

ERX=6

FOIA
DOC

From: Kennev, Dan -FS
To: Staaf, Norma -FS
Cc: Hughes, Clinton E -FS
Subject: RE: NEPA for suction dredging POOs
Date: Wednesday, February 11, 2015 9:30:51 AM
Attachments: image001.png
image002.png
image003.png
image004.png

Thanks, Norma. I have looked at the Moose/Lolo EIS, and have reproduced the relevant parts of the relevant section below:

1.2 Need for an EIS

The Forest Service has a responsibility to manage surface impacts from mining activities on National Forest System land.

Following the 2001 mining season, the CNF initiated the process of consulting, under Section 7 of the Endangered Species Act, with NOAA and USFWS concerning the effects of small-scale suction dredging on these threatened species in Lolo Creek and Moose Creek. Consultations have been completed, but the Forest has not approved any Plans of Operation for dredging in Lolo Creek or Moose Creek, and no dredging has occurred since the 2001 mining season. Because of the concerns for ESA listed species, the Forest decided to conduct an EIS to assess the impacts to those species.

In a 2008 Biological Assessment (BA), Forest determined that suction dredging was "likely to adversely affect" steelhead trout, but was "not likely to adversely affect" bull trout in Lolo Creek. The Forest determined that suction dredging was "likely to adversely affect bull trout" in Moose Creek. In their respective 2009 and 2008 Biological Opinions, NOAA and USFWS agreed with the Forest Service's determinations. Both agencies concluded that suction dredging would not jeopardize the continued existence of either species. Each agency's Opinion included incidental take statements with non-discretionary reasonable and prudent measures to avoid or minimize take, and mandatory terms and conditions to implement those measures. In Chapter 2 of this EIS each agency's reasonable and prudent measures, terms and conditions, and recommendations discussed in the Forest's 2008 Biological Assessments for Lolo Creek and Moose Creek are consolidated into 30 design features.

The highlighted sentence is the only text in this section which says "because." Assuming there aren't hidden "because's" then I don't see why we would have to do an EIS for Orogrande/French or the South Fork because: a) we would be completing the same sort of ESA consultation which would both avoid jeopardy to the ESA-listed species and which would include measures to avoid or minimize take, ~~we have already done an EIS on suction dredging that demonstrated that effects on both steelhead and bull trout and CH would be minimized and that the expert agencies who administer the ESA agree with us, and c) because we do EAs all the time that include either NLAA or LAA effects on listed fish and CH (recent example: Collette Mine is an LAA for SH and an EA).~~ I would also point out that the Orogrande/French mining is an NLAA, so it might make sense to do separate EAs for O/F and the South Fork.

Thanks for looking into this.

Dan

Mark
Look
important
OK! So why was
a P.O. Operations Needed!
THIS IS A FRHVD!

Not done!

Critical Habitat

?
Is it true that the USFS

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