

### NFMA Issues

Sierra Club/Alliance for the Wild Rockies  
American Forest Resource Council  
Stevens County Cattleman's Association  
Williamson Consulting  
Northeast Washington Forest Coalition

*Plan components lack strong, binding direction that would compel managers to accomplish measurable outcomes in a specified timetable.*

- *Desired conditions sound like wishful thinking because there is no mandate to achieve them. (The first sentence sounds like wishful thinking, and the second sentence in the context of a Desired Condition means it never has to be done. Same with FW-DC-WR-02, FW-DC-WR-03, FW-DC-WR-04, FW-DC-WR-05, FW-DC-WR-06, FW-DC-WR-07, FW-DC-WR-08, FW-DC-WR-09, FW-DC-WR-10, FW-DC-WR-11, FW-DC-WR-12, FW-DC-WR-13, and FW-DC-WR-14).*
- *Objectives lack ambition, (for example the objective related to key watershed roads), and measurement of progress toward them is not specified.*
- *Standards do not have substantive protections for the various resources The LMP's overall lack of meaningful Standards is counter to the regulations. Most LMP standards have no constraining value (or are restatements of other laws or policies that FS has to follow) and are indistinguishable from Guidelines. LMP standard FW-STD-LG-02 is an example of vague, unenforceable language.*

There is no requirement to achieve desired conditions under 1982 Planning Rule, only to have a description (219.11(b)). The monitoring plan (revised LMP, pp. 155-168) provides for monitoring many of the plan objectives. There is no requirement in either 1982 nor 2012 Planning Rules for monitoring all objectives. Opinion-monitoring of objectives would be evaluated and documented for each project (see revised LMP, pp. 12-16). Monitoring results related to objectives would be reported biennially. Any action, no matter when it occurs, would be inconsistent if it would prevent achievement of an objective.

Objectives do not have to be ambitious. The revised LMP, 13 states: “*These plan components apply only to National Forest System lands and are measured at the forestwide scale unless specifically stated otherwise. The timeframe to achieve objectives is 10 to 15 years unless stated otherwise.*” This provides a default time frame. While a few objectives such as “grizzly bear seasonal habitats” and some others may not be completely defined in the revised LMP, the objectives clearly use quantitative measures.

Plan has clearly distinguished the difference between standards and guidelines (revised LMP, pp. 14-15).

The standard FW-STD-VEG-02 is an example of substantive protection in a standard. This standard has firm procedural requirements and management requirements. Some terms could be defined, but intent is generally clear.

#### *FW-STD-VEG-02. Threatened, Endangered and Sensitive Plant Species – Surveys*

- Surveys for threatened, endangered, and sensitive plant species shall be conducted in suitable habitat on National Forest System lands before habitat-disturbing activities to identify and protect vulnerable populations. All existing sites are identified and managed to support rare species recovery on National Forest System lands. Suitable habitat shall be managed to enhance or maintain rare species occurrences on the Forest.

Some guidelines with limited exceptions could be standards (GDL-VEG-03, VEG-05).

Plans do not compel action or specific levels of accomplishment. The project consistency section is not required under the 1982 Planning Rule. The revised LMP has added a section for interpreting project consistency based the 2012 Planning Rule wording. This includes specific wording about consistency with a desired condition (revised LMP, pp 12-15 and Appendix A, pp. 171-173).

*Other standards contain language that include undefined terminology that leaves them highly discretionary or unenforceable, often because of loophole language. (example, FW- STD-WR-01)*

This is a poor standard that tries to establish limits and permissions related to properly functioning watersheds. There is no desired condition that specifies a desire for properly functioning watersheds, but there is substantial explanation about what these are. If there was a DC, this standard would not be needed as project consistency criteria would essentially accomplish the same purpose as this standard. Possible remedy- remove standard and provide desired condition and/or objectives and/or focus the standard more clearly on project activities related to DC. DCs would be stronger if general statements were linked to something more specific to conditions on the Colville NF. Some of these DCs would be clearer with an introductory description describing interpretation of the phrase: Subbasin scale is used for Forest planning and 5th field watershed or subwatershed scale is used for project planning. The Introduction to Chapter 2, revised LMP would be a good place for this type of an explanation. If the standard FW-STD-WR-01 above is retained as a standard, key terms in this standard must be defined or linked, to be clearer criteria provided or reference as to how projects can evaluate the degree to which they contribute to, maintain, or prevent achievement of Properly Functioning Watersheds. Terms such as *impaired function or are functioning-at-risk, shall restore or not retard* need a clear link to more substantive criteria or definitions.

