

# DRAFT EIS for the UPPER LOCHSA LAND EXCHANGE

Comments Submitted by Larry Ross

## The following comments are respectfully submitted in response to the Draft Upper Lochsa Environmental Impact Statement – Clearwater National Forest.

### General Comments

I found it impossible to gain clear understanding of the environmental consequences with a plain reading of the Upper Lochsa DEIS. The DEIS simply lacks overall clarity, consistency and logical discussion. Perhaps most significantly, the Agency chose to use a set of generic resource topics as Issue Statements (DEIS pg 8 & 9) instead of the many specific issues the public raised during the Agency's scoping period. As I read the document, I kept asking myself "Where are the many specific issues that I heard the public raise at the public scoping meetings?" By failing to identify the many significant public issues, the DEIS also fails to identify and examine in detail, a reasonable range of alternatives. It fails to adequately disclose environmental impacts consistent with the Agency's public scoping effort or present believable information in support of the Agency's preferred alternative.

The FEIS must be responsive to public involvement and identify the true public issues to focus the document and drive formulation of a reasonable range of alternatives. The FEIS must be written in much clearer language, present complete information, be more consistent and do a much better job of explaining analysis methodology than the DEIS.

There is too little objective discussion/analysis in the DEIS and simply too much political spin. Rather than applying and describing a rigorous process to define the scope of the various resource topics consistent with the context and intensity requirements of the National Environmental Policy Act (NEPA<sup>1</sup>), the DEIS arbitrarily defines scope as the aerial extent of the exchange parcels. In so doing, the direct, indirect and cumulative impacts described in the DEIS are arbitrarily limited to the aerial extent of the exchange parcels rather than the true scope of the resource topic issue. This results in the DEIS cherry picking favorable information and data to disclose. The FEIS must expand the scope of most issues to ensure full and objective disclosure of indirect, direct and cumulative impacts of the alternatives

The DEIS is nearly silent on analysis logic and methodology. I found it very difficult to understand the links between the resource issue topic, the disclosed environmental consequences and the purpose and need for action. The lack of clearly described methodology or analysis processes gave a distinct "black box" flavor to Chapter 3 of the DEIS. Simply put, I found large gaps in analysis logic. The FEIS must expand the analysis sections to clearly describe the methodology (ies) used and explain how each would address the issue and demonstrate how an alternative would meet the purpose and need for action.

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<sup>1</sup> NEPA as used here and throughout this letter refers to the National Environmental Policy Act, Regulations at 40 CFR 1500 – 1508, and the Forest Service Manual (FSM) and Handbook (FSH) direction related to NEPA.

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Lastly, I was extremely disappointed that the DEIS failed to analyze in detail a reasonable range of alternatives consistent with requirements of NEPA. There is no evidence that the Agency made any attempt to craft alternatives that addressed significant public issues. The FEIS must identify and carry through detailed analysis additional alternatives that directly respond to significant, unresolved public issues.

The proposed Upper Lochsa Land Exchange has been highly controversial from the first public notification to present. In the main, despite Agency attempts to persuade the public of a need to acquire the upper Lochsa lands in exchange for local public lands, it remains that neither the general public nor most local affected governments and State elected officials agree with the Agency that the proposed exchange is viable or in the Public's best interest.

Several Agency actions have served to further compound this on-going public controversy including revelation that the Agency used a "black box" process to complete a feasibility analysis and "back room" deal cutting tactics to complete the Agreement to Initiate the exchange. Agency policy (FSH 5409.13) and Federal Regulation (36CFR254 (3)(b) require the Agency to complete a Feasibility Analysis to assess public and local government support or opposition and understand and summarize public interest factors related to the needs of local residents and their economies prior to entering into an Agreement to Initiate. Agency records indicate the Agency began negotiations with Western Pacific Timber (WPT) as early as 2005 but completely left the public and local governments out of the conversation until after the Feasibility Analysis was done, a deal had been cut and the Agreement to Initiate was signed in September 2008 (DEIS pg S-1). The first public and local government notification was in November of 2008 (DEIS pgs S-3 and 6,7). There is no evidence in the record that the Agency made any effort to assess, by any commonly used outreach or public involvement method, the Factors at 36 CFR 254.3 (b) including general public and local county and state government support (or opposition) to the proposed exchange to support and inform the Feasibility Analysis. ***As a result the Agency failed to identify at the appropriate point in the process, the significant and deeply held public and local government position that the exchange is not in the public's interest.*** Had the Agency followed law when completing the Feasibility Analysis, the Agency would have had critical information (specific Factors at 36 CFR 364.3(b)) directly related to the public's Issues with trading away local lands when drafting the Agreement to Initiate.

The Agreement to Initiate set in concrete the larger set of properties to be considered for exchange and the process, from that point forward, was narrowly defined and virtually inflexible and did not allow for an open and unbiased public scoping process to identify and consider significant public issues and reasonable alternatives. The Agency should restart the exchange process consistent with Federal Regulation at 36 CFR 254. The FEIS must disclose the full Feasibility Analysis and Agreement to Initiate.

Another Agency action compounding public controversy was the arbitrary and capricious selection of federal properties to give away. The Agency has not described nor does the DEIS disclose, strategic direction, policy, criteria or other analysis process to explain what led the Agency to choose the specific set of federal properties considered for exchange. On the flip side, there is no comparable information

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disclosed to show how the Agency selected the private parcels for Acquisition. By any measure, it appears the Agency simply went looking for acres (DEIS pg 27) to dispose and acres to acquire without any thoughtful rationale, objective criteria or clear need. The DEIS discloses no deliberative process based on valid criteria linked to Agency policy or strategic plan or, for that matter, the stated purpose and need for action. The FEIS must disclose the specific management strategy, Agency plan or guiding document and specific criteria used to guide and select the individual private and federal properties for acquisition and trade.

The net result is that the Public is forced to review and comment on a DEIS that started off on the wrong foot and has stayed on the wrong foot and is uniformly viewed as significantly flawed and contains no reasonable action alternative to address the public's significant issues. The lack of a reasonable range of alternatives that address significant public issues makes it impossible for reviewers, including myself, to submit substantive comment on the adequacy of the proposal. About all the public can do with this DEIS at this point, is offer a set of editorial comments noting flaws in logic or gaps in clarity.

In summary, the Upper Lochsa DEIS fails to provide sufficient clarity and information for the public to make informed comments on the Proposed Action and Alternatives, the environmental consequences or the Scope of analysis.

## DETAILED COMMENTS

### Section 1.3 Forest Plan Direction and Other Requirements (DEIS pg 3)

This section lists National Forest Plan Direction for the three National Forests related to land exchanges. In addition, there are brief discussions of applicable standards throughout Chapter 3. However, it is extremely difficult to compare how the various alternatives would actually meet and/or achieve key direction for each Forest Plan. The FEIS must include a Table that compares how each Alternative meets applicable Forest Plan Direction with meaningful, quantitative or qualitative values.

### Section 1.4 Purpose and Need for Action (DEIS pg 4)

The Purpose and Need for Action statement is flawed in that it 1.) utterly fails to define and/or describe a significant management problem or its urgency, 2.) artificially limits the range of alternatives by arbitrarily defining the Purpose as a specific action, and 3.) is so broad and vague it fails to support the proposed action and/or focus the environmental analysis.

The DEIS Purpose statement has two distinct parts. The first is "*The purpose of this proposed project is to consolidate land ownership in the Upper Lochsa River drainage...*".

This portion of the Purpose statement describes an explicit action rather than making a clear statement of purpose as described and required at 40 CFR 1502.14. Expressing the Purpose as an explicit action rather than the specific management problem to which the Agency is responding (proposed action) results in circular logic that artificially and arbitrarily limits the range of alternatives by precluding

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consideration of other reasonable alternatives not involving consolidation that might better solve the specific management problem facing the Agency. The Purpose and Need Section provides no clarity on what management problem the Agency is responding to and trying to solve.

The second part of the Purpose statement “..to provide more efficient and effective natural resource management” is unacceptably vague and so broad in scope that literally hundreds of actions would qualify as reasonable alternatives to address it. It does not add to the clarity of the Purpose section or help focus the DEIS. Reviewers are left with no clear idea of the character or magnitude of the problem which triggered the Agency to propose such a significant federal action.

As written, the Purpose Statement characterizes the problem as the checkerboard ownership. Checkerboard ownership pattern is not a management problem. Management problems may result from such an ownership pattern and if there are management problems requiring Agency action, those specific problems must be clearly disclosed in this section of the FEIS. The place for describing explicit action is in the Proposed Action/Alternatives section.

The FEIS must rewrite this section to clearly articulate what specific management problems are facing the agency and explain, in detail, the magnitude of each.

The Need section does not include any specific information or criteria to show urgency or explain how the Agency would measure/determine if an alternative would result in improved efficiency or improved effectiveness across the three National Forests.

The Purpose and Need section simply does NOT support the Agency’s proposed Action or any of the action alternatives. There is simply nothing in this section that would assist a reviewer to grasp the nature, magnitude and urgency of the problem driving the Agency to consolidate land in the upper Lochsa area. It fails to clarify why the Agency proposes a significant federal action and fails to focus the environmental analysis as required by NEPA.

