



United States
Department of
Agriculture

Forest
Service

July 28, 2009



Environmental Assessment

Settler's Grove of Ancient Cedar Withdrawal From Location and Entry under the United States Mining Laws

**Coeur d'Alene River Ranger District
Idaho Panhandle National Forests
Shoshone County, Idaho
Sec. 4, T50N, R5E, B.M.
Sec. 33&34, T51N, R5E, B.M.**

For Information Contact: Barbara Hansen

Coeur d'Alene River Ranger District
Idaho Panhandle National Forests
2502 E. Sherman Ave
Coeur d'Alene, Idaho 83814
(208) 769-3050

PURPOSE AND NEED FOR ACTION

Settler's Grove of Ancient Cedar was designated a Special Interest Area in 1970 because of its unique botanical features. The area was withdrawn from locatable mineral entry in 1972 and again in 1987. The mineral withdrawal is identified in the Forest Plan (USDA, 1987) of the Idaho Panhandle National Forests, page K-3, (hereafter, Forest Plan).

The September 1987 mineral withdrawal of Settler's Grove of Ancient Cedar expired on September 30, 2007. The botanical, historical, aesthetic, recreational and research values of Settler's Grove could be lessened and may be lost entirely should mineral entry occur. Thus, there is a need to protect this area from mineral exploration and development pursuant to the locatable mineral laws of the United States. The purpose of the Settler's Grove of Ancient Cedar Withdrawal Project is to help preserve one of the very few stands of old growth western redcedar on the Idaho Panhandle National Forests (IPNF) from location and entry under the United States mining laws as identified in the Forest Plan. By regulation, withdrawals are subject to a 20-year timeframe, after which, the withdrawal will terminate unless an application for withdrawal is again submitted and approved.

The Forest Service has prepared this Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This EA discloses the project's foreseeable environmental effects for consideration in determining whether or not to prepare an Environmental Impact Statement or a Finding of No Significant Impact document (40 CFR 1508.9).

Existing Condition

Vegetation

Settler's Grove of Ancient Cedar is an area of impressive old growth approximately 183 acres in size. The area occupies a cool and moist creek bottom that supports a grove of very old and large trees dominated by western redcedar, some in excess of seven feet in diameter at breast height. The age of the large cedar trees can only be guessed at, but they are estimated to be hundreds of years old. The dense canopy results in heavy shade and high humidity, giving rise to an abundance of ferns and devil's club in the understory.

This area is a relatively undisturbed ecosystem that looks today much as it did when the first European settlers of the Coeur d'Alenes arrived in the 1880's in search of gold. It offers the public a glimpse into the past of the vegetative composition of these moist bottomlands before they were impacted through industry and habitation. The impressive trees form the backdrop to a unique recreational experience in an ecosystem that remains in a near natural condition. Since undisturbed bottomlands are a rarity in this region, Settler's Grove is also an important site for research and education.

In August, 1970, Settler's Grove of Ancient Cedar was designated by the Regional Forester as an area of outstanding botanical significance and classified under Regulation U-3 as a Special Interest Area to be managed according to guidelines prepared especially for the area. The

primary management objective is to preserve the area in as near-natural condition as possible, and still make it available to the public as a recreational, botanical and historical experience.

Minerals/Geology

The area is underlain by the meta-sedimentary rocks of the Precambrian Belt Series formations. Specifically, quartzites from Revett formation are exposed in the area with quaternary alluvial deposits in the valley bottom areas.

Before Settler's Grove was originally withdrawn from mineral entry there was a history of unpatented mining claims in the area although no significant mining occurred. There have been mineral patents issued within 1 mile of the site and major mining activity at the Jack Waite Mine 4 miles away. There is also current exploration drilling activity on National Forest lands within 1 mile of the area.

Potential mineralization in the area includes 3 notable sources. The alluvial gravels in the area may contain placer gold as a result of eroding sources. Stratabound copper may occur in the quartzites of the Revett formation that are exposed in the area. Faulting in the area related to larger regional fault systems such as the Osburn fault can host lead, zinc, and silver mineralization.