FW-DC-WR-17. (Roads in Key Watersheds)- This DC is weak. No criteria is presented to clarify what road conditions constitute a risk to watershed function and enable divergent interpretations that either all roads adversely affect such function or none do. Also DC is presented as what is not desired rather than what is desired. A positive approach could lead to better specificity.

FW-STD-LG-02 could be strengthened with some definition of ‘adequate forage’. This is a DC but here it applies specifically as a standard to grazing management from leading clause omitted by the objector. Management of grazing allotments would be required to retain adequate forage for deer and elk evaluated for each allotment.

Restatement is of other laws and regulations as standards are permissible to provide clarity. Other LMP standards that fall in this category (restatement of other laws and regulation) are FW-STD-VEG-03, FW-STD-VEG-04, FW-STD-VEG-05, FW-STD-VEG-06, FW-STD-VEG-07, FW-STD-VEG-08, FW-STD-VEG-09. These are requirements from NFMA which require plans provide these restrictions on timber harvest. To meet these NFMA requirements standards are present in land management plans.

MA-STD-RMA-09 and MA-STD-RMA-10 are standards repeating project consistency criteria to achieve desired conditions. Each has an added feature. In RMA-09, a failure of grazing practices with respect to DC, compels modification of grazing practices or removal of livestock through subsequent administrative action (substantial enforcement). RMA-10 is an inverse standard essentially permitting some use of riparian areas for these purposes unless 1) inconsistent with project consistency provisions of desired conditions, 2) the use must be located in an RMA, or needed for resource protection (an ambiguous term undefined in plan). This is very awkward and could be rephrased as a simpler standard by dropping the 1<sup>st</sup> condition and 3<sup>rd</sup> condition and simply specifying that then uses are only permitted in the RMA when such use requires location in an RMA. Other project consistency criteria related to DCs and OBJs still apply. [A possible instruction is to review plan components to remove material that repeats the project

consistency requirements. Some rephrasing of these 3 standards FW-STD-WR-01 and MA-STD-RMA-09, MA-STD-RMA-10.to improve clarity could also be instructed]

FS-STD-WR-02 (revised LMP, pp. 56) as a standard directs that “*All projects shall be implemented in accordance with best management practices, as described in national and regional technical guides.*” Such comprehensive and firm wording to an unclear external source (what technical guides?) can be problematic in that all material contained in technical guides can be considered to be mandatory for all projects. These guides are not clearly identified nor are they contained in the plan itself is open to problematic interpretation. [Possible recommendation to avoid unintended restriction is to limit scope of projects, make a guideline with clearer purpose, or modify wording to something like consult tech guide, use applicable portions of guide or similar wording]

FW-STD-AS-01 is also appropriate standard, but since it is cross-country and not road use, it could be in the Recreation section. Consider if this inversely allows such use on the road system without continuous snow.

FW-GDL-VEG-03 (Large Tree Management) - This guideline states clearly large trees over 20 inches diameter should be retained and recruited in project activities. The guideline then identifies two narrow general exemptions (or purposes) where under the guideline, larger trees could be removed. Four additional exemptions identifying other purposes (as presented above) identify other purposes for large tree removal, only when removal of smaller trees cannot achieve the desired condition. Under the guideline, projects removing large trees will need to document a rationale related to one of these six exceptions to meet the project consistency criteria. Contrary to the objector’s viewpoint, few situations would be exceptions enabling removal of large trees.

There is no requirement for a high degree of precision in plan components and some plan components could be written with greater clarity such as WR-01. Many plan components are reasonably clear. The project consistency criteria (revised LMP, pp. 12-16) also adds more clarity to interpret application of plan components to subsequent projects.

*Given the discretionary, vague language, the "Focused Restoration" Management Area is not distinguishable from the "General Restoration" (in other words, Heavy Logging) Management Area. The "suitable uses" allowed are identical.*

While there is a general expectation that MAs are substantially different, there is no requirement for substantial differences. The Focused Restoration Area is distinguished in part by where it applies: *Spatially, these areas are defined by the key watersheds and wildlife habitat including recovery areas or other management units for listed species that were not included in Backcountry and Backcountry Motorized Management Areas. Desired habitat conditions for aquatic, plant, and wildlife species are found in these areas* (revised LMP, pp. 106).