The FEIS must contain a complete and well written Purpose Statement that describes the specific environment or management condition(s) to which the Agency is responding and a clearly written Need statement that demonstrates the magnitude and urgency for action (40 CFR 1502.13). As currently written, the Purpose and Need for Action section is circular in nature and so vague it does not clearly support the various action alternatives or focus the following analyses to demonstrate significant differences between alternatives.

## Section 1.6 Decisions to Be Made (DEIS pg 6)

This section is another example of the vague and unfocused language and terminology used throughout key sections of the DEIS. This unfocused writing fails to clarify and focus the document.

The middle paragraph reads that the agency will use “resource values” and “public objectives” to determine if the exchange is in the public interest. However, nowhere in the document can a reviewer find what are the specific resource values or public objectives, or what criteria or methodology will be

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used to quantify or qualify these terms to measure or assess how each alternative achieves them. There is no specific, focused discussion of resource values or public objectives in the Affected Environment and Environmental Consequences Chapter of the DEIS and no table comparing how well each alternative addresses these. The FEIS needs to clarify this section by specifically defining “resource values” and “public objectives”, list the criteria the Agency will use to evaluate each and show how they will be used to determine “public interest”.

## Section 1.8 Issues (DEIS pg 8)

The DEIS does not do an acceptable job of identifying Issues. Many Issues which I personally heard expressed at the public scoping meetings or read in letters or which I have personally expressed are entirely omitted in favor of generic resource topics such as “Timber”. It is discouraging to review the DEIS and note a complete lack of any effort to display a meaningful and accurate set of public issues, particularly after all the attention this proposed exchange has generated and the amount of public involvement that has taken place.

The public raised many specific issues in direct response to the Proposed Action that must be addressed in the FEIS. The FEIS must include a greatly expanded list of Issues and the environmental analysis must be greatly expanded to address them so that the environmental consequences relative to these important issues are disclosed in the FEIS.

Specifically, the Issues listed in Section 1.8 of the DEIS are resource topics and not specific issues. While it is appropriate the environmental analysis addresses most of these topics to disclose general environmental consequences, they certainly are NOT the set of significant issues that the public specifically identified and that the Agency should have used to focus the analysis and drive the formulation of alternatives (40 CFR 1500.2(d)). Below are some of the specific issues brought forward by the public, including elected officials, in direct response to the Proposed Action that must be addressed in the FEIS:

- Retain all local public lands in Benewah, Latah and Idaho Counties.
- Loss of public local public lands will negatively affect local economies.
- Limit the exchange of lands to the checkerboard area in the Upper Lochsa to preserve open space near out communities.
- This trade will set a precedent for future trades and eventually the public will lose all local public lands.
- Retain private land in Idaho County.

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- Use conservation easements and/or other State and Local land use agreements to address the agency's management issues.
- The public will give up highly productive timber land for high, elevation, low productive timberlands which will cost taxpayers over time regardless of a gain in acres.
- The exchange will "cost" the taxpayers dearly. It is cheaper to manage the local lands already at federal standard than to bring the remote private lands up to federal standard.
- The exchange would give up well stocked (timber) federal lands meeting federal standards for poorly stocked cutover private lands meeting minimum state standards.
- The public would give up significant timber volume for a long time.
- The exchange will give up public lands long managed for multiple-use values for single purpose, cutover commercial timberlands.
- The Forest Service will be trading lands with good roads, well stocked harvest units, buffered streams, public trails, and other features that are a result of significant federal investment for lands with little or no infrastructure.
- The public will lose public access to local, highly used public lands.
- The private lands in the upper Lochs will require substantial federal investment to bring to federal standard.
- The public will lose readily accessible lands in an era of rising energy prices.
- Future open space will become increasingly important to North Central Idaho where the population will increase. The agency should retain all local public lands for future open space needs near these areas and, even consolidate these lands rather than worry about the remote private lands in the upper Lochsa area.

I have done my best to recreate, from memory, the above issue statements I heard many of the public voice at the public meetings. All of the above are clearly within the scope of the analysis.

The FEIS must include clear and specific public issues to focus the DEIS consistent with public involvement, ensure full disclosure and permit the Agency to formulate a reasonable range alternatives to be carried through detailed analysis to give clarity and contrast between alternative courses of action.

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The Agency needs to go back to its record of public involvement and pour through the many letters and have someone familiar with NEPA process requirements craft a meaningful set of issues to be analyzed in the FEIS. Issues drive alternatives and focus the analysis so that the public can see the environmental consequences relative to all identified issues within the scope of the project.

## Section 1.9 Maps (pgs 11-26)

The DEIS completely lacks a site-specific analysis consistent with the Purpose and Need for Action statement of either the properties to be acquired or the properties to be traded. Reviewers are unable to make any informed review or comment on individual parcels or understand what environmental consequences would occur from disposing or acquiring any one of the widely spaced, unique properties being considered. There is no evidence in the DEIS that the Agency completed a rigorous, site-specific analysis or took a hard look at the parcels to be acquired and parcels to be traded to ensure that, in balance, the final Decision will meet the stated Purpose and Need for Action. In the simplest of terms, the DEIS does not make it clear what criteria were used to determine the degree that each listed property would improve management efficiency and/or effectiveness.

In short, the DEIS fails to disclose, in understandable terms or values, the environmental consequences that would result from disposing of each unique, widely spaced, federal parcel, **fatally hindering the public's ability to make informed comment on the DEIS**. The FEIS must correct this and include a site specific analysis of each parcel using quantifiable criteria to assess how acquiring, retaining or disposing would improve management effectiveness and efficiency across the three National Forests.

## Section 2.1 Alternatives (pgs 27 – 29)

The DEIS does not consider a reasonable range of alternatives. In fact, there is virtually no distinction between action alternatives. All action Alternatives propose to acquire all of the private lands in the Upper Lochsa at the ultimate expense of the maximum amount of public land.

Acquiring or not acquiring the private lands in the upper Lochsa area is discretionary (36 CFR 254.3(a))(DEIS pg S-1). In other words, the Agency may acquire all, some or none of the private parcels in the Upper Lochsa area and so it follows that a range of alternatives acquiring less than all of the private lands must be considered in detail to satisfy NEPA (40 CFR 1500 – 1508 Appendix B).

Further, there is no evidence that the Agency made any effort to develop and analyze in detail a reasonable range of alternatives that would directly mitigate, to the extent possible, significant issues raised by the public. The Agency appears to rely on the No Action Alternative or the full purchase Alternative to address ALL OF THE PUBLIC ISSUES raised in response to the proposed action. This is assumed because the DEIS fails to identify specific public issues raised during scoping. Simply put, neither alternative directly resolves specific conflicts as required by NEPA. The Agency is required by regulation and/or policy to consider the No Action and full purchase alternatives regardless of public input or issue and neither alternative represents Agency action to actively respond to public issues and

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formulate a reasonable alternative(s) to address unresolved conflicts (significant public Issues)(40 CFR 1501.3(d)).

I was thoroughly puzzled that the DEIS did not analyze in detail an alternative that limited the exchange to the checkerboard area in the Upper Lochsa. Three of the County Commissions and many of the public specifically requested the Agency examine this alternative in detail to address their specific concerns. It is disingenuous of the Agency to determine that this alternative would NOT directly address a significant public concern after a significant number of the public and important political bodies said it would. Such an alternative is clearly within the scope of the project, clearly satisfies NEPA requirements and directly addresses a host of significant public issues while solidly addressing the broadly stated purpose and need for action.

The FEIS must include a range of action alternatives that directly respond to the Significant Issues to focus the analysis, disclose meaningful information and create valid distinction between alternatives. At a minimum, the FEIS must consider in detail an alternative that confines the exchange to the Checkerboard area in the Upper Lochsa.

## Section 2.1.5 Alternative D (pg 29)

This Alternative must be the Agency's attempt to appear to address the public's significant issue of giving away local, highly used public lands. First, Alternative D is a minor variation of Alternative B. It still proposes to acquire all of the lands in the Upper Lochsa, albeit by a slightly different way if funds become available. It also carries strong undertones that the onus to round up the additional funds would fall to the public. This makes this alternative feel like the "blackmail" alternative. Also, in a period of falling federal funding, this alternative is likely one that belongs in the "Considered but Not In Detail" round file. Other than the blackmail twist, Alternative D is Alternative B and C all over again. Thus, it hardly meets the requirement of NEPA to develop alternatives that sharply define the issues and provide a clear choice among options (40 CFR 1502.14). Second, it is highly unlikely that the Agency would be successful in getting necessary funds on a year to year basis over a three year timeframe to purchase the significant amount of acres remaining to be acquired after the first phase. The Agency has been fiddling with this exchange since at least 2005. If the Agency is confident the funds would be available to carry out Alternative D it should be disclosed in the DEIS. If the Agency is not confident funds will be available within three years, then this Alternative should be round filed or amended to be a viable, clear choice among alternatives. Alternative D would need to be amended to limit all acquisition beyond phase 1 to purchase only, and the time frame for purchase should be lengthened to at least seven years. A ten year time table would be even more doable and reasonable.

