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Friday, September 18, 2020

New Meadows Ranger District
ATTN: Rapid River Travel Management Project
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and via Facsimile: (208) 347-0309
and via Email: ephelps@fs.fed.us

RE: Rapid River Travel Management Project
Comments of Idaho Recreation Council

Dear Ms. Phelps:

Please accept this letter as the official comments upon all matters related to scoping for the Rapid River Travel Management Project ("Project") now pending in the Payette National Forest ("PNF") submitted on behalf of the Idaho Recreation Council ("IRC") and its affiliated entities mentioned herein. The IRC may be contacted through undersigned counsel, or may be contacted directly at 501 Baybrook Court, Boise, Idaho 83706. Its Executive Director, Sandra Mitchell, may be contacted by telephone at (208) 424-3870.

The Idaho Recreation Council

The IRC is an Idaho nonprofit association representing Idaho motorized, mechanized and other recreation interests, which acts through committee(s) comprised of representatives from numerous Idaho recreation organizations, including but not limited to the Idaho Off-Road 4x4 Club, the Idaho State ATV Association, the Idaho Aviation Association, the Backcountry Horsemen of Idaho, the Idaho Trail Machine Association, the Gem State Mountain Bike Alliance, the Western Whitewater Association, the Northwest Jet Boat Association, the Idaho UTV Association, and the Idaho State Snowmobile Association. IRC members use motorized and non-motorized means, including off-highway vehicles (motorcycles, all-terrain vehicles, utility type vehicles, Jeeps/4-wheel drives), snowmobiles, horses, llamas and mules, mountain bikes, boats (motorized and non-motorized), skiing and hiking, to access state and federally-managed lands throughout the United States and especially in Idaho, including the PNF and Rapid River area, and

adjoining wilderness and non-wilderness areas. IRC members have used and enjoyed, and hope for themselves and future generations to use and enjoy, a variety of recreational, aesthetic, and commercial activities within the PNF, which require continued use and access to the PNF and Rapid River area, in particular by means of motorized travel. These activities (including sightseeing, hunting, fishing, camping, wildlife and plant viewing, photography and travel) require motorized access. IRC and its members regularly attend public meetings, submit input, and otherwise participate in planning activities within the PNF.

IRC supports a truly collaborative framework for recreation enthusiasts and environmental interests to work together in cooperation with land managers, legislators, local government and the public to ensure a positive future for responsible recreation access for everyone, now and into the future. IRC members have enjoyed the motorized use of the PNF. For some, OHVs and OSVs are primarily used to provide access to points of interest or to gain entry to wilderness areas, while for others (particularly snowmobile, UTV, ATV, and motorcycle users) riding the designated areas, roads and trails is the primary reason they visit the PNF. Motorized travel within the PNF is a tremendous recreation asset, as well as an increasingly significant economic asset for the local counties and communities. Accordingly, preserving responsible motorized access to the PNF is an extremely high priority for the IRC.

With respect to travel in and about the Rapid River area, IRC has been deeply and intimately engaged in the issues with your District Office for some ten (10) years now, hoping to restore access wrongfully withheld a decade ago. IRC has supported and actively participated in collaboratives and other committees intent upon protecting the Rapid River WSR corridor, while allowing historic motorized use outside the WSR corridor. We hope this scoping project is a move in a positive direction – to restore all historic motorized uses around Rapid River but not lying within the WSR protected corridor.

Background on Rapid River Travel

Rapid River was included in the establishment language of the Hells Canyon National Recreation Area (Hells Canyon National Recreation Act- P.L. 94-199 Dec. 31, 1975, 16 USC 460gg). Said Act amended the Wild and Scenic River Act (82Stat.806) identifying Rapid River, Idaho as a “wild” river, the segments thereof being the main stem and the West Fork. The Act identifies that Rapid River would be administered under the provisions of the Wild and Scenic River Act, as amended. The Secretary was to establish a corridor along segments of Rapid River and was to define the activities that could be undertaken that would impair water quality of Rapid River. The Act defines how the waters, in Section 6, can be used.

Section 7 defines the objectives to be met unless they were not compatible with the laws dealing with establishing Rapid River under the Wild and Scenic Rivers Act. Objective (7) allows timber harvesting and continuation of existing uses and developments that are compatible. Timber harvest in the Wild River Corridor is not allowed. Section 8(f) requires the Forest Service to fully consider all ongoing activities in their respective areas. Section 10(c) provides for control of motorized and mechanical equipment for transportation over any land surface within the recreation area.

We all know and recognize that the designation of the WSR corridor resulted in the establishment of an area where motorized and mechanical equipment is not allowed except when allowed by the administrative officer when the protection of the resources requires their use. However, this prohibition does not extend to those areas outside the corridor designation.

In the Payette Forest Plan, Rapid River is in Management Area 4 and much of the area surrounding the Rapid River WSR corridor is in MPC 3.1, with the emphasis on passive restoration and maintenance of aquatic, territorial and hydrologic resources. All management standards are toward maintaining and enhancing water quality. The Plan also indicates the need to retain existing uses that were in fact compatible even in the special designation areas like the wilderness and wild and scenic rivers designated areas.

