed, it was estimated the garnet sources in 281 Gulch would be exhausted in two to four years. As it turns out, the garnet supply is lasting much longer than anticipated.

During this time, the approved plan for the garnet area has been reviewed and a number of potential site modifications have been identified that would improve operations and enhance the Forest Service's ability to serve the public. This proposal would keep the public sluicing operations at the current location in 281 Gulch and garnet gravels would be trucked from Garnet Gulch to the public sifting and sluicing site in 281 Gulch.

Emerald Creek Garnet Area Improvements

St. Joe Ranger District
Idaho Panhandle
National Forests

- Legend**
-  Project Area Boundary
 -  Proposed Parking Area
 -  Proposed New Road Location
 -  Previously Proposed Road Location

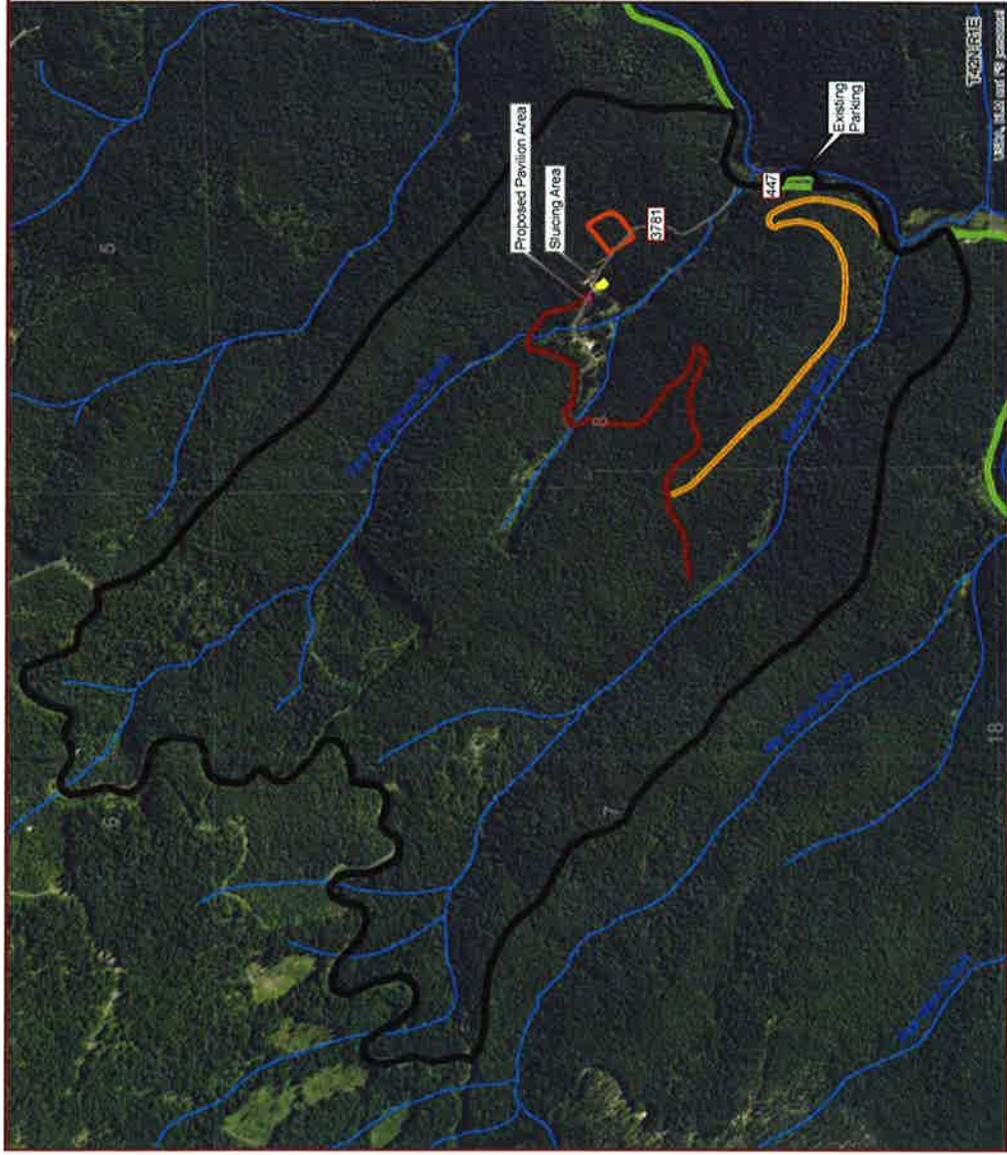


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Map Created 09/25/2014, modified 2/17/2016