Recreation

Settler's Grove provides an enchanting, educational and memorable recreational experience to forest visitors. It's a popular site, drawing several hundred visitors each year. At the entrance to the site is a developed trailhead to Trail 162, a 6.1 mile trail that offers a variety of non-motorized recreational day-use opportunities. The first two miles are surfaced and widened for wheelchairs, providing the forest visitor an easy hike into a natural, semi-primitive setting dominated by large and majestic trees. The trailhead contains a concrete vault outhouse, a prominent site sign along with other sign information, benches, a fence and entryway. There is an adjacent parking area large enough for more than 15 vehicles. The amount of visitation is expected to continue and will likely increase as the populations in Missoula, Coeur d'Alene, Spokane and surrounding rural areas continue to grow.

Threatened, Endangered and Sensitive Plants

There are two Threatened plant species listed by the US Fish and Wildlife Service for the Coeur d'Alene portion of the IPNF (USDI 2009). No Endangered plant species are listed for the Forest. Twenty-eight Sensitive plant species have been designated by the Regional Forester for the Forest, and in addition there are 27 Forest Species of Concern (FSOC) that are considered in project planning. A complete list of rare plants and a description of plant guilds is contained in project files (IPNF 2004).

The Settler's Grove of Ancient Cedar has been surveyed for rare plants. Surveys records are contained in the project files. No suitable habitat or documented occurrences of Threatened and

Endangered plant species are known to exist within the withdrawal proposal project area (refer to the plants Biological Assessment in the project file).

The project area contains suitable habitat for moist forest and wet forest guild Sensitive plants and FSOC. No Sensitive plants are known to be present in the project area, but moonworts (*Botrychium spp.*) are often present in mature cedar forests, and can easily be missed during field surveys because of their small stature. Ball-bearing lichen (*Sphaerothorus globosus*) an IPNF Forest Species of Concern, and state-listed sensitive species, is found within the proposed Settler's Grove Mineral Withdrawal project area. This coastal species, with disjunct populations in northern Idaho, grows on large diameter western redcedar trees in moist to wet, shaded, forest habitats.

There are no known noxious weed infestations present in the project area that are a threat to listed rare plant species.

Withdrawal Status

On June 16, 2004, the Bureau of Land Management (BLM) notified the Forest Service the withdrawal order established by Public Land Order No.6658 for Settler's Grove of Ancient Cedar would expire September 2007. In 2007, the Forest Service notified BLM of its intent to request an extension of the withdrawal and submitted a Withdrawal Application dated September 18, 2007 (FS 2760-1 memo). This application requested the cedar grove be segregated from mineral entry under the general mining laws for two years in accordance with 43 CFR 2310.2(a).

In April, 2008, correspondence between IPNF and Regional Office staff suggested the Regional Office was working on the project. The Coeur d'Alene River Ranger District was notified of the withdrawal expiration on February 17, 2009. Scoping was initiated June 10, 2009 with publication of the Notice of Proposed Action and 30-day Comment Period for the project. The intent of the Forest is to take action to maintain the current mineral withdrawal.

Desired Condition

The present and future use of this area as identified in the Forest Plan is for recreation and the protection of the area's unique botanical features. The desired condition of Settler's Grove is the protection of the botanical, historical, aesthetic, recreational and research values. The 183-acre bottomland ecosystem is the resource to be protected by continuing the withdrawal of the area from location and entry under the United States mining laws; it can neither be replaced nor relocated.

The objective is to withdraw from location and entry under the United States mining laws the 183-acre Settler's Grove of Ancient Cedar Special Interest Area. It would be preferable to secure the withdrawal indefinitely because of the importance of Settler's Grove to the public, but by regulation is limited to 20 years. Thus, the Forest Service will seek to secure the withdrawal for as long as that permitted by regulation.

ALTERNATIVES

Alternative 1 – Proposed Action

The Forest Service proposes to request the Secretary of the Interior, through the BLM, withdraw the 183-acre Settler's Grove of Ancient Cedar Botanical Area from location and entry under the United States mining laws. The project area is located in Shoshone County, Idaho, Sec.4, T50N, R5E, B.M. and Sec.33-34, T51N, R5E, B.M.; see enclosed map.