Alternative D as written does not represent a viable alternative that would give clear choice and contrast among alternatives and either should be eliminated from the FEIS or substantially modified.

Another reasonable alternative would be one that only acquires two million dollars (\$2,000,000) of private parcels. The Agency could prioritize the private parcels so that this alternative would acquire those that best meet the Agency's critical needs, such as the sections through which the historic



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Nezperce trail passes. Another reasonable alternative would be one that combined a \$2,000,000 purchase with the purchase option aspect of Alternative D. That is, an initial purchase of \$2,000,000 of private parcels with a 10-yr option to purchase more as funds become available. The point is that these are reasonable alternatives that should have been given detailed consideration in the DEIS. These two would solve another weakness of the DEIS because they would require the Agency to develop and apply specific criteria to choose and prioritize among private parcels consistent with the Purpose and Need for Action. Criteria should have been developed to prioritize among parcels for both disposal and acquisition anyway.

The FEIS must include other reasonable alternatives consistent with the scope and purpose and need for action that directly respond to the host of unresolved public issues.

## Section 2.1.7.10 (pgs 33 and 34)

The last paragraph in this section implies that there is a set of parcels to be conveyed to WPT with development potential. Has the Agency identified those specific parcels so that the appraisal process can adequately value them and their timber resource? What are the environmental consequences of development on the environment? There is no evidence in the DEIS that indicates the Agency has given this a hard look and disclosed the social, economic, political or environmental impacts associated with real estate development of federal parcels or private parcels.

## Table 2-5 (DEIS pgs 36 – 39)

It is not possible to provide many substantive comments on Table 2-5 here or on the Affected Environment and Environmental Consequences Chapter because there is no site-specific analysis contained in the DEIS to reference. As noted in the introduction of this comment letter, comments are relegated to simple edits rather than a set of substantive comments that would be possible if responding to a well presented environmental analysis.

The No Action Alternative is included by regulation to provide a sharp comparison between not doing anything and taking action. It *“...provides a benchmark, enabling decision makers to compare the magnitude of environmental effects of the action alternatives.”* (40 CFR 1500 – 1508 Appendix B(3).

Leaving the No Action Alternative column blank in Table 2-5 makes comparison between Alternatives impossible. The FEIS must complete the same level of analysis and disclose the same kind and detail of information for the No Action alternative as the action alternatives.

To illustrate, Table 2-5 often states “No Change” for the No Action alternative. This is erroneous. The No Action alternative will result in change, either positive, neutral or negative. For example, Table 2-5 under “Cultural Resources”, the outcome is listed as “No Change” for the No Action Alternative. This outcome is inconsistent with the terminology used to display the outcomes for the action alternatives and thus, fails to adequately compare alternatives. In reality, compared to the action alternatives the outcome for the No Action alternative should be described “positive”.

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Another example would be “Water Quality”. Table 2-5 displays “Water Quality” as “No Change” when, in fact, water quality will change under the No Action Alternative. Table 2-5 lists impacts for the action alternatives which assume future actions that will take place over an unspecified period of time. In contrast, the impacts for the No Action alternative appear to be displayed at a single point in time with no assumption of reasonably foreseeable future action or a continuation of existing environmental processes. **This is a process flaw in Table 2-5 but, more importantly, reflects a fatal flaw in the environmental analysis.**

The FEIS must include rigorous analyses of the No Action Alternative consistent with the analyses done for each of the action alternatives. The FEIS must include a corrected Table 2-5 to provide an accurate comparison of Alternatives.

## Section 3.3 Transportation (DEIS pgs 43 – 48)

This section of the DEIS is extremely confusing. The National Forest would gain about 40,000 acres of intensely managed industrial timberland and give up about 14,000 acres of balanced use acres. The DEIS discloses that the Agency would acquire 47 miles of additional road while giving up twice that number to WPT (94 miles vs 47 miles, Table 2-5 pg 36). This is not logical and probably is explained by the discussion (pg 45) that states “*there are up to 250 more miles of yet unidentified but potential roads located on WPT parcels*”. This additional 250 miles of road on WPT lands (pg 45 and elsewhere) are not accounted for in the comparison or listed in Table 3-5 or 3-6 (pg 45). It appears that the authors are relying on a complete road inventory on the National Forest and an incomplete road inventory on WPT lands to support the values listed in Table 205. This greatly skews the picture and significantly understates the number of roads that the National Forest would assume the management burden for in any exchange of lands.

The FEIS must include and be informed by a reliable road inventory that applies the same criteria to the existing road system on National Forest System lands and WPT lands so that an accurate analysis may be done to disclose environmental consequences, specifically, to disclose how such would improve the efficiency and effectiveness management. While table 2-5 indicates a reduction in road miles and thus administration costs, plain reading of the Transportation Section and other sections leads reviewers of the DEIS to conclude that Road management would be a huge future cost for the taxpayer.

Discussions at section 3.3 also note that there are 156 miles of road (pg 45) covered under existing cost-share easements. Are these truly National Forest roads on the WPT lands or are they jointly owned by the parties? The FEIS must clarify ownership and, if in fact, this 156 miles of road are jointly owned, then the Forest Service will be “gaining” more road miles than is currently disclosed in the DEIS. This is particularly important as under Direct and Indirect Impacts of Section 3.3.2.2 limits the discussion to administration costs associated with cost-share agreements by concluding the “*administrative cost to the Forest Service for managing these cost-share roads would end.*”. While that statement may hold true, the cost of assuming full maintenance and management costs of 156 miles of cost share roads must also be addressed. FEIS must clarify, disclose and contrast the cost of joint management (No

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Action Alternative) to sole management (action alternatives) of 156 miles of system road. The FEIS must clearly show the annual cost of managing cost-share agreements on the 156 miles of roads versus the annual cost of assuming full management responsibility and cost on 156 miles of road.

The DEIS refers to the need to reduce the number of cost share agreements for road management. The Transportation section of Table 2-5 would be the appropriate place to show this change, either positive or negative, as it relates to acquiring 300 – 400 miles of additional road not at federal standards. The FEIS must include an objective analysis of current and future road management costs that considers the full range of trade-offs and display these values in an amended Table 2-5.

## **Section 3.4 Recreation (DEIS pgs 48 – 57)**

Analyzing and displaying the environmental consequences in terms of ROS class is pretty meaningless to most, if not all people and doesn't address and disclose consequences related to specific issues. What greatly concerns the public is loss of immediately accessible, local lands that are within 1 hour or less of major northern Idaho communities. Open space, if you will. The Agency must find a way to adequately address that specific issue/concern, analyze it and display the consequences in the FEIS.

Why does the DEIS list the annual number of visitors to the Lolo Pass Visitor Center under a section describing use on WPT lands? The Lolo Visitor Center is located on National Forest System Lands along a major cross state/cross country highway. The number of visitors that stop at the Lolo Visitor center is likely wholly unrelated to the land ownership pattern in the Upper Lochsa. Further, if the Agency feels this information is relevant and should be displayed in the DEIS, the Agency must display equivalent information for the rest of the National Forest for valid comparison. This appears to be an example of cherry picking information to produce political spin rather than presenting data to support an objective analysis. How many people visit Elk Creek Falls per annum? How many visitors visit the Giant Cedar? There is no stop along the numerous state highways in the general forest area where the federal parcels are located equivalent to the Lolo Visitor Center. So what data taken at what point on the many state highways would the Agency use to provide equivalent visitor data for those areas? The number of people stopping for gas at the convenience stores in Elk River, Bovill, Deary, St. Maries, Elk City, Potlatch, Moscow, Grangeville, and so on? How about just reporting highway traffic on the major State and County paved roads that access all of the areas? I hope the preceding questions show how unhelpful it is to display inconsistent or incomplete data. The FEIS must either eliminate the visitation data at Lolo Visitor Center, or collect comparable data to support a fair, consistent and equitable analysis to give a valid comparison of alternatives.

The FEIS needs to either expand Section 3.4 to include a complete discussion of visitation to the general federal parcel areas or drop this incomplete and wildly confusing and misleading data.

The section on developed recreation facilities failed to note that Elk Creek Falls interpretive site is located within three (3) miles of the Cloverleaf parcels.

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Section 3.4.2.1 notes there will be no direct or indirect recreation impacts from the No Action Alternative and, therefore, no cumulative effects. Again, if this statement refers to how ROS class will change then it is meaningless and fails to adequately address public concerns regarding recreation and access raised during scoping. The No Action alternative would leave the current body of local public lands in public ownership. The public very clearly has shown how extensively these lands are used and expressed explicit issues regarding the effect on public access/recreation were these parcels to become private. ROS class has no direct relationship to visitor use. Visitor use is the underpinning of this strident, significant public issue. The conclusion that the No Action alternative would have no effect on recreation is invalid. The FEIS must clarify the recreation use issue and adequately address it consistent with requirements of NEPA.

