



United States  
Department of  
Agriculture

Forest  
Service

July 2009



# Decision Notice

## 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.**

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## **I. Decision**

After careful review of the environmental assessment (EA) for Settler's Grove of Ancient Cedar Mineral Withdrawal, the Finding of No Significant Impact (FONSI), public comments, resource reports, and the project file, I have decided to request the Secretary of the Interior, through the Bureau of Land Management (BLM), to withdraw Settler's Grove from location and entry under the United States mining laws. The project area is located in Sec. 4, T50N, R5E, B.M. and Sec. 33 and 34, T51N, R5E, B.M. See enclosed map.

## **II. Project Background**

Settler's Grove of Ancient Cedar is an important botanical feature on the Idaho Panhandle National Forests (IPNF) with significant historic, as well as recreational value. The impressive grove of ancient cedar occupies the flat drainage of a clear, meandering stream and looks today much like the cedar-dominated bottomlands described in historical writings and diaries of the early settlers to the area. It encompasses about 183 acres and is one of only a few intact cedar groves remaining on the Forest.

To protect the old growth resource and unique recreational experience offered at Settler's Grove, the site was designated a Special Interest Area in 1970. It is administered as a Botanical Area in accordance with management objectives and guidelines specific to the site. 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.

Settler's Grove was originally withdrawn from mineral location and entry under Public Land Order 6658, BLM Serial Number I-4966. The Notice of Proposed Withdrawal was dated May 4, 1972 and published in the *Federal Register* on Thursday May 11, 1972 in Vol. 37, No. 92 page 9501. On September 30, 1987 in Vol. 52, No. 189 page 36577, Public Land Order (PLO) 6658 was published in the *Federal Register* covering the same area. The mineral withdrawal is identified in the IPNF Forest Plan, page K-3 (hereafter, Forest Plan).

As required by public law, on June 16, 2004, BLM notified the Forest Service Regional Office that PLO No. 6658 covering Settler's Grove would expire in September 2007. The Forest was notified in June 2007 that the withdrawal was due to expire. In response, the Forest Service submitted a new Withdrawal Application to the BLM, dated September 18, 2007, requesting the lands be segregated from mineral entry under the general mining laws for two years in accordance with 43 CFR 2310.2(a). At the same time, BLM was notified of Forest Service intent to complete an environmental assessment during this two year period and submit it to the Secretary of Interior in accordance with 43 CFR 2310.3-2 and requested the BLM publish this request in the *Federal Register*. PLO 6658 expired on September 30, 2007 and the two-year segregation from mineral entry is due to expire September 30, 2009

## **III. SCOPING AND PUBLIC INVOLVEMENT**

A Notice of Proposed Action and 30-Day Comment Period for the project was published on June 10, 2009, in *The Coeur d'Alene Press* newspaper. The comment period ended July 10, 2009. Additionally, the proposed action and notice of 30-day comment period was posted on the Forest's website and a letter was sent June 4, 2009 to our planning partners inviting them to view

the documents and comment. The proposed mineral withdrawal was also listed on the IPNF quarterly Schedule of Proposed Actions notifying the public of this proposal. The Forest received five comments all in support of this proposed withdrawal.

#### **IV. DECISION RATIONALE**

I have made my decision to implement the proposed action based on:

- Limited environmental consequences as documented in the Finding of No Significant Impact, EA, and the associated resource reports;
- How well the management action addresses the project's purpose and need;
- Consideration of the Forest Plan standards and guidance for the project;
- Consideration of issues raised during the scoping and comments periods.

##### **A. Purpose and Need**

PLO 6658 dated September 30, 1987 withdrawing Settler's Grove of Ancient Cedar expired on September 30, 2007. The segregation from new claims will expire September 30, 2009. The 183-acre area of ancient cedars is a unique botanical resource that has been designated a Special Interest Area to be managed for protection of the old growth cedar and for roadless recreation. The botanical, aesthetic, historical, and recreational values of Settler's Grove could be lessened and may be lost entirely should mining activity occur. Thus, there is a need to protect the area from mineral exploration and development pursuant to the locatable mineral laws of the United States. The purpose of the Settler's Grove Withdrawal Project is to protect this Botanical Area from location and entry under the United States mining laws as identified in the IPNF Forest Plan (USDA, 1987). By regulation, withdrawals are subject to a 20-year timeframe, after which, the withdrawal will terminate unless an application for and extension of this withdrawal is 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).