The Focused restoration MA is also distinguished by MA-STD-FR-01 that provides for no net increase and a decrease in system roads depending on watershed condition (revised LMP, pp. 107). The general restoration does not have this standard.

*The LMP fails to disclose any objective criteria by which the Forest Service has determined suitability as per NFMA and planning regulations. The obscure and arbitrary methodology for determining the suitability of areas for certain types of management actions is of concern because suitability can only be changed by a plan amendment.*

There is no requirement for a detailed rationale on this. Generally this is determined by consistency of the use or activity with the management area desired condition and other plan components.

Under the revised LMP description of “*Consistency with Plan Components*” an explanation of “*Suitability of Areas*” is provided (revised LMP, pp. 15). Consistency with desired conditions is a primary reason to identify an area as suitable or not suitable for a specific use based on consideration of environmental and economic consequences. Paragraph above is presented out of context to suggest that any use can be declared suitable based on viewpoint of decision maker; this is not correct.

The wording in the project consistency criteria is clear. Projects are generally expected to contribute to the accomplishment of desired conditions or objectives. If the project does not contribute to achieving an objective, it must not prevent the accomplishment of that objectives. Since (unlike desired conditions), objectives are measurable and time specific, whether a project would prevent achievement of an objective in the specified time frame should be a more straight forward determination.

*The Forest Service failed to conduct a Science Consistency review for the Draft or Final EIS or Forest Plan.*

A Science Consistency Review is not required for the EIS. Conducting a science review is not required under either the 1982 or 2012 Planning Rules.

*Private, local interests are being elevated by the magic wand of “collaboration” over and above the interests of the owners of the land in general, the American public – regardless of where those Americans live or whether or not they can attend collaborative meetings to make sure their interests are being heard. The objectors document several negative outcomes of collaboration.*

Statement of opinion, no substantive issue.

*It is difficult to track how the LMP is consistent with the 1982 planning rule.*

The LMP needs to be consistent with the 1982 Planning Rule, it does not need to be organized to facilitate evaluation of such consistency. [Although not required (and perhaps in planning record), a bit more documentation (ROD or planning record) could be provided about the 1982 and 2012 Planning Rules as applied to this revision].

*Neither the LMP nor the FEIS sort out the confusion of exactly what portions of which rules (1982 or 2012) must be taken as legally binding direction.*

The transition provisions allow use of the 1982 Planning Rule to amend or revise the plan. Once revised the provisions of the 1982 Planning Rule are no longer legally binding except as contained in the revised plan (see new planning rule 36 CFR 219.17 (b)(3) & (c)). The 2012 Planning Rule governs only the process and content of land management plans revised or amended under that rule (36 CFR 219.1(a)). [The relationship of parts of the plan revision to the planning rules and directives is not spelled out very clearly, relying on 1982 Planning Rule ROD models and ignoring the unique circumstances of a plan between two rules and directive sets. There is no acknowledgement concepts from the new rule that are not inconsistent with the 1982 Planning Rule are being used. A more thorough explanation of how the plan has used the two rules and directives would be a useful addition to the ROD. Monitoring, wilderness

evaluation and perhaps MIS are exceptions that could merit better explanation in the NFMA portion of the ROD as remedy.

The revised LMP does use concepts and guidance from new rule and directives. Responsible Official has the discretion to do so.

*The failure to monitor leads to inadequate empirical basis for professional judgment or conclusions made in the FEIS and is not in compliance with Executive Order 11514, which provides that Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities.*

Evidence of a failure to monitor? [What is the record of monitoring existing plan?]. Monitoring is heavy on monitoring management actions and lighter on monitoring desired conditions, although these are also present. Some adjustment of monitoring plan to emphasize feasible monitoring of environmental conditions a bit more than management activities could be a potential remedy, but unclear if objectors have identified any additional specifically needed monitoring. [Possible remedy – add a summary to the ROD describing monitoring done under the existing plan and how any monitoring results have influenced the plan revision]

*The FEIS also fails to provide an analysis of how well past FS management projects met the goals, objectives, desired conditions, etc. stated in NEPA documents, and how well the projects conformed to forest plan standards and guidelines.*

The ROD rationale for these changes is very general and does not describe the specific changes made, the scientific evidence or the rationale for the changes. [Adding such a rationale in the ROD would strengthen this change from INFISH, MIS, Screens, etc.). Citation to monitored results, scientific evidence or reference to other parts of the document set that cover this would also help or other evidence for these changes useful in ROD].