Another example of how poorly the DEIS addresses recreation is the inconsistency between the Recreation section and the Transportation section. The Transportation section notes that the action alternatives would result in a net loss of public roads. How would the loss of public road miles affect recreation? The FEIS must identify the true public issues and not gloss over them with general discussions or inane discussions of recreation categories. The FEIS must disclose the true environmental consequences relative to specific issues raised by the public and must include a vivid description for the No Action alternative as well as the action alternatives to sharpen the contrast between alternatives.

Also, under section 3.4.2.2 – Dispersed Recreation Activities (pg 54), it states that *“Concern was expressed during public scoping that the exchange would result in heavily used lands close to communities being exchanged for lands further away and used by fewer people.”* This section dismisses this issue by baldly stating that recreation access would remain the same under private ownership. This is an unbelievable declaration without a shred of objectivity or data to support it. Here the Agency departs from objectivity and analysis required by NEPA to engage in a form of political spin. In another area of the DEIS, the authors disclose, as a reasonably foreseeable action, that WPT may sell this land to others for a variety of reasons including real estate development. This negates any assumption public access will continue unchanged.

When an analysis must rely on assumptions, the basis of those assumptions must be clearly described and explained. WPT (and its principle owners through various names) have been involved in several large land exchanges involving public lands, such as the Yellowstone Club in the Gallatin Canyon on the Gallatin National Forest. The Agency must research WPT’s past history on post-exchange public access and use that information as the basis for assumptions to be used in the analysis.

The FEIS must include a summary of WPT’s (and associated organizations) track record on post-exchange public access. What percentage of the lands acquired by WPT and its associated companies is open to public access 5 years after exchange? Ten years after exchange? This information is readily available and is the type of objective information the Agency has at its disposal to accurately disclose the consequences of reasonably foreseeable actions.

Also, the only way the Agency may conclude that local access to the exchange parcels would remain the same would be to reserve general land public access easements on every federal parcel to exchange.

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The FEIS must correct this conclusion and accurately reflect the fact that the public would lose public access to approximately 14,000 acres of land that currently is open to all.

**Cultural Resources.** What is meant in Table 2-5 by “Mitigation will be developed.”? Does this mean the sites will be protected from future disturbance? The FEIS must clarify and disclose the actual Mitigation requirements on a site specific basis.

## Section 3.7 Economy (DEIS pgs 64 – 70)

Section 3.7.2.1 No Action states that *“It is possible that WPT could sell some of the parcels...”* and *“It is unknown when or if such development could occur”*. **Federal personnel have repeatedly stated that one major concern driving the Agency to acquire the private lands in the Upper Lochsa is Agency fear that the real estate sale and development is eminent.** These oft repeated statements reflect a reasonably foreseeable action for the No Action Alternative. The analysis must address, under the No Action Alternative, the consequences of the lands in the Upper Lochsa being subdivided and disclose the effect on County revenue and taxation.

The public raised the issue that trading the heavily used local lands would negatively affect the economies of the several communities in North Central Idaho. The DEIS does not address this issue except to make the unfounded assumption (see foregoing section) that the degree of public access would remain the same. The FEIS must make appropriate assumptions about public access and then complete an economic analysis to show the effect of exchanging lands on the economy of local communities.

## Section 3.8 Timber (DEIS pgs 70 – 74).

Timber yield is dependent on site productivity. One of the Issues raised by the public was that the Agency would be trading highly productive timber lands for high elevation, low productive timber lands. To illustrate, Table 2-5 shows that the Forest Service would gain about 20,000 acres of “future commercial timberland”. However, if the federal lands traded to WPT are four times more productive than the acquired lands, the net result to the Timber resource is significantly different than a simple comparison of acreage gained or loss.

The FEIS must expand the timber analysis to address this concern and, in addition to the acres of timberland gained or lost, add additional analysis to compare site productivity in terms of yield per annum or other appropriate time frame such as decade. This analysis should project timber yield over the next 100 years as this is the time period mentioned in the DEIS (DEIS pg 72).

The FEIS must disclose the long-term revenue/cost to the public in terms of timber management revenue of trading highly productive lands for low productive lands. This was a specific issue raised in response to the proposed action.

Also, another concern voiced by many of the public was that the exchange would trade well stocked lands for cutover commercial timberlands. The analysis needs to respond to this issue and display the

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environmental consequences of the exchange/alternatives. Table 2-5 needs to display the cumulative effects of this over time. How much timber would be available off the exchanged lands each decade for the next 100 years? Seventy years is approximately the rotation age or the age when stands culminate on the forest and are subject to a stand replacing action, but the DEIS specifically mentions 100 years as a reasonable time frame to expect the Upper Lochsa private lands to be at full production. A table showing this comparison between alternatives is needed to disclose the true short term and long term impacts of acquiring low productive, high elevation, cutover lands.

On another note related to site productivity, it is noted that WPT would acquire lands with standing volume of an estimated 236.7 MMBF. Simple math can be used to make a rough comparison of value by using a set of assumptions as follows:

Assumption 1 – Assume the same base land value (higher productivity, access to mills and improved transportation on public lands offset by sprinkling of high value recreation lands scattered throughout WPT lands). Base Value set at nominal \$300.00 per acre.

Assumption 2 – Assign a residual stumpage value of \$110/MBF on National Forest  
Assign a residual stumpage value of \$60/MBF on WPT lands<sup>2</sup>

\$300 X 40,000 AC =	\$12,000,000 Base land Value WPT
\$300/acre X 14,000 AC =	\$ 4,200,000 Base Land Value USFS
Stpg fed - \$110/mbf X236,000 mbf =	\$25,960,000 Residual Stpg Value USFS
Stpg WPT - \$60/mbf X 48,730 mbf =	\$ 2,924,000 Residual Stpg Value WPT
Total value USFS lands =	\$30,160,000
Total WPT lands =	\$14,920,000
<b>DIFFERENCE</b>	<b>\$15,800,000</b>

This industry estimation of BASE LAND VALUE AND RESIDUAL TIMBER VALUE, all other things held constant, indicates the NFS lands have much higher current value than the WPT lands. This points out how critical appraisal assumptions and methodology WILL BE to this exchange proposal. If the appraisal is just a tiny bit off when considering this much land, the estimated values will not be fair and equitable. **The DEIS should have included the appraisal. It is a key, if not THE KEY, document that will inform the decision.** The FEIS must disclose the appraisal process including appraisal assumptions and values. It must disclose to the public how the values were determined on a site-specific basis.

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<sup>2</sup> Residual stumpage value estimations provided me on January 18, 2011 by a well respected local industry timber purchaser familiar with the Clearwater, Idaho Panhandle and Nezperce National Forests. Assumes 50%line and 50% ground logging system. Assumes a 50/50 mix of Douglas fir and grand fir. Higher haul costs and lower per/acre yields on WPT lands results in a residual value of \$60/AC. Higher per acre yields and lower transportation costs result in residual value of \$110/AC on NFS lands. Industry specialist requested anonymity.

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Again, as with other Direct, Indirect and Cumulative Sections of Chapter 3 of the DEIS, the Timber Direct, Indirect and Cumulative analyses for Timber effects disclosed for the No Action alternative fails to meet the requirements of NEPA. At this section, the DEIS states *“There will be no effects on available commercial timber volumes under the No Action Alternative.”*(DEIS pg 72). This is simply not the case. There would be timber harvest under the No Action Alternative. Throughout the DEIS, the authors treated the No Action alternative as a single point in time while including future actions in describing the effects of the action alternatives. The FEIS must correct this discrepancy between the No Action and action alternatives. The FEIS must use the same kind of assumptions about the future and apply consistent analysis and disclosure of impacts for the No Action Alternative as is done for the action alternatives.

The FEIS must include a greatly expanded timber section and include objective and meaningful analyses that respond to all of the public issues raised during scoping.

## Section 3.9 Land Management Costs (DEIS pgs 74 – 79)

This section fails to address, by any measure, land management costs. The public was very concerned that trading away local public lands for remote cutover industrial timberlands would, in balance, cost the taxpayers a lot of money. In other words, the public expressed great skepticism that the exchange would achieve the Purpose and Need for Action stated in public meetings and reproduced the DEIS.

This skepticism was expressed via a number of specific issues related to management costs in response to the Proposed Action including the following:

- The local lands are close to field offices and accessed by paved state or County roads or high standard gravel roads. Travel times are much less than travel times to reach the Upper Lochsa.
- The local lands are at federal standard and the private lands would need significant investment to bring to federal standards.
- The local public lands have high quality, engineered roads. The private lands have a surplus of low standard, non-engineered roads. The Agency would assume management costs of a very large number of additional roads if the private lands become federal property.
- The Agency currently shares management costs on a large number of roads with WPT in the Upper Lochsa. Acquiring these lands would place the entire burden of these roads on the taxpayers back.
- The local public lands have a lot of standing timber available for sustained-yield production that would produce an even flow of timber over time. The private lands have been logged and won't produce volume for a very long time.
- Logging slash has been managed on the local public lands reducing catastrophic fires hazard within the wild land urban interface. Logging slash has been allowed to build up on the private lands in the upper Lochsa creating a future fire risk to commercial timber

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stands. Acquiring the private lands would result in increased taxpayer investment to treat this buildup of slash.