Alternative 2 – No Action

Under this alternative, the mineral withdrawal remains expired. Once open to mineral entry, exploration and development of locatable minerals subject to the 1872 mining law could occur in the area. This would be a change in the current management direction for Settler's Grove.

No significant issues were identified during scoping; therefore, no alternatives other than the proposed action and the no action alternative have been fully developed and analyzed. The No-Action Alternative is required to be considered pursuant to NEPA.

ENVIRONMENTAL CONSEQUENCES

This section provides a summary of the environmental impacts of the Proposed Action to resources found within the Settler's Grove project area in relation to whether there may be significant environmental effects as described in 40 CFR 1508.27. Further analysis and conclusions about the potential effects are available in resource specialist reports and other supporting documentation located in the project record. This assessment is consistent with the National Forest Management Act, 16 U.S.C. 1604(g)(1) and with the management direction described in the Forest Plan for the Idaho Panhandle National Forests. The following analysis was compared against this management direction for consistency purposes. The 1975 EA for Settler's Grove of Ancient Cedar Withdrawal is hereby incorporated by reference and can be found in the Project Record (Lewis, December 1974).

Forest Plan Direction

Settler's Grove of Ancient Cedar is allocated to Management Area 13 in the Forest Plan, pages III (56-60). This management area consists of areas and sites with special attributes or features such as botanical, scenic and historic that merit special management. The management area goal for these sites is to manage them for educational, scientific and recreational purposes. The management area standard for botanical areas is to "Manage to maintain the significant specimens or group exhibits of plants, plant groups or plant communities related to the area's botanical features" (Forest Plan, page III-57). The management area standard for mineral management reads: "Withdraw areas as needed" (Forest Plan, page III-59).

Vegetation

Proposed Action: This alternative is an administrative action that would not change vegetation management guidelines which are to maintain the area in a near natural condition and protect the old growth resource. There are no anticipated immediate or long-term adverse effects to vegetative resources.

No Action: This alternative would allow mineral entry that could result in locatable mineral exploration and development within the project area. The risk of irreparable damage to the fragile ecosystem and old growth trees is high. Road construction and use, drilling or mining could directly remove or damage above ground vegetation, compact soils, or damage and destabilize shallow root systems. Such activity would also violate the Zone Management Plan for the area to preserve the area in as near-natural condition as possible, keep man-made facilities to the barest minimum possible and set aside stands of outstanding trees to be reserved from cutting and disturbance.

Threatened, Endangered and Sensitive Plants

Proposed Action: No impacts are expected to Threatened or Endangered plants with implementation of the proposed action, because there is no suitable habitat present, and therefore, no possibility for these species to occur.

The proposed action would maintain the ecological values of the cedar grove. There would be no direct, indirect, or cumulative effect to Sensitive or FSOC plant species habitat or occurrences.

There would be no effect to noxious weeds in the project area under this alternative because management objectives for the Special Interest Area would be maintained.

No Action: No impacts are expected to Threatened or Endangered plants with implementation of the No-Action Alternative, because there is no suitable habitat present, and therefore no possibility for these species to occur.

Under this alternative, locatable mineral exploration and development could be permitted within the project area. The risk for this action to occur is very high due to the presence of locatable minerals and extensive history of mining activity throughout the Eagle Creek drainage. This action would require a separate, site-specific NEPA analysis that would also include additional botanical surveys to determine project impacts to R1 Sensitive plant species and FSOC, if mineral entry were allowed. The results of those surveys would determine the scope of effects to ball-bearing lichen (*Sphaerophorus globosus*), and other sensitive plant species and FSOC, and what, if any, mitigation might be required. While there would be no direct effect to any listed rare plant species with implementation of No Action, indirect and cumulative effects are likely. Because protection of Sensitive plants and FSOC cannot be assured under No-Action, the conclusion of effects for wet forest and moist forest guild plant species is "May Impact Individuals or Habitat, But Will Not Likely Contribute to a Trend towards Federal Listing or

Cause a Loss of Viability to the Population or Species". For all other Sensitive and FSOC plant species and guilds the determination of effects is "No Impact".