*There is nothing in the Forest Plan which holds managers accountable for failing to carry out forest plan implementation monitoring.*

There is nothing in law or rule to require it. Performance of FS managers is not governed by the plan. Completion of monitoring has to be flexible to respond to changing budgets and priorities. Simpler process for changing monitoring plan and required documentation of monitoring conclusions should help to make monitoring more effective. There is no legal basis in NFMA or the regulations obligating managers to carry out implementation monitoring.

*Alternative P indicates there are 656,600 acres suitable for timber production and an additional 202,150 acres that allow harvest to improve other resource objectives. This is a total of 858,750 acres available for harvest (see Table 31). Under Alternative P the average annual number of acres planned for timber harvest will be 5,000 acres (see Table 27) or one-half of one percent (.0058) of the available acres. At this pace, there is no way the forest health and wildfire conditions can be addressed effectively. Even by combining both 5,000 acres for timber harvest and 5,000 acres for mechanical fuel treatment, it would*

*take 86 years to get all acres treated. If management focused only in the suitable acres it would take 65 years to treat every acre.*

The plan intends that 6-12 thousand acres of active management will occur annually. The plan also indicates that 5000 acres of hazardous fuel reduction will occur annually (revised LMP, Appendix B, p. 175-186). Not clear if the vegetative treatments include hazardous fuels activity [could be clarified]. These actions are specific to bring lands into fire regime condition class (FRCC) 1 and some in FRCC 2. Conservatively assuming hazardous fuels are part of the active treatments, within 10 years 7- 14% of the land available for timber harvest would be treated. This would also mean treating 12-25% of the current FRCC 3 lands to FRCC 1 or 2. If they are additional, another 6% would be treated. More importantly the final EIS (Vol. I, p. 168- 179) in discussion of alternative effects of fire show the progression of moving to FRCC classes 2 and 3.

*The Plan considers the current fiscal budget the Colville receives as the management level for the life of the Plan. This self-imposed restriction severely handicaps management opportunities and will fail to bring resource needs into balance and is not consistent with the 1982 Planning Rule.*

The 1982 Planning Rule only proscribes use of budgets to limit benchmarks (219.12(e)(1)). There is no restriction on the use of budget constraints in the formulation of alternatives (219.12(f)) or with other sections of the 1982 Planning Rule or FSM 1926 applicable to the alternatives or the plan. Furthermore FSH 2409.13 (effective 8/3/92) (section 35) describes how to calculate ASQ:

*Normally, make adjustments in the allowable sale quantity to reflect differences between planned budget needs and actual funds received, success in implementing planned timber management practices, or changes in timber conditions or markets at the time of forest plan revision at the end of the 10-year planning period. However, if the differences or changes are significant and are likely to continue throughout the planning period, adjust the ASQ and amend or revise the forest plan (36 CFR 219.10(e)-(g)).*

Therefore, use and consideration of the current budget to limit what can be done in an alternative is appropriate. The 2012 Planning Rule more specifically requires the entire plan be within the fiscal capability of the unit. There is no prohibition to limit harvest in the alternatives or the plan based on fiscal capability in 1982 Planning Rule or current plan directives.

*The planned sale quantities (PWSQ and PTSQ) established by the Forest, both constrained by budget, are not consistent with the 1982 Planning Rule. It appears the Plan may be incorporating budget guidance from the 2012 Planning Rule, but the forest elected to proceed under the 1982 rules, so these provisions are not relevant.*

PWSQ and PTSQ are terms derived from the newer FSH 1909.12 Chapter 60 to estimate projected timber harvest volumes under the plan. In Chapter 60, these measures are required to be consistent with the unit's fiscal capability. These are not required nor is an equivalent measure identified under the 1982 Planning Rule or FSM 1926. [Measures for timber required by the 1982 rule (ASQ and LTSY) are required to be in the plan but are not. They are contained in the EIS and ROD. Possible instruction to include these timber volumes in the plan not just EIS.]