- The local public lands are fully stocked, highly productive lands. The private lands have patchy reproduction of mostly natural regeneration, are high elevation, low productive lands. The difference in productivity over time would be a net loss to the public if the exchange were to go forward.
- The local public lands are all surveyed and corners are marked. The land lines in the upper Lochsa area are also all surveyed and the corners are marked. Therefore, how would boundary management cost savings be realized.
- The local public lands have invested stumpage value when closing out all ground disturbing activities including timber sales but stabilizing all temporary roads and skid trails. The private lands not only have a tremendous larger number of roads, but a large number of the roads are in need of stabilization (per Agency representatives and specialists at public scoping meetings) and/or culvert replacement (fish passage) and/or decommissioning. These are reasonably foreseeable actions and will cost the taxpayer a bundle.

This section fails, by any measure, to meet the requirements of NEPA to address public issues and/or disclose impacts in a way that brings clarity and separation between alternatives.

I could find no supporting analysis or summary table to support the findings displayed for Land Management Costs in Table 2-5. The lack of a site-specific analysis of the unique and widely scattered federal parcels or the private lands in the Upper Lochsa precludes any reasonable understanding of land management costs, either positive or negative, that would accrue from the exchange.

Subsection 3.9.1.3 Analysis Methods, does not include or describe a single analysis method.

The FEIS must include analyses, their methods and findings, in the FEIS that address the following: Road maintenance costs, property boundary management costs, fuel management costs, watershed restoration costs, reforestation costs, and anadromous fish passage (culvert replacement) costs. These are the specific management cost issues raised by the public who were familiar with the condition of the federal lands being traded and the private lands being acquired.

At a minimum, Table 3-23 must be amended to include average management costs for boundary line maintenance, road agreement (Cost Share Agreement) costs, average road maintenance costs/mile of cost-share road and average road maintenance costs/mile of non-cost-share road, costs of general administration/day/distance from the field office, watershed restoration costs, including road decommissioning costs, reforestation costs and fisheries enhancement costs. The FEIS must disclose the specific costs to bring the private lands to federal standards commensurate with the existing conditions on public lands being traded and the time period over which these actions would occur.

Subsection 3.9.2.1 No Action Alternative (pg 75). The DEIS notes a future obligation of property boundary maintenance for the estimated 250 miles of boundary created by the checkerboard



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ownership. This section is misleading because the three National Forests will actually continue to maintain their entire combined boundary. This section of the FEIS must be amended to be consistent with the scope of the proposal to include the entire boundary of the three National Forests.

Property Boundaries. Table 3.24 (DEIS pg 76) shows the estimated change in Boundary Miles and Costs without any meaningful supporting analysis. The same is true for Table 3-25 (DEIS pg 77) that displays estimated change in Road Miles and Costs.

**The DEIS currently displays the miles of boundary as the issue rather than the cost of boundary management as the issue.** To be consistent with the scope of the proposed action, the analysis needs to be expanded to show the total boundary miles for the three National Forests, disclose the number of miles of boundary line managed on the three National Forests per annum over some logical time period such as a decade and display how many miles of boundary management is anticipated for the next 10 years. To display costs and/or cost savings, boundary management costs must be displayed consistent with the scope of the proposed action. Otherwise, true savings are greatly exaggerated. As it is, boundary line management costs are displayed as gain or loss of boundary regardless of actual costs. The point is, if the exchange results in a 0.1 percent decrease in the boundary miles of the three National Forests and the number of miles managed per year has remained constant over the last 10 years and the reasonable assumption is that boundary management costs would remain constant for the next 10 years, the actual reduction in management costs associated with boundary management is ZERO for all alternatives including the No Action alternative. This same type of analysis, consistent with the scope of the Purpose and Need for Action and the proposed action must be done for each one of the specific land management cost issues. In that way, the true gain or loss of management costs can be estimated and disclosed and a reasonable assessment of the effect of each alternative on management efficiency and effectiveness could be made.

Roads. The Estimated Change in Road Miles and Costs that would be incurred as a result of acquiring the private Lochsa lands appears to be grossly underestimated. Table 3-25 (pg 77) appears to be in conflict with roads data disclosed in DEIS. The Agency would acquire about 40,000 acres of cutover industrial timberland. The average miles of road corridor per square mile on the private lands is noted in the DEIS as 6.1 miles per square mile (pg 88). On page 45, the discussion notes that there is up 250 miles of "yet unidentified" roads on the private parcels. In addition, there are 156 miles of cost share roads. Plain reading of the DEIS and simple math leads to an understanding that the Forest Service would assume complete management of around 300 to 500 miles of additional road if the private lands in the Lochsa are acquired. In addition, it is noted in DEIS Appendix B, that a number of road easements would be preserved through agreement on the exchanged, local public parcels. Table 3-25 (pg 77) shows road mileages that are completely different that what is described in various places in the DEIS. The FEIS must clarify, justify and explain these discrepancies. The FEIS must assess the true number of roads the Forest Service will acquire and using an industry standard methodology, analyze and disclose road management costs that will accrue from acquiring the private lands.

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Road maintenance costs currently shared with WPT on the 156 miles of cost-share roads would fall entirely to the Agency. The FEIS must display these added costs.

The DEIS makes note that management costs will be reduced commensurate with a reduction in cost-share road agreements. However, a reduction in cost-share road agreements may not offset the increased maintenance costs associated with accepting full responsibility for an additional 300 to 400 miles of road, or the long-term, cumulative costs of bringing these roads to federal standard. To adequately disclose the effects of reduced cost-share road agreements, the FEIS must disclose the total number of cost-share agreements on the three National Forests, estimate the number of actual cost-share agreements reduced and display the cost/agreement/year to disclose the true dollar reduction. The total road maintenance and cost-share administrative costs should be disclosed in one table so that offsetting values can be noted and compared among alternatives including the No Action alternative.

Fire Suppression. This section states that *"..a more consistent approach could be used and fires could be evaluated before suppression action was taken to determine if suppression is the most appropriate response."* It is unclear what this means, how it addresses purpose and need for action or why it is even included in the DEIS. The Agency has noted in public meetings that it has been long responsible for all wildfire management in the upper Lochsa area, including the private lands. DEIS notes the Agency would continue to manage the area encompassing the checkerboard lands for timber. What will change that would result in the Agency managing fire differently than it is managing fire for the checkerboard lands today? The FEIS must drop this section or expand it to describe assessment methodology to be used to address fire management costs and include a site-specific fire management cost analysis to provide a meaningful comparison of alternatives.

Fuels Management (pg 77,78). In response to the proposed action, the public raised a multi-faceted cost issue that would likely accrue to the public from assuming responsibility for the huge amount of untreated logging slash that exists on the private lands in the upper Lochsa. The DEIS completely fails to assess, address, analyze and disclose these costs. In fact, the DEIS skips past this issue by stating the Agency doesn't know how much untreated slash is on the private parcels. Specifically, the public raised the question of how much it will cost the Agency to treat the untreated slash. If the Agency foresees the reasonable action to be letting the slash be untreated on the private lands, what is the increased likelihood of uncontrolled fire and what would the long-term environmental consequences be on the other valuable resources of the area, and over what period of time? Putting it another way, the Agency very clearly spoke in public meetings of the need to address the slash problem on private lands as a driving need to acquire these lands. If so, then what are the reasonably foreseeable actions the Agency would undertake to address this driving need? If the Agency isn't going to do anything about the slash, then acquiring the lands is of no consequence and the need to address the slash buildup on private lands becomes a non factor driving the need to acquire the lands. Again, **the Agency failed to start the analysis process with a complete and accurate set of the public issues. Thus the DEIS has completely missed the NEPA bar for disclosure in many areas.**

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First and foremost, the FEIS must articulate the true public issue arising from the Proposed Action. Second, the FEIS must include an objective analysis of the costs the Agency will incur to manage the slash problem and third, the FEIS must acknowledge, inventory using a reliable method, and disclose the buildup of logging slash, in tons/acre, how far the current condition deviates from federal standards. Lastly, the analysis must address the public's other concern about increased likelihood of catastrophic wildfire if the slash is untreated.

The public issue of increased likelihood of catastrophic, uncontrolled fire is pretty basic. This public concern arose from firsthand knowledge of untreated logging slash on the lands to be acquired and the future risk that this slash would catch fire and burn up the public's future timber value. On the surface, the public thought acquiring this potential fire hazard would make the exchange a pretty poor deal for the public. The FEIS must address this issue using an understandable methodology incorporating reasonable assumptions to assess the future elevated risk of wild fire on the public resource over time.

There is no analysis or data to support the conclusory statements in subsection 3.9.2.4 (pg 78) the topic "*Fires and Fuels Management*". Specifically, the statement that consolidation will have "*...the overall net effect of reducing the cost and complexity of prescribed treatments.*" The Agency must include some data or analysis to support this conclusion. The FEIS must disclose the average current cost per acre of the various fuel treatment methods in areas of intermingled ownership on the three National Forests and the costs of these same fuel management treatments in "solid green" areas of the three National Forests. This information would be readily available to the Agency. It is discouraging to note that the DEIS fails to include easily obtained, meaningful data and analyses. It calls into question the validity of the entire process.