U.S. Department of Agriculture, Forest Service, St. Joe Ranger District



Public Involvement

This project was first posted on the Idaho Panhandle National Forests website on September 24, 2014 and was first listed in the Idaho Panhandle National Forest Schedule of Proposed Actions on October 1, 2014. To begin the formal comment period, a legal notice was advertised in the paper of record, the Coeur d'Alene Press, on September 22, 2014. Public scoping comments were accepted 30 days after this publication. In addition, a scoping letter was mailed to 30 interested individuals and organization on September 15, 2014. Two comment letters were received, all supporting the project. One commenter requested that the new parking lot at the site should be surfaced with gravel, not pavement. In addition, two meetings were held with the Coeur d'Alene Tribe. They expressed no concerns about the project. Comments are included as part of the project record, available at the St. Joe Ranger District office.

Draft Decision and Reasons for the Decision

Based upon my review of both alternatives, the analysis documented in the EA and in the project record, direction in the Idaho Panhandle National Forest 2015 Land and Resource Management Plan, and comments received from the public, it is my decision to implement Alternative 2, the Proposed Action in its entirety that authorizes:

- Construction of a road from 281 Gulch to Garnet Gulch, approximately 0.9 miles in length with an average grade of 5 percent. Only authorized vehicles would be allowed a few weeks in the year to facilitate trucking garnet gravels from Garnet Gulch to the current 281 Gulch site and administering the work. Corrugated metal pipe cross drains would be installed in four drainages.
- Improvement of 281 Gulch Road (Road 3781) which would be widened to accommodate two lanes of traffic, where feasible, or maintain a single lane of traffic with inter-visible turnouts.
- Construction of a parking lot nearer to the sluicing area, yet still be visibly screened from it. It would have a gravel bed and would accommodate approximately 60 vehicles. The lower parking lot would remain for over-flow parking and large vehicles (RVs and buses).
- Enlargement of the existing sifting area and install a concrete floor and retaining wall to facilitate drainage and periodic removal of the screened material.
- To pour a concrete pad in the pavilion area and construct a permanent roof to provide the public a more enjoyable place to rest.
- Installation of a permanent vault toilet with a concrete pad at, or near, the same site as the temporary, portable toilet.
- The permit sales building placed on a concrete foundation. It would remain in its current location.

In addition to the activities noted above, there are numerous design features that will be used while implementing the project (EA pgs. 5-7). The purpose of design features is to completely avoid, or to the fullest extent possible, minimize the potential for adverse effects to resources. Also, monitoring protocols would be adhered to as described in the EA and the Monitoring Plan on pages 18-21 of the 2006 FEIS and Appendix C.

Other Alternatives Considered

As described in the EA, I considered the proposed action and the effects of taking no action (2006 FEIS, alternative B) based on the purpose and need for the project and the current condition of the analysis area. Public comment letters received and internal discussions did not lead to analysis of another action alternative. In the Emerald Creek Garnet Improvement Area, taking no action would not meet the purpose and need for the project.

Findings Required by Other Laws and Regulations

For each resource, the EA and/or specialist report contains a discussion on how Alternative 2 is consistent with the laws and regulations relevant to the specific resource being addressed. After reviewing each report and the environmental assessment, I find my decision to implement Alternative 2 complies with all applicable laws, regulations, and policies. See discussions below.

National Forest Management Act (NFMA)

Alternative 2 does not require any forest plan amendments. Activities in this alternative are consistent with the NFMA (16 USC 1604 (i)) and the forest plan for the Idaho Panhandle National Forests (2015) and will 1) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area to meet overall multiple-use objectives; 2) ensure that soil, water, and watershed resources will be protected (see environmental assessment, soil and hydrology analyses).

2015 Forest Plan Consistency

I have determined that the activities approved in this decision are entirely consistent with the Forest Plan, as required by the National Forest Management Act of 1976. The project was designed in conformance with forest plan direction in the form of desired conditions, goals, objectives, standards and guidelines. The EA and associated resource reports provide details on consistency with the forest plan.

For specifics on how each resource meets the desired conditions, goals, objectives, standards and guidelines in the 2015 forest plan, please refer to the EA and resource specialists report on the IPNF website at <http://fs.usda.gov/goto/ipnf/projects> under the Emerald Creek Garnet Improvement Project listing.