No specific prohibition in the 1982 Planning Rule or directives for limiting ASQ or projections of volume to be harvested based on fiscal capability. Benchmarks inform unit production capability without considerations of fiscal capability.

*AFRC requested a departure from non-declining flow for timber volume, and believe that these model runs should have been part of the final Alternative P that would have more quickly returned the Forest to the Historic Range of Variability.*

This is an alternative considered but dropped from detailed study FEIS, Vol. I, page 80.

*The methodology the FEIS used is an inappropriate interpretation of the term "Sustained Yield".*

The objection states a failure to use a more aggressive approach to conversion of lands from FRCC 3 to FRCC 1 constitutes a violation of the Multiple Uses Sustained Yield Act (MUSY) compounded with the budgetary limitation. There is no MUSY obligation on the part of the revised LMP to more aggressively accomplish this conversion. The revised LMP does provide for a 25% conversion from FRCC 3 to FRCC 1 in the first decade as a focus of the plan. Objector provides no evidence of a failure to sustain delivery of multiple uses.

*The FEIS gives inadequate recognition to the collaborative approval of post-disturbance restoration (see requested remedy).*

The ROD or revised LMP can state an intention to conduct post-harvest restoration projects consistent with suitability determinations in Appendix E and other plan components. But since the revised LMP is clear these activities are suitable in most Management Areas, there is no need to do so.

#### **RESOLUTION OPTIONS PROPOSED BY OBJECTORS:**

The Forest should analyze the unconstrained harvest calculation and departure from even-flow to more quickly get to Long-Term Sustained Yield (LTSY). The LTSY for the Colville National Forest is 97.4 MMBF. This volume can only be achieved when all the manageable timber acres have reached their historical range of variability (HRV). The American Forest Resource Council requested a departure from non-declining flow for timber volume, and believe that these models should have been part of the final LMP. [American Forest Resource Council]

**Response:** There is no legal obligation to do so. This was an alternative considered and dropped from detailed study (see FEIS, Vol. I, p. 80 Alternatives with increased vegetation management). The analysis did not support the ability of accelerated harvest to achieve the desired conditions more rapidly. The Colville also wanted to project vegetation management activity within its fiscal capability. (See also Response to Comments on Alternatives, FEIS, Vol. III, p. 1010)

The proposed LMP must reflect an adequate timber volume to support the local timber industry infrastructure and ensure community stability. The Forest Service planned FY19 timber sale program (PTSQ) is 82.6 MMBF. The PTSQ outlined in the Final Plan is 48.1 MMBF. The numbers in the Final

Plan must reflect what the Forest is proposing to sell now if the Plan is based on using the current and static budget. [American Forest Resource Council]

**Response:** Volume harvested from green timber on suitable lands cannot exceed the ten year total identified in the ASQ, although a short term deviation is possible. If the plan is approved, green timber meeting utilization standards from lands suitable for timber production must not exceed the ASQ. According to the PTSAR reports, the target for FY18 was 62.19 MMBF, awarded volume in FY18 was 107.44 MMBF, and the target for FY19 is 60.01 MMBF. The ROD (p 10) identifies the ASQ as 67 MMBF per year. Moving ahead volume targets of 60 MMBF are within the ASQ ceiling, although the Colville could not sustain awarding 107.4 MMBF of green timber from suitable lands for the following 10 year period.

The revised LMP should not limit management options based on current or other budget considerations. The Forest's treatment of budgets in the revised LMP is inconsistent with the 1982 Planning Rule and results in artificial restrictions on timber production. As a result, the LMP's own direction is compromised from inception. At the least, the Forest should modify the LMP to clarify that the values described are based on current budget conditions and those values can and should be exceeded if the Forest is able to increase their capacity through increased budget allocations or shared stewardship. [American Forest Resource Council]

**Response:** Use of budget to limit ASQ and projected timber harvest levels is appropriate. The ASQ and other timber measures can be modified through plan amendment if future fiscal capability permits. [*A remedy could be a description in either the plan (not a plan component) or the ROD of what could happen with greater funding. (See also Response to Comments on Alternatives, FEIS, Volume 3, pp. 1010 that suggests such adjustment)*].