Land Use Authorizations (pg 78). There is no analysis or other information in the DEIS to support the conclusions reached in this section.

## **Section 3.11 Water Quality (DEIS pgs 85 – 89)**

As is the case with nearly every section of Chapter 3 of the DEIS, the Water Quality section lacks detail and analysis consistent with the context and intensity of the specific actions included within and public issues derived from the Proposed Action. Table 3-28 (DEIS pg 87) lacks any information to clarify differences between Alternatives or allow reviewers to understand the comparative information in Table 2-5. **One specific public issue that was raised in response to the Proposed Action was that the significantly larger streamside buffers that currently exist on federal parcels would be logged when they become private and, thus, the exchange will result in a significant downward trend of water quality in the affected streams.** The DEIS lacks a site-specific analysis consistent with this issue and, thus, fails to disclose the environmental impacts related to this issue. Science and monitoring information clearly show that stream-side buffers that meet federal standards provide significantly higher quality watershed conditions. Trends should be shown for the various water quality attributes going back for at least a decade and projecting forward at least a decade to inform the Agency on how

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well the alternative will improve efficiency and effectiveness of management and the public can clearly understand the environmental consequences of the various alternatives.

It is disingenuous to state *"...the amount of federal land being transferred to WPT is small relative to existing private land ownership in those subbasins, therefore as a result of minor proportional changes in land ownership; the likelihood of measurable direct or indirect effects on water quality resulting from changes in land ownership are not expected."*(pg 89). The foregoing is an unsubstantiated conclusion applied to about 14,000 acres of unique, widely scattered federal properties, without benefit of any reasonable analysis and represents the nearly complete lack of valid assessment in this DEIS that is consistent with requirements of NEPA.

NEPA requires analyses be consistent with context (36 CFR 1508.26(a)) and intensity (36 CFR 1508.26 (b)(3)). The FEIS must include site-specific analyses consistent with the individual and unique context of each federal parcel.

The DEIS notes that the federal parcels will be logged. This is a reasonably foreseeable action that must be analyzed as though the federal estate would be proposing to harvest timber on each of the parcels. The level and complexity of analysis must be consistent with current analyses completed for timber sale actions on the three National Forests. At a minimum, the FEIS must include trends for each of the water quality parameters being addressed and treat each federal parcel within the context of its actual setting. The FEIS must look at the specific water body that each federal parcel will impact, at the appropriate scale commensurate with that individual parcel. The FEIS must include in this analysis, the reasonably foreseeable actions that will take place on these federal parcels and show how that will change under private, industrial management of the timber resource.

For the Upper Lochsa private parcels, the FEIS must include trend data for each of the parameters affecting Water Quality to display direction and rate of change using the same detail of analysis for all alternatives to clarify and distinguish each of the alternatives.

Under Analysis Methods (DEIS pg 86) the document states that the IFPA requirements are *"similar to what is specified under federal management and should help maintain water quality specifically regarding turbidity, habitat alteration, and temperature."* (pg 86). Also, in section 3.11.2.2 Alternative B (pgs 88 and 89) under the Effects to Lands Acquired by WPT section, the documents states *"Long term gradual improvements in water quality can be expected due to strategies developed under the Idaho TMDL program."* These two statements regarding IFPA are in contrast with the Discussion under the No Action Alternative (3.11.2.1, pg 88) that it is *"unlikely there would be any overall improvement to water quality"* and the conclusion in Table 2-5 that the No Action would result in *"No Change"*. The Document also notes on page 88 that *"WPT would contribute funding to implement a restoration plan"* on the land on the Upper Lochsa.

Plain reading of the Water Quality section leads to an understanding that water quality is expected to trend positive over time regardless of ownership in the Upper Lochsa. Is the Agency saying that recovery will occur more quickly if the land is acquired by the Agency? If so, what Agency action would

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cause this and how much would those actions cost the taxpayer? If WPT is planning on contributing \$500,000 toward restoration, the Agency must have a pretty good idea of what needs to be done and how much work is involved. Further, if WPT is willing to invest \$500,000 in work on land they don't own, isn't it reasonably foreseeable that WPT would invest that same amount in the land if they retained ownership? What additional work would WPT do on these lands? The FEIS must address the foregoing basic questions.

This section lacks a site-specific analysis to adequately inform and disclose impacts, particularly for the widely spaced federal parcels.

## Section 3.12 Fisheries (DEIS pgs 90 – 96)

Analysis Methods (pg 90). No analysis methods are disclosed, described or specifically referenced in this section. The DEIS must include specific description of the methodologies used to estimate environmental impacts.

The DEIS includes the statement *"The analysis assumption is that gains or losses in stream miles or fish distributions and potential habitat may affect fisheries resources."* (pg 90). From a reading of the Fisheries section, it appears the DEIS assumes that if a stream or headwater area moves from private ownership to federal ownership that fisheries would be improved. This a convenient assumption that would support a decision to consolidate land regardless of whether or not it is an appropriate criteria for measuring environmental consequences to fisheries. How does "miles of stream" or acres of "potential habitat" or fish "distributions" determine effects of the exchange on fisheries? The DEIS must be making some analysis assumptions or relying on data and analysis not disclosed in this section. The FEIS must clarify by stating and explaining the specific methodology the Agency used to assess impacts to fisheries.

Environmental Consequence (pg 92).

Stream Miles. It is extremely difficult to comment on this section of the DEIS because there are great gaps in logic in the analysis process presented by the Agency. The DEIS appears to make a direct tie between the disclosure of stream miles under private management and stream miles under federal management to fisheries health. Further, these are the only two things that are assessed to disclose cumulative effects.

The logic here is undecipherable. The DEIS certainly contains no valid analysis of fisheries habitat consistent with any known and accepted industry standard method of assessing fish habitat or the effects of existing fish habitat on current and future fish populations. As with many other DEIS sections in Chapter 3, the Fisheries section lacks site-specificity. It is not possible to make reasonable comments on individual parcels or understand the effects of either divesting or acquiring parcels on fisheries resources within the affected environment of the proposed action.

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If the Agency truly insists on using stream miles, potential habitat and population distribution by ownership as the sole measure of how the No Action and alternatives effect fisheries, the Agency must, as a minimum, include trend data to establish current and expected future condition and the rate of change that would be expected under each alternative. This must then be accompanied by an analysis to show how Agency and/or private ownership would affect existing trends and to what degree. Using ownership to reach the conclusion that fisheries would be improved is like purchasing a used car using the assumption the color red means the engine and drive train are good. The FEIS must take a look at the streams (engine) and habitat (drive train), not just ownership (the color) to assess the effects of the alternatives on fisheries. The FEIS must include a much expanded fisheries analysis that shows trends, the rate of change and clearly describes methodology for determining rate of change.

## **Section 3.13.1 Soil Productivity (DEIS pgs 96 – 100)**

The title of this section is “Soil Productivity” but contains only information about soil hazards. Where is the discussion of Soil Productivity?

The key and significant soil productivity issue raised by the public as a direct result of the Proposed Action was that the proposed action would result in the public giving up low elevation, highly productive lands for high elevation, low productive lands. This issue was expressed a variety of ways, all related, including that federal lands identified for exchange support a much greater diversity and population of flora and fauna and the private lands in the upper Lochsa area grow trees at half the rate the federal exchange lands grow trees.

Because the DEIS failed to tease out the public issues from the letters and comments made at Agency public meetings, the DEIS fails to disclose these impacts as required by NEPA. The Agency must write a clear and understandable document (36 CFR 1500.1(b)-*Environmental impact statements shall be concise, clear and to the point and shall be supported by evidence that the agencies have made the necessary environmental analyses.*). The FEIS must include a summary of soil productivity by acres or some other understandable and measurable value that specifically addresses the specific public issue raised addressing soil productivity.

The FEIS must go back to the record of public involvement and create a valid list of issues, analyze the alternatives and disclose the consequences.

The comparison data shown for Soils in Table 2-5 (pg 38) needs explanation. Why are these values being displayed and what effect would they have on efficiency and effectiveness of management? What are these values for the No Action Alternative? As with other resource topics in Table 2-5, it is impossible to use the table to compare alternatives because the DEIS fails to evaluate and analyze the same values in the same context and at the same detail for the No Action Alternative as are analyzed and displayed for each action alternative. The FEIS must expand applicable environmental analyses in Chapter 3 for the No Action Alternative and disclose information and environmental impacts consistent with those shown for the action alternatives. The FEIS must include an amended Table 2-5 that displays consistent and valid comparative values for all alternatives.