After Rapid River received the WSR designation and the corridor was established, motorized recreation access was allowed on all the established and designated Trails in the Rapid River drainage, even upon those portions that bisected the Corridor. However, after October, 2009, when the Forest was sued by the Idaho Conservation League, the Wilderness Society and the Hells Canyon Preservation Council, that lawsuit resulted in a settlement, and the issuance of an emergency closure order (not through NEPA process) excluding motorized recreationists from not only the WSR corridor, but also from all other trails in the vicinity of the corridor, essentially establishing a wilderness buffer zone without any Congressional authorization. The PNF has then allowed this closure order to become a de facto management decision, maintaining the closure without any NEPA or other public process or public input for over ten (10) years. The manner by which this closure order was issued was and remains unlawful under Forest Service laws and regulations, and the continuity of closure by emergency order year after year reflects a blatant de facto management decision meant to do nothing but avoid NEPA and NFMA processes. The conditions predating the unlawful acts of 2009 must be restored, and this scoping project presents that opportunity for correction by means of a FONSI and reopening of the subject trails.

Current Plan and travel management designations call for the subject trails in the area of Rapid River to be open to motorized use. An emergency closure order continuing for over ten (10) years is the only means by which motorized travel has been denied to the public on the subject trails. But, make no mistake, the existing condition, per controlling management documents vetted and established through public processes is that the subject trails are open to motorized use. We must start from that assumption, and the presumption that motorized use may continue outside the corridor as a compatible use under the organic act for the Rapid River WSR.

The Rapid River Trails

We offer comments herein based on the scoping documents published by the PNF and maps provided incidental thereto. However, there is great confusion and inconsistency among the PNF's own documents and maps dating far back to the early 1900's. The trail numbering has not been consistent, and is actually

confusing, and intersection depicted on one map may not be shown on another. For those that travel the ground, this is confusing. We feel the PNF should reconcile its maps and trail numbering using consistency from the earliest map published so long-time users who have been locked out for 10 years can understand what they are being asked to comment upon.

Rapid River Trail 177. This trail runs entirely within the WSR corridor, winding through the bottoms of Rapid River Canyon. It presents a spectacular area for non-motorized use within a WSR corridor. The IRC recommends this trail be preserved as a non-motorized trail within the corridor, allowing a use consistent with the WSR designation.

North Star Trail 183, Indian Springs Trail 184, Echols Butte Trail 187, Black Lake Trail 188. These trails lie within the WSR corridor and continue in areas outside the designated corridor. The IRC supports these trails being closed to motorized uses for those portions lying wholly within the WSR corridor. But, all areas outside the WSR corridor should be open to motorized use. There are no pressing environmental or natural conditions threatened by such a condition. IRC members and clubs stand ready, willing and able to assist the PNF with time and resources in providing proper signage and trail structures at the corridor boundary, and insuring conditions allow for safe turn-around at corridor boundaries.

Cub Creek Trail 362. IRC believes Cub Creek Trail 362 should be treated the same as the above trails lying partly within and partly outside the WSR corridor. No rational basis exists to treat this trail any differently than the others – that portion outside the WSR corridor should be open to motorized use. Simply because a route may be shorter than another is not a rational basis to close motorized use.

Additional Trails to Consider. We ask that the scope of this Project be expanded to also include Trail 229, Rankin Mill Trail 191, Frypan Trail 279, Rapid River Ridge Trail 178, and Lake Fork Ridge Trail 328. While none of these trails reach the WSR corridor, they are all interconnected with critical motorized travel routes related to travel in the Rapid River area and interconnect in some instances with public road access. Collaborative groups assessing the area have always involved these trails in their discussions and there have been no presented environmental conditions that would hinder motorized use. We ask that the Project scope these additional trails for consideration as to being open to motorized use along their entire lengths.

Support of Ron C. Hamilton Comments

If he has not already done so, it is expected that comments will be submitted by Ron C. Hamilton. Mt. Hamilton has been involved in committees and collaboratives working to find solutions to travel in the Rapid River area. The IRC supports and joins in the comments of Mr. Hamilton.

Conclusion

The Rapid River area is a tremendous recreation asset, offering spectacular vistas, challenging motorized experiences, and has historically been enjoyed by hundreds upon hundreds of people each year. The ability to escape society and travel through secluded parts of the forest for hours on end on motorcycles is a thrill and escape for many people that deal with everyday life in an urban setting. It is important that a travel direction be adopted in the Rapid River area that recognizes, appreciates and supports continued motorized recreation. The IRC believes the comments and suggestions set forth herein will be for the better of the PNF and the humans that appreciate all that the PNF offers. Thank you for the opportunity to comment. We trust that the above will be well-received and fully considered.

Very truly yours,



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cc: Sandra Mitchell, IRC, via email