The Forest should present Standards and Guidelines in a way that the distinction between the two is clear. As written, they are essentially the same. Yet, they leave the reader to believe one is much less restrictive than the other. These terms should be stricken from the FEIS, or carefully re-worded in a manner that provides latitude for project-specific analysis. Alternatively, they should include a clear description of how parameters set in the standards will be measured, what methods will be used, how Forest Service employees will be trained to do these measurements, and how contractors hired to do these measurements will be selected. [Stevens County Cattleman's Association]

**Response:** Plan components are described in the revised LMP under the section entitled, "Consistency with Plan Components", pp. 12-16. Standards are described as "...constraints upon project and activity decision making. Standards are established to help achieve desired conditions and objectives and to ensure projects and activities on NFS lands comply with applicable laws, regulations, Executive orders, and agency directives." Guidelines are described as, "...operational practices and procedures that are applied to projects and activity decision making to help achieve desired conditions and objectives, to avoid or mitigate undesirable effects, or to meet applicable legal requirements." In general standards constrain projects, while guidelines provide "guidance" or operational practices. Within the revised LMP certain specific plan components could be adjusted to improve clarity.

Change the analysis to specify the number of acres in need of treatment annually to accomplish the Desired Future Condition within 35 years. [Williamson Consulting]

**Response:** No obligation to do so, especially at this point in the process. FEIS, Volume 3, Appendix V, shows for each alternative the percentage of each forest type in comparison to the HRV. Graphs in



this section show not only the initial conditions and the modeled 100 year result but also the model percentages over the entire projected 100 year period. Further acceleration of treatment activity would be beyond the fiscal capability of the Colville, therefore they would be able to more rapidly achieve desired conditions (FEIS, Volume 1 p.80 and FEIS, Volume 3, pp. 1010 Response to Comments on Alternatives.

Change Table B-1 to "Initiate commercial and non-commercial management activities on at least 18 to 25 thousand acres per year..... ". [Williamson Consulting]

**Response:** No policy issue. The amount of activity shown in Table B-2 of the plan needs to be consistent with the analysis for alternative P. The Colville concluded that accelerated would not be within its fiscal capability and not likely to accelerate achievement towards desired conditions.

Withdraw the Record of Decision and include a statement emphasizing the agreements on post-restoration activities that will be analyzed on a project basis. [Northeast Washington Forest Coalition]

**Response:** At this time the ROD is still in Draft form and could include additional wording about post disturbance restoration projects including the nature of any collaborative agreements on the process to determine how to proceed with these projects.

#### **INSTRUCTIONS PROPOSED BY REVIEW TEAM:**

A number of plan components should be rewritten for clarity (see examples below). These should not influence the EIS analysis.

Standards FW-STD-WR-01. Properly Functioning Watersheds:

- If retained as a standard, key terms in this standard must be defined or linked to clearer criteria. Terms such as impaired function or are functioning-at-risk, shall restore or not retard need a clear link to more substantive criteria or definitions.
- This is a poor standard that tries to establish limits and permissions related to properly functioning watersheds. There is no desired condition that specifies a desire for properly functioning watersheds, but there is substantial explanation about what these are. If there was a DC, this standard would not be needed as project consistency criteria would essentially accomplish the same purpose as this standard. Possible remedy- remove standard and provide desired condition and/or objectives and/or focus the standard more clearly on project activities related to DC. If standard is retained, there needs to be clearer criteria provided or referenced as to how projects can evaluate the degree to which they contribute to, maintain or prevent achievement of PFC

Various explanations about regulations used, rationale for species changes (PACFISH/INFISH/Screens), suitability determinations, or opportunities with additional funding could be provided to strengthen then ROD.

Some additional recommendations/suggestions are outlined below.

- The ROD rationale for these change from INFISH, Eastside Screens, etc. is very general and does not describe the specific changes made, the scientific evidence or the rationale for the changes. [Adding such a rationale in the ROD would strengthen this change from INFISH, MIS, Screens, etc.). Citation to monitored results, scientific evidence or reference to other parts of the document set covering this would be useful in ROD].
- Although not required, a bit more documentation (ROD or planning record) could be provided about the 82 and 2012 rules as applied to this revision.