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Cumulative Effects (pg 99) states “...*There would be no direct or indirect effects to soils as a result of this alternative (All action alternatives SIC) since there are no ground disturbing activities associated with it.*” This is really confusing. Under subsection titled National Forest Parcels (pg 99) the DEIS states WPT may do timber harvest in addition to other ground disturbing activities. Later, under Cumulative Effects, the DEIS states “*Timber harvest is the most likely activity that will occur on lands acquired by WPT.*” (pg 99, *emphasis added*). Further, WPT has publicly stated on numerous occasions they intend to log the federal parcels they would acquire. These are reasonably foreseeable actions and the FEIS must analyze and disclose their environmental impacts. Further, the DEIS has concluded that certain environmental conditions would improve in the Upper Lochsa area under federal ownership in other sections of this document and specifically mentions ground disturbing activities such as fire and a multitude of restoration actions. These too are reasonably foreseeable actions that would directly affect the soil resource. The FEIS must identify all reasonably foreseeable ground disturbing actions, analyze them and disclose the estimated environmental impacts.

Throughout, the DEIS cherry picks activities and discloses future activities or process conditions that would show the exchange in a favorable light and at other times, such as this section, declares the exchange will not result in ground disturbing activities and thus, will have no effect on the resource being discussed. This is extremely damaging to the credibility of the DEIS and the Agency.

The FEIS must assume that all the federal parcels would be logged as WPT has specifically stated this to be their intent. Logging of the federal parcels using Idaho industry standards is a reasonably foreseeable action that would directly and indirectly affect soil productivity. The FEIS must greatly expand the analysis for the Soil Productivity section.

## Section 3.16 Old Growth Forest (Pgs 110 – 112)

Regulatory Framework (pg 110). It is unclear what constitutes Old Growth. Surely there are requirements in the Forest Plans or other Agency guiding documents that include spatial arrangement, size and distribution of old growth stands as opposed to just age and diameter class. Do two big trees constitute a “stand” of Old Growth? The FEIS needs to clarify what qualifies a stand of timber to be considered as Old Growth.

Analysis Area (Pg 110). The analysis area is defined as the specific parcels to be exchanged. This is inconsistent with the Old Growth requirements for the Clearwater National Forest which requires old growth be distributed across the National Forest (*emphasis added*). Thus, the scope of the Old Growth issue would not be limited to just the parcels traded. This section must be amended to address the true scope of the issue. Limiting analysis to just the acres actually affected will not accurately measure the effect of the exchange on Old Growth consistent with the Forest Plans. The FEIS must include an expanded analysis of the entire old growth stand that will be directly or indirectly affected by the exchange.

Existing Conditions (pg 111). The lack of a site specific analysis in the DEIS precludes meaningful comment. The FEIS must include a map and disclose which federal and private parcels contain old

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growth. Are the 100 acres on the WPT lands in scattered, small and meaningless groups of large trees or fragments of stands? Do these 100 acres meet the full definition of Old Growth per Forest Plan direction and other agency guidance for designating/recruiting old growth? Does the Clearwater National Forest have sufficient Old Growth in the Upper Lochsa area making more redundant? Which WPT parcels contain old growth? What federal parcels contain old growth? Are the old growth acres noted in the DEIS as occurring on the federal parcels part of a larger old growth stand? How would reducing a larger stand old growth affect the value and purpose for retaining/recruiting the entire old growth stand on adjacent National Forest lands? Would this reduce an existing old growth stand to a size that negates the stands ability to provide the values and characteristics necessary to qualify as meeting the Forest Plans Old Growth standard? The DEIS maps and dialogue fail to disclose where the Old Growth is located and how much of an old growth stand would be affected by exchanging a parcel. While the overall Forest Plan percentage may be maintained, the distribution and or effectiveness of a singular stand, as required by Forest Plan, may be adversely affected. The FEIS must disclose this information. Further, by definition in the Regulatory Framework section, it states that Old Growth is a Forest-wide standard. The FEIS must be amended to include an assessment of and disclose the effect to Old Growth across the three National Forests.

Direct and Indirect (pg 112). What does Agency mean with the statement “...*The benefits associated with forest management are not anticipated for old growth stands because they are typically in climax condition, meaning they are relatively resistant to low intensity disturbance, maintaining consistent structure, function, and composition over long time frames...*” and why is this information included in this section? The FEIS must clarify this statement.

In general, Old Growth stands are maintained for ecosystem health and specifically, to provide sufficient habitat to sustain, over the long run, old growth dependent flora and fauna consistent with the natural range of historic conditions.

Allowing federal land to pass into private ownership means the direct effect would be a very long term reduction of old growth values and characteristics. In areas of the general forests of North Central Idaho, loss of federally managed old growth could have a disproportionate effect on old growth dependent species over a large area because so much of the landscape is in private ownership. The vast majority of private timberlands are managed for timber production and, thus, will forever remain in younger age classes and will likely never move into an old growth condition consistent with historic landscape conditions. Pockets of Old Growth forest on federal ownership are often the only refugium for old growth dependent species over very large areas.

The DEIS also completely fails, in any reasonable context, to analyze existing old growth on the private lands consistent with the context of the federal parcels identified for trade. For example, a federal parcel may be the last remaining old growth stand within thousands of acres of private timberland. Retaining this may be exceptionally important to the overall ecosystem health of the area and trump the need to acquire a single parcel private parcel in the upper Lochsa area. The DEIS contains no analysis



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consistent with the scope of the Old Growth issue or one that matches the context of individual federal and private parcels and, as such, is inconsistent with NEPA.

The DEIS has failed to adequately identify the scope of the Old Growth issue and failed to address this issue within its appropriate context. FEIS must include a complete old growth inventory that includes the private timberlands surrounding the federal parcels complete an analysis consistent with the purpose and intent of the Old Growth requirements of the several Forest Plans.

## Section 3.2 Wildlife (DEIS pgs 132 – 137)

Section 3.20.2.1 – No Action (pg 132). Again, as with other sections addressing the No Action, this section makes the statement that the No Action alternative will have no affect on the subject (in this case Wildlife) resource. This section, like so many others, also states that “...*Land management practices would continue as they currently are within all parcels.*” To adequately disclose the effects of the No Action so that they may be compared to the various action alternatives, the NEPA analysis must do the same level of analysis for the No Action alternative as it does for all alternatives. FEIS must include a much expanded analysis of the No Action alternative.

Section 3.20.2.1 (pg 132) also states “...*The management of Lynx habitat within the Upper Lochsa area would remain in the current inconsistent checkerboard pattern which degrades habitat for future lynx establishment and dispersal.* “. This statement clearly infers land ownership is having a negative effect on lynx habitat condition. However, there is no accompanying discussion of what constitutes suitable lynx habitat, no assessment of the current condition of the existing environment and no analysis or summary of data to support this conclusion/inference. This inference appears to be a direct contradiction of the data shown under 3.20.2.2 (pg 132) that states that the Agency would have a net loss of known Canada Lynx denning and foraging habitat.

Further, the statement that “...*The No Action alternative could potentially hinder lynx migration and establishment within the Upper Lochsa area...*” is also not supported by any information presented in the DEIS. I could find no information in the DEIS that discloses, even in summary form, an analysis of current lynx habitat in the Upper Lochsa. Plain reading of this statement leads to the understanding that there are no known lynx using the area. What is the lynx population in the Upper Lochsa? Is the habitat occupied? If not, why not. The checkerboard area is bounded to the North and South by miles of unroaded habitat which if suitable lynx habitat should be occupied with a population of lynx. There should be an ample population occupying the checkerboard area. If there is a known population, what is the trend?

The DEIS currently contains nothing more than a black box type analysis for lynx and other wildlife species. What are the habitat needs of lynx. What are the current conditions? Which direction are they trending? At what rate would this trend change over time if all of the Upper Lochsa area were to come under federal management? Are the changes in habitat that would occur significant and how will they affect lynx population and in what direction would the lynx population trend?

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Just considering the immediate environment of the checkerboard area, this proposal would directly affect about 100,000 acres of habitat. Given that wildlife species move into, through and around the larger landscape, the actual physical scope of each unique wildlife species being considered in the DEIS probably encompasses much more than 100,000 acres of land. Regardless, within the broader landscape, an assessment should be made to describe the historic range of variability of various forest age classes and/or conditions. An appropriate affected environment condition assessment would show if current condition is within or outside this range. A trend analysis could be completed considering reasonably foreseeable actions, growth and yield and other habitat data to determine if the habitat is trending toward the lower end, moving toward the upper end or staying within of the historic range and at what rate the trend is changing. Informed with this basic habitat data, the Agency could reasonably estimate and describe how federal management would affect these trends and demonstrate, with some reasonable level of certainty, how federal management of the private parcels would benefit each wildlife species that depends on and lives within the checkerboard area. The FEIS must include an analysis commensurate with the species being addressed that clearly shows current condition, trends and, more specifically, how federal management would affect populations over time.