Executive Orders 11988 and 11990

I have also determined that my draft decision complies with Executive Orders 11988, and 11990, dealing with floodplains and wetlands. Incorporating design features described in the environmental assessment (pg. 5-7) the project will comply with the Clean Water Act of 1972, as amended, and Idaho Water Quality Standards.

Executive Order 13112 (Invasive Species)

The selected alternative will meet the intent stated in Executive Order 13112. Through the implementation of design features for invasive species, populations of weeds will have little potential to spread in the project area.

National Historic Preservation Act

The Forest Service has completed cultural resource surveys in October 2014 and activities are expected to have **No Effect** on cultural resources. A SHPO concurrence letter was received on June 15, 2015. During implementation of the project, if cultural resources are identified, they will be treated and protected according to provisions of State and Federal law.

Endangered Species Act

To comply with the Endangered Species Act of 1973, as amended, biological assessments for wildlife, fisheries, and botanical species were completed. There are no threatened and endangered species or habitat present within the project area. Since the project will have **No Effect** on any threatened or endangered species the District did not initiate formal consultation with the Fish and Wildlife Service.

Environmental Justice Act

Alternative 2 was assessed to determine whether it will disproportionately impact minority or low-income populations, in accordance with Executive Order 12898. There were no public comments raised regarding environmental justice considerations, and no impacts to minority or low-income populations were identified during scoping or any other portion of public involvement during the course of this analysis and based on this, I find that the selected alternative complies with this Act.

Administrative Review and Objection Rights

This decision is subject to administrative review (objection) pursuant to 36 CFR Part 218, subparts A and B. A written objection must be submitted to the reviewing officer within 45 calendar days following publication of the legal notice of the objection period in the Coeur d'Alene Press, which is the newspaper of record. It is the responsibility of objectors to ensure their objections are received in a timely manner (36 CFR 218.9(a)). The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

Objections will only be accepted from those who have previously submitted specific written comments regarding the project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after the designated comment opportunities.

The objection must contain the minimum content requirements specified in §218.8(d), as identified in the legal notice of the objection period. Incorporation of documents by reference is permitted only as provided in §218.8(b). Incomplete responses make review of an objection difficult and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10. All objections are available for public inspection during and after the objection process.

Objections, including attachments, must be filed via mail, express delivery, messenger service or fax to:

Objection Reviewing Officer
USDA Forest Service
Northern Region
26 Fort Missoula road, Missoula, MT 59804
Fax: (406) 329-3411

Office hours for those submitting hand-delivered objections are: 8:00 AM to 4:30 PM, Monday through Friday, excluding holidays at the address above. E-mail objections must be submitted to appeals-northern-regional-office@fs.fed.us, with "Emerald Creek Garnet Improvement Project" typed in the subject line. Electronic objections must be submitted in MS Word (.doc or .docx), rich text format (.rtf), portable document format (.pdf) or other format that can be read with optical character recognition software. It is the responsibility of Objectors to ensure their objection is received in a timely manner (36 CFR 218.9).

Implementation

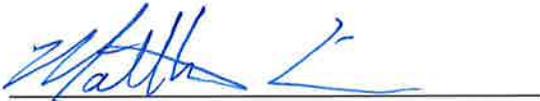
If objections are filed, approval of project activities will not occur until the pre-decisional review process is complete and a final decision notice issued. A decision will not be signed until the reviewing officer has responded in writing to all pending objections, and all concerns and instructions identified by the reviewing officer in the objection response have been addressed.

If no objections are filed within the 45-day time period, implementation of the decision may occur on, but not before, the fifth business day following the end of the objection filing period, depending upon the availability of funding.

Contact Information and Responsible Official

For more information concerning the Emerald Creek Garnet Improvement Project, please contact Project Leader Kevin Knesek at the Idaho Panhandle National Forest Supervisor Office, 3815 Schreiber Way, Coeur d'Alene, ID 83815; by telephone (208) 765-7442 or by email ksknesek@fs.fed.us. The EA, Draft DN, maps, and resource reports are available on the Idaho Panhandle National Forests' internet website http://www.fs.fed.us/nepa/nepa_project_exp.php?project=45344.

I, District Ranger Matthew Davis, am the responsible official for this decision.



Matthew A. Davis
St. Joe District Ranger
Idaho Panhandle National Forest

3/11/2016
Date

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of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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