Indirectly, the No-Action Alternative could lead to the introduction of noxious weeds to the project area due to increased ground disturbing activities.

Wildlife

Species or their habitats potentially present in the project area include the following:

Forest Service sensitive species:

- Coeur d'Alene salamander
- Fringed myotis
- Townsend's big-eared bat
- Fisher
- Wolverine
- Gray Wolf

Management Indicator Species:

- Northern Goshawk
- Pileated Woodpecker
- Rocky Mountain Elk
- American Marten

Other

- Neotropical migratory birds

Proposed Action: Withdrawal from mineral entry is an administrative action that would prevent mineral activity in the project area. Thus, this alternative would have no short or long-term adverse impacts to species or habitats present.

No Action: Allowing mineral entry would be a change in current management of the area. This could potentially result in future new surface disturbance, including road construction, prospect pits, tailings piles, etc., that may adversely impact habitat for sensitive and other wildlife species. Implementation of this alternative may also result in increased human use of the area, potentially causing behavioral disturbance of species occupying the area. This action would require a separate, site-specific NEPA analysis.

Fisheries

Proposed Action: This administrative action would prevent mineral activity from occurring on the surface of the 183-acre project area. However, in a situation where extralateral rights were established, it would not preclude drilling operations from occurring outside the area to access locatable minerals underneath the surface of this area. This action would result in no change in the current area management, but would continue the protection that now occurs.

Continuing this action would result in continued unaltered stream channel function within part of the West Fork Eagle watershed, and continue to contribute valuable fish habitat conditions and hydrologic functions to a watershed with many detrimental cumulative effects from other past management practices in down stream reaches.

No Action: This alternative would allow exploration and development of locatable minerals in Settler's Grove and potentially damage valuable hydrologic flowpaths that contribute to high quality riparian and fish habitat conditions and other hydrologic functions to the surrounding ecosystem and to the West Fork of Eagle Creek. Allowing access to areas where subsurface locatable minerals could be reached by drilling or mining operations could also cause greater risk of sedimentation, increased temperatures and loss of components that contribute to high quality fish habitat. The West Fork of Eagle Creek (USGS Hydrologic Unit Code 17010301PN008_02) is currently listed as critical habitat for bull trout. This area has also been identified as an area providing high quality habitat needed for bull trout recovery. Under the no action alternative fish habitat condition and bull trout recovery could be impaired within the West Fork of Eagle creek watershed.

Geology/Minerals

Proposed Action: The proposal is an administrative action that would prevent locatable mineral activity and development on the site, and would continue to protect the cedar grove. There are no anticipated immediate or long-term adverse effects to geologic resources.

No Action: Under this alternative, locatable mineral exploration and development could be permitted within the project area. There are a number of potential minerals that may be present in economic quantities on the site. The risk for exploration and development activity to take place in the area once it becomes open to mineral entry is high.

Hydrology

Proposed Action: This administrative action would prevent mineral activity from occurring on the surface of the 183-acre project area. However, in certain situations where specific extralateral rights were established adjacent to the project area, locatable minerals underneath the surface of this area could be mined at depth. This action would result in no change in the current area management, but would continue the protection that now occurs.

Continuing this action would result in continued unaltered hydrologic function within part of the West Fork Eagle watershed, and continue to contribute valuable ecosystem and hydrologic functions to a watershed with many detrimental cumulative effects from other past management practices.

No Action: This alternative would allow exploration and development of locatable minerals in Settler's Grove and potentially damage valuable hydrologic flowpaths that contribute nutrients and other hydrologic functions to the surrounding ecosystem and to the West Fork of Eagle Creek. Allowing access to areas where subsurface locatable minerals could be reached by drilling or mining operations could also cause greater risk of sedimentation to streams with

existing sediment limits imposed by the State of Idaho by reconstructing and using previously stored or decommissioned roads, or by losing drilling fluids and other effluents through subsurface fractures that lead to those streams. The West Fork of Eagle Creek (USGS Hydrologic Unit Code 17010301PN008_02) is currently listed under Section 303d in the Clean Water Act and by the State of Idaho as not meeting beneficial use criteria for salmonid spawning requirements (2008 State of Idaho DEC Integrated Report). This includes Cottonwood Creek, part of which is also included in the Cedar Grove boundary.