Section 3.20.2.2 Alternative B (pg 132). The statement on pg 133 that *“Overall, this alternative would benefit lynx as 1,834 acres of lynx habitat would be transferred to WPT and the National Forest would acquire 36,127 acres of lynx habitat...”* requires clarification. How can transferring acres National Forest acres of habitat to WPT be a benefit but having WPT retain acres of lynx habitat not be a benefit (A consequence/outcome of the No Action Alternative)? This statement is really confusing and is in direct contradiction to everything stated in the foregoing section for the No Action Alternative. Further, the DEIS states that timber harvest is good for lynx habitat. Timber harvest is what WPT has informed the public it is all about and the current condition of the forest on the private lands in the Upper Lochsa is nearly all within younger age classes, which this section of the DEIS which states *“...timber harvest would include creation of snowshoe hare habitat when young stands create cover and forage for hares...”* (pg 133). A reasonable assumption would be that lynx would be better served if the private lands in the upper Lochsa remained in private ownership.

As with foregoing subsections of the DEIS, this subsection also make general statements implying that ownership and/or federal management equates to improved conditions. *“Ownership consolidation within the Upper Lochsa watershed would improve habitat for species dependent on these forest types as previously harvested areas would continue to grow and future management would consider and protect sensitive species and habitat.”* (pg 133). This statement is just another example of unsupported, black-box analyses this DEIS is stuffed with. In another area the DEIS states that no timber harvest would likely occur on the private lands for a period ranging from 30 to 100 years. Also, at this section and elsewhere in the DEIS, the authors state that IFPA requirements would protect wildlife. Taken together, the plain reading of the DEIS would lead a reviewer to the understanding that the checkerboard area of the Upper Lochsa would meet or exceed ALL wildlife needs if it continued to chug along under the current federal and private management arrangement.

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The FEIS must include an analysis incorporating a described and logical methodology consistent with accepted scientific analysis principles.

Big Game Habitats (pg 134). The public issue specifically raised by the public in response to the proposed action was that the public would lose access to readily available, close to home, lands that support most managed small and big game species found in the State of Idaho. There is no treatment of that specific issue anywhere in the DEIS nor does this Wildlife section of the DEIS attempt to address it. This issue has to do with the availability of public land within reasonable driving distance of major population centers for the express purpose of public hunting. This is a valid issue raised by the public in direct response to the proposed action. The environmental impacts must be disclosed in the FEIS. This issue could have been easily addressed in the DEIS by determining demand trends over a reasonable period of time and making an assessment of loss or gain of public access.

What is the demand trend for hunting in the hunt units containing the public parcels and private parcels? How many persons hunt these units? Would acquiring the private parcels create a shift in demand trend or hunter numbers? If so, how much and why?

Another basic question that is the basis for public issue is that public land is limited in much of the area where the public parcels occur. Losing these parcels would have a disproportionate effect on hunting opportunity. The ready accessibility of the local public lands makes them disproportionately more important as a public value than the remote private lands in the Upper Lochsa area. Conversely, private land in the Upper Lochsa is in the minority. Gaining that has a disproportionately smaller effect on hunting opportunity in those units.

Table 3.41 (pg 134). The FEIS must disclose an amended Table 3.41 that shows existing elk summer range on the three National Forests to show the relative increase or decrease consistent with the scope of the proposed action. As portrayed in the DEIS, the preferred alternative would result in a large net gain in federal elk summer range acres, when in fact, the gain within the appropriate scope of this topic is probably inconsequential.

Table 3-42 (pg 135). The FEIS must include a map showing the location of the Elk Analysis Units.

Cumulative Effects (pg 135). The DEIS states *"There would be positive cumulative effects over time when combined with the restoration plan..."* and *"Overall there would be no negative cumulative effects to Threatened, sensitive, or MIS species populations or viability..."* (both quotes from pg 135).

What are the actions contained in the "restoration plan"? The DEIS at this point and other points allude to this restoration plan as having a positive effect on future ecosystem condition. The DEIS does not reveal either what would be accomplished, where it would be accomplished, when or to what degree things would be accomplished. On what information or analysis does the DEIS conclude the restoration plan would have this reported "positive cumulative effects"?

Plain reading of the Cumulative Effects section (pg 135) would lead a reviewer to question the value of acquiring the private lands in the Upper Lochsa. What difference will it make? No matter the

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ownership, there will be no long range negative cumulative effects to important species, and either ownership results in long term positive cumulative effects.

The FEIS must include much expanded analyses to adequately support the Cumulative Effects conclusions listed throughout Chapter 3, including the Wildlife section.

## 3.21 Fuels and Fire Management (DEIS pgs 137 -145)

Subsection 3.21.2.1 (pg 139). The DEIS states that *"...the need to protect private land in the Upper Lochsa area would continue to hamper..... the Forest Service fire management's desire to allow fire to play its natural role in this watershed."*(pg 139). These statements refer to an indirect effect on the scale of a very large watershed. However, under subsection 3.21.1.2 Analysis Area (pg 138), the DEIS limits the analysis area to the exchange parcels. The FEIS must clarify to show how federal fire management would change within the exchange acres (analysis area) and second, must clarify how the mixed ownership of the checkerboard area is hindering fire management's ability *"to allow fire to play its natural role in this watershed."* This should be easy. There have been a number of fires allowed to burn in the watershed in the recent past. How has the presence of private lands influenced the decision to allow these to play their natural role?

Further, there is no indication in the this section that the National Forest would alter present Forest Plan direction for the area and the area is presently being managed for timber production (Management Strategy E-1). The FEIS must disclose how having this area under federal management would affect fire suppression actions should a fire, either wild or man caused, start in the area.

Table 3-43 (pg 139). The stated purpose and need of this proposed federal action is to improve effectiveness and efficiency of management. There are three National Forests involved in this federal action. The scope, as mentioned elsewhere in these comments, is defined by the purpose and need for actions, the proposed action and the issues deriving specifically from the proposed action. Throughout the DEIS, scope is overlooked or defined only as the specific parcels, both federal and private, that would be exchanged. Table two lists the parcels that are within a category of WUI. How many more acres are on the three National Forests within this category? What are all the categories on the National Forest? How would any of the alternatives, if selected, including the No Action, improve efficiency and effectiveness of the management of the three National Forest fire management programs?

The FEIS must include analyses consistent with the scope of the action and alternatives. The DEIS fails to adequately disclose the effects on an appropriate scope which denies reviewers the ability to determine if the purpose and need for action which triggered the proposed action would be met.

## Parcels for Trade AND ACQUISITION DEIS pgs 11-26 and Appendix B

This reviewer attempted to make a reasoned judgment on each unique parcel, including the private parcels in the Upper Lochsa area. However, there is no site specific information addressing most of the issue topics (listed in DEIS Chapter 1) nor is there a list of criteria that the Agency used to select these

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individual parcels. It is assumed that there are criteria and that they focus on specific attributes that would make management difficult and/or efficient and effective, such as lack of access, remote, disconnected from other parcels and so on. Since none exists in the DEIS, reviewers are left to make up their own. Mine were as follows:

Divesting of federal parcels would improve management efficiency and effectiveness if they were:

- Parcels without federal access.
- Parcels disconnected from a larger block of Federal Land.
- Parcels that are remote, hard to get to or time consuming to get to.
- Parcels that don't function as important refugium for unique or rare and sensitive plants historically common to the area.
- Parcels that don't represent a significantly unique landscape or plant community such as old growth forest or unique and unusual wetland.
- Parcels that are needed for access to other blocks of federal land.

The DEIS lists no selection/evaluation criteria, contains no site-specific analysis of the unique parcels nor does it contain a discussion of the methodology or rationale for how the agency selected parcels to accomplish the stated purposed and need for action.

My ability to comment in a site-specific and substantive way on individual parcels is strictly limited to my own set of criteria....but here they are:

## FEDERAL PARCELS THAT SHOULD BE RETAINED

For the following parcels, it is unclear how divesting them would contribute to the stated purpose and need for action. These parcels fail to meet a substantial number of the above criteria.

Parcel UIP-BO-10, Parcel UIP BO-12, Parcel UIP-BO-03, Parcel UIP-BO-01, UIP-BO-02, UCL-LA-01, UCL,LA-02, UCL-LA-04, UCL-LA-05, UCL-BE-09, UCL-BE-10, UCL-BE-08, UCL-BE-07, UCL-BE-01- 05, UCL-LA-06&07, UCL-LA-14, UCL-LA-08, UCL-LA-09-12, ALL Twin Springs, Long Meadow and Cloverleaf parcels (UCL-CL-XX)<sup>3</sup>, UCL-CL-22, UCL-CL-23&24, UCL-CL-41-44, UCL-CL-37, UNZ-ID-ALL

## PRIVATE PARCELS THAT SHOULD BE ACQUIRED

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<sup>3</sup> If the Agency can't justify retaining the Twin Springs, Long Meadow Creek and Cloverleaf parcels, then there are no criteria that I can think of that would retain any piece, let alone, unique parcel of public land.

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I was unable to make substantive review or comment. The Map in the DEIS is too small in scale, and there is no accompanying site-specific analysis that would inform the public of the specific, values, management opportunities or issues on each parcel, let alone of groups of parcels by sub watershed or other reasonable environmental or social stratification. It is inconceivable that the Agency would not be able to meet its stated purpose and need for action by acquiring a subset of these properties or by consolidating within the checkerboard area.

LARRY W. ROSS

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