- Measures for timber required by the 1982 rule (ASQ and LTSY) are required to be in the plan but are not. They are contained in the EIS and ROD. Possible instruction to include these timber volumes in the plan not just EIS.
- WR-03 is an appropriate standard applied to all in-water projects. By using ‘should’ instead of ‘must’ WR-05 reads like a guideline. Which is it?
- Many standards are written to be undistinguishable from guidelines because they basically "provide operational practices and procedures" as guidelines are defined. For example, FW- STD-WR-02 "All projects shall be implemented in accordance with best management practices..." See also FW-STD-WR-03, FW-STD-WR-04, FW-STD-WR-05, FW-STD-IS-01, FW-STD-AS-01, WR-02 as a standard directs that “All projects shall be implemented in accordance with best management practices, as described in national and regional technical guides. Such comprehensive and firm wording to an unclear external source (what technical guides?) can be problematic as all material contained in technical guides can be considered to be mandatory for all projects. These guides are not clearly identified nor are they contained in the plan itself making the potential for interpretation problematic. [Possible recommendation to avoid unintended restriction is to limit scope of projects, make a guideline with clearer purpose, or modify wording to something like consult tech guide, use applicable portions of guide or similar wording]
- Review plan components to remove material that repeats the project consistency requirements. Some rephrasing of these 3 standards FW-STD-WR-01 and MA-STD-RMA-09, MA-STD-RMA-10.to improve clarity could also be instructed.
- LMP standard FW-STD-LG-02 is an example of vague, unenforceable language. "(A)adequate forage is available for deer and elk on summer and winter ranges" is fine, but what "adequate" means is anybody's guess. Agree this would be stronger with some definition of ‘adequate forage’.
- FW-DC-WR-17. (Roads in Key Watersheds) *"Roads in key watersheds are not a risk to the function of soil and water resources. Roads do not disrupt hydrologic or aquatic habitat function or threatened and endangered species biological and behavioral attributes."* DC is weak in that no criteria is presented to clarify what road conditions constitute a risk to watershed function and enable divergent interpretations that either all roads adversely affect such function or none do. Also DC is presented as what is not desired rather than what is desired, perhaps a positive approach could lead to better specificity.
- LMP FW-DC-WR-01. (Natural Disturbance Regime of Aquatic and Riparian Systems): *"National Forest System lands contribute to the distribution, diversity, and resiliency of watershed and landscape-scale features, including natural disturbance regimes, of the aquatic, riparian, and wetland ecosystems to which plant and animal species, populations, and communities are adapted. Subbasin scale is used for Forest planning and 5th field watershed or subwatershed scale is used for project planning."* The first sentence sounds like wishful thinking, and the second sentence in the context of a Desired Condition means it never has to be done. Same with FW-DC-WR-02, FW-DC-WR-03, FW-DC-WR-04, FW-DC-WR-05, FW-DC-WR-06, FW-DC-WR-07, FW-DC-WR-08, FW-DC-WR-09, FW-DC-WR-10, FW-DC-WR-11, FW-DC-WR-12, FW-DC-WR-13, and FW-DC-WR-14. [DCs would be stronger if these general statements were linked to something more specific to Colville conditions. Some of these DCs would be clearer with an introductory description describing interpretation of the phrase: Subbasin scale is used for Forest planning and 5th field watershed or subwatershed scale is used for project planning. Introduction to chapter 2 would be a good place for it. ]
- Possible remedy – add a summary to the ROD describing monitoring done under the existing plan and how any monitoring results have influenced the plan revision.

- A more thorough explanation of how the plan has used the two rules and directives would be a useful addition to the ROD. Monitoring, wilderness evaluation and perhaps MIS are exceptions that could merit better explanation in the NFMA portion of the ROD as remedy.

The objectors contend the LMP fails to disclose any objective criteria by which the Forest Service has determined suitability as per NFMA and planning regulations. A general rationale for the determinations could be included in the plan, perhaps in Appendix E or the ROD.

#### **CONCLUSION:**

There are no substantive legal or policy problems raised by the objectors. Colville could be instructed to improve the clarity of plan components in the Plan as suggested earlier. Greater explanation of objections raised in the ROD would strengthen the product going forward.

- **A number of plan components should be rewritten for clarity (see examples above). These should not influence the EIS analysis.**
- **Various explanations about regulations used, rationale for species changes (PACFISH/INFISH/Screens) , suitability determinations, or opportunities with additional funding could be provided to strengthen then ROD.**
- **Some additional recommendations/suggestions are contained in green in the document.**