Surface access via road, or by clearing areas for drilling or mining operations, could also remove vegetation and lead to greater risk of altered hydrology and subsequent downstream changes in stream morphology and function. Mining operations could also damage water quality by inadvertent petrochemical spills, or increase stream temperature via the removal of riparian vegetation, especially in an area where riparian and forest vegetation is well established and is currently functioning at its highest capacity.

Recreation

Proposed Action: Settler's Grove of Ancient Cedar is a popular and historically significant recreation area. It offers the forest visitor an easy hike into a natural, semi-primitive setting for a variety of non-motorized, day-use activities. This action would result in no change to visitor experience. People would continue to visit Settler's Grove for the hiking, picnicking, photography, fishing, educational and general sightseeing opportunities it offers. This is consistent with Forest Plan management area goals.

No Action: Allowing mineral entry would be a change in current area management. This could potentially result in future new surface disturbance, including road construction, prospect pits, tailings piles, increased traffic etc., which may adversely impact this area of high botanical interest and recreational use.

It could also degrade visitor experience because of potential effects related to the operation resulting in increased dust, vehicular traffic and sound. Although mining activity would not prohibit public use of the surrounding area, it could reduce visitation and the desire to visit the area for the recreation qualities for which it was established.

Cultural Resources

Proposed Action: The proposal is an administrative action, would prevent mineral activity on the site, and would continue to protect the cedar grove. Therefore, there are no anticipated immediate or long-term adverse environmental effects to cultural and historic properties.

No Action: Under this alternative, locatable mineral exploration and development could be permitted within the project area. This action would require a separate, site-specific NEPA analysis that would also include surveys for cultural and historic properties. The results of those surveys would determine the scope of effects to any cultural or historic properties and what, if any, mitigation might be required.

Cumulative Effects

The area considered for cumulative effects analysis is the Settler's Grove project area.

Proposed Action: Past, present and foreseeable actions under this alternative are limited to recreation projects to improve and maintain the trailhead and trail and the administrative action to maintain the mineral withdrawal. Cumulative effects resulting from the recreation activities are negligible and there are no cumulative effects from the administrative action. The vegetative, hydrologic, fish and wildlife, historic, aesthetic and recreational resources would continue to be managed to minimize human impacts.

No Action: Past, present and foreseeable actions under this alternative include the recreation projects referenced above as well as exploration and development of locatable minerals within the project area in the foreseeable future. Such mining activities would result in adverse effects to unique botanical features, hydrologic and fisheries conditions, aesthetics and recreation through surface and subsurface disturbance. These actions may also adversely affect habitats for sensitive and other wildlife species and may lead to the introduction and spread of noxious weeds. Increased human use of the area may lead to changes in behavior of wildlife species and further negatively impact the aesthetics and recreational use of the area.

Research Natural Areas

No research natural area, existing or nominated, lies within the bounds of the withdrawal. However, the site is a Botanical Area, designated for its unique vegetative features, and subject to a special management plan to maintain its important ecological systems.

Roadless

Settler's Grove of Ancient Cedar lies partially within the Trout Creek roadless area. There is no new or temporary road construction proposed. Access to Settler's Grove is provided via existing National Forest System Roads, specifically road no.805.

Wilderness/Recommended Wilderness

The project area for the mineral withdrawal is not proposed for wilderness designation under the Forest Plan nor is it being considered before Congress as a wilderness area.

PROJECT CONTACTS AND RECORDS

The project planning record is located at the Coeur d'Alene River Ranger District, Fernan office. Information concerning the project can be obtained from that office or by calling the team leader, Barbara Hansen at 208-769-3050. The mailing address for the Fernan office is 2502 E. Sherman Ave., Coeur d'Alene, ID 83814. The EA and Finding of No Significant Impact, and once a decision is made, the decision notice, is also available on the IPNF web page at www.fs.fed.us/ipnf/eco/manage/nepa.