##### **B. Forest Plan**

Settler's Grove of Ancient Cedar is allocated to Management Area 13 in the Forest Plan, pages III (56-60). This management area includes areas and sites on the Forest with special attributes or features meriting special management. The management area goal is to "Manage classified natural landmark, special areas and cultural resource sites for educational, scientific, and recreational purposes." The 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". The management area standard for mineral management reads: "Withdraw areas as needed".

## **B. Consideration of Issues Raised during Scoping & 30-day Comment Period**

All comments received were in support of the proposed action, though two suggested the need for further protection. One issue expressed is to expand the area of mineral withdrawal. This issue is considered outside the scope of the proposed action, which is administrative in nature and results in no change in current conditions. Expanding the withdrawal area would require further scoping and effects analysis and delay implementation of the proposed action.

Considering the urgency with which this action must proceed to protect the ancient cedars, a delay in implementation would put Settler's Grove at risk of resource damage. Another issue is to make the withdrawal permanent. Again, for the reasons stated above, it was determined to be outside the scope of this action.

## **V. FINDING OF NO SIGNIFICANT IMPACT**

After considering the environmental effects described in the Settler's Grove of Ancient Cedar Environmental Assessment and the associated documents, I have determined the selected alternative will not have a significant impact on the quality of the human environment based on context and intensity of impacts (40 CFR 1508.27). Therefore, an environmental impact statement will not be prepared. The Finding of No Significant Impact is included with this decision notice.

## **VI. FINDINGS REQUIRED BY OTHER REGULATIONS AND POLICIES**

To the best of my knowledge, this decision is in compliance with all applicable laws, regulations, and policies (FONSI, page 4; EA, pages 5-9).

### **National Forest Management Act (NFMA)**

The selected alternative is consistent with the NFMA and the IPNF Forest Plan (FONSI, page 2, EA, page 5). This proposal does not require Forest Plan amendments.

### **Clean Water Act**

The selected alternative ensures the continued delivery of clean water from NFS lands. It preserves hydrologic conditions that currently exist by precluding industrial mining uses thereby reducing the risk of affecting subsurface flowpaths and downstream changes in stream morphology and function (FONSI, page 4; EA, page 8).

### **Endangered Species Act (ESA)**

Section 7 of the ESA directs Federal agencies to ensure that actions authorized, funded, or carried out by them are not likely to jeopardize the continued existence of any Threatened or Endangered species or result in the destruction or adverse modification of their critical habitat. The selected alternative is consistent with ESA (Wildlife, Fisheries, and Threatened, Endangered and Sensitive Plants Reports). The selected alternative will not adversely affect Threatened, Endangered and Sensitive species or their habitats (FONSI, page 4; EA, pages 6-8).

### **National Historic Preservation Act (NHPA)**

The selected alternative complies with NHPA (FONSI, page 4; EA, page 9). The selected alternative is an administrative action; no districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places would be adversely affected, nor would there be any loss or destruction of significant scientific, cultural, or historical resources (EA page 9).

### **Environmental Justice Executive Order 12898**

No disproportionate impacts to minority or low-income populations were identified during scoping or during any other portion of public involvement over the course of this analysis. The selected alternative complies with Executive Order 12898 since Settler's Grove cannot be moved or replaced there are no alternative locations where the action can be taken.

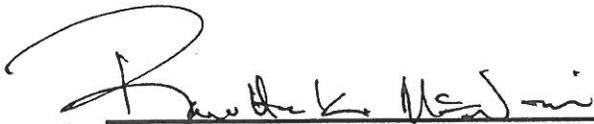
### **VII. IMPLEMENTATION DATE**

Implementation of this decision may occur immediately following publication of the legal notice of this decision in the paper of record, *The Coeur d'Alene Press*.

### **VIII. REVIEW AND APPEAL OPPORTUNITIES**

This decision is not subject to appeal pursuant to 36 CFR 215.12(e)(1). The documents cited in this decision notice can be obtained from the Coeur d'Alene River Ranger District, Fernan Office, 2502 E. Sherman Ave., Coeur d'Alene, ID 83814 or on the IPNF website: [www.fs.fed.us/ipnf/eco/manage/nepa](http://www.fs.fed.us/ipnf/eco/manage/nepa).

For more information or to review the project planning record, contact Barbara Hansen, Coeur d'Alene River Ranger District, Fernan Office, (208)769-3050.

  
JANE COTTRELL  
Acting Regional Forester  
Northern Region  
USDA Forest Service

10/21/09  
Date