Agencies and Persons Consulted

Interdisciplinary Team Members

Jeff Johnson, IPNF, Supervisor's Office, Geologist
Aaron Prussian, IPNF, Coeur d'Alene River Ranger District, Hydrologist
Jenny Taylor, IPNF, Coeur d'Alene River Ranger District, Wildlife Biologist
Val Goodnow, IPNF, Coeur d'Alene River Ranger District, Botanist
Andy Boggs, IPNF, Coeur d'Alene River Ranger District, Recreation
Ed Lider, IPNF, Coeur d'Alene River Ranger District, Fisheries Biologist
Steve Matz, IPNF, Supervisor's Office, Archeologist
Barbara Hansen, IPNF, Coeur d'Alene River Ranger District, Team Leader

Agencies and Persons Consulted

Mindy Vogle, IPNF, Supervisor's Office, Geologist
Scott Bixler, Forest Service, Region 1, Lands Status
Ray TeSoro, Forest Service, Region 1, Geologist
Mark Slacks, Custer National Forest, Forest Planner

Appendix B – Minerals Withdrawal Criteria

Forest Plan Appendix K, Minerals Withdrawal, pages K(1-2), sets forth criteria to evaluate existing or proposed withdrawals. Based on these criteria, the Settler's Grove of Ancient Cedar area was recommended for continuation of the mineral withdrawal. The criteria for existing withdrawals and site-specific analysis for this proposal follow.

1. Is the land still being used for the purpose for which it was withdrawn?

Yes. Settler's Grove was withdrawn to protect the botanical, aesthetic, historic, educational and recreational values of the area. It remains a popular recreation site and use continues to grow as forest visitation increases. Improvements to the trail and trailhead are recent and ongoing. Development intensity is kept to a minimum to maintain the near natural condition of the site.

a) If yes, is the area withdrawn too small or too extensive?

No. The area withdrawn protects the creek bottom supporting the old growth cedar grove.

b) Have conditions changed so that the lands are more valuable for other uses?

No. In fact, over time, the botanical value of the land has increased as ancient groves of cedar become scarcer.

If no, then:

2. Are there other ways available to protect the resource values (for instance, existing statutes and regulation, rights-of-way, cooperative agreements)?

No. Withdrawal is the only means of protecting the old growth cedar from impacts resulting from mineral entry. The resource can neither be replaced nor relocated and the adverse ecological impacts of site disturbance resulting from mineral entry would be irreversible. It is possible that exploration or mining activities within the subject land, particularly a placer operation, would require the removal of timber including the cedar. The regulations under 36 CFR 228 cannot adequately protect the grove of ancient cedars because it cannot stop the removal of timber if it is a reasonable and necessary step in the development of the exploration or mining plan.

If no, then:

3) Are the values at risk of such a nature that a significant financial, social, or cultural loss could occur?

Yes. If the area is not withdrawn, the botanical, aesthetic, historic, educational and recreational resource values will be lessened and could be lost entirely should locatable mineral exploration and development be permitted within the project area.

a) What is the monetary value of the physical improvements at risk?

At risk is the loss of a unique botanical feature, for which there is no adequate means of calculating a monetary value.

b) What is the current and projected use demand?

Settler's Grove is an impressive ecological feature and scenic recreation area that draws several hundred visitors a year. This amount of visitation is expected to continue and will likely increase as the populations in Kootenai, Shoshone and Spokane counties grow.

c) If the withdrawal is for a proposed development, have funds been allocated for this project?

The withdrawal is not for a proposed development.

d) Is the resource unique and/or irreplaceable?

Yes. This is a designated Botanical Area that is unique and irreplaceable.

If yes, then:

4) Does the withdrawal area have a high mineral potential or are there nearby mining claims or mining activities?

Yes. There is major mining activity nearby and a number of potential minerals that may be present in economic quantities on the site. The risk for exploration and development activity is high.

If yes, then:

5) Continuation of withdrawal action recommended.