

September 9, 2020

District Ranger, Erin Phelps  
New Meadows Ranger District  
P.O. Box J  
New Meadows, ID 82654

RE: Rapid River Travel Management Project

Dear Ranger Phelps;

It appears that your agency is making an attempt to satisfy some of the items that were raised in the letter to you from the Adams County Commissioners and others, April 8, 2019. Thank you for that effort. Our correspondence concerning the management of Rapid River, especially of travel planning has lingered with little effort toward a solution for more than ten years. The County's concerns go back to September 2004, at that time the Forest Supervisor and the Commissioners signed a Forest Travel Plan agreement (FS Agreement No. 04-MU-11041230-03). I was involved with the County at that time as Chairperson of the Adams County Natural Resource Committee. The committee's function, by ordinance, was to provide the Commissioners with advice on natural resources issues that might influence the county or the residents. Later, I became a contracted consultant to the County Commissioners to provide advice on natural resources issues.

Few of the conditions of the MOU seemed to have been met dealing especially with Transportation Planning. The Commissioners found out about the Transportation Plan changes for Rapid River motorized travel closure the date of the closure orders posting. That effort and timing was obviously driven as part of the Settlement Agreement with litigants, about the Forest Service still allowing motorized travel across Rapid River and the decreed Wild River Corridor. Normally federal judges dealing with such items as settlements are prone to consider the appropriate legal considerations that executing such a closure order being implemented would be required in a settlement agreement. Which could have been signs notifying the closure restrictions and its rationale at the corridor boundary. Broader levels of closures beyond that point are really without precedence because Transportation Analysis Planning process had recently occurred using the appropriate public process. NEPA seemed to have suffered that day at the very hands of people that are such advocates of the process.

My interest in this area has been lengthy having started with my 30 plus years in forest management with the Forest Service on the Payette National Forest in 1966 and continuing today with my consulting. My wife grew up in the Cambridge area and our retirement home is near the ranch she was raised on. Through the years I have become very familiar with the area, its

residents and its history. My family also owned a home at Heller Bar on the Snake River so I'm familiar with Hells Canyon and the varied efforts of agencies and others in and along the Canyon.

In my life I have watched the area contained in the Hells Canyon National Recreation Area Act of 1975 go from an area that was openly shared by a variety of user groups to a consuming effort by certain groups to lock other users out that didn't use the same methods of recreation or equipment, or have similar viewpoints on resource utilization. Sharing of the national resource is nearly forgotten on these lands of many resources. Congress helped this by passing a number of laws that have helped in the process by the very procedures used in developing management procedures and rules.

Congress tried to assure people that had been using lands in certain way that they would not be shut out and they asked the rule makers to consider them. However, that hasn't always happened. It appears that this was what happened in several instances with the Hells Canyon Comprehensive Plan. What you are asking for in scoping discussion about in the Travel Management of the Wild and Scenic River, Rapid River and its protection corridor is a good example of what Congress apparently intended versus what a community of folks seemingly wanted to be exclusively theirs.

In the late 1890's and early 1900's Rapid River drainage and the Seven Devils Mountains were home to thousands of miners and those supporting them. Roads were present and even the new government agency, the Forest Service, had a station in the area that was reached by wagon and stagecoach. The local paper, The Record -Reporter of Council, Idaho, in a historical article had a picture of a large group of motorcycle riders circa 1930's parked in the Paradise area (articles attached). Jumping to my recollections of Rapid River, those miner constructed, now Forest Service trails (by adverse possession), were still being used by motorbikes for a variety of purposes. In fact they were good tools to haul materials for bridges to cross Rapid River, with many group constructed, log-wood bridges crossing the river, much to the delight of users of the trails.

With such a history, why was the category of Wild chosen for the River? It seems that if you put the decisions made in the Payette Forest Management Plan followed by the Transportation Management Plan during the first of this century, in the sequence of development with the Hells Canyon Comprehensive Plan, that administrators obviously assumed these 2 wheel motorized trails that circumscribed upper Rapid River would have the motorized uses remain. Then came the people that don't share well and they filed litigation to stop these historic uses. They even cited the potential degradation caused by the motorbikes as a major factor in seeking their removal. They said little about the fact that horse and foot traffic on the flood plain location of the heavily used #177 trail, beside Rapid River to its headwaters, probably provides more fecal and other sediments to Rapid River than all the other motorbike trails combined. That trail needs several relocations to deal with that issue.

If issues of pollution were truly an issue Rapid River tributaries obviously had the potential for much pollution during the late 1880's thru 1930's when the gold rush in the Seven Devils was in full swing. Roads, towns, mines and smelting was occurring in the area. The gold was often fine gold that required refinement through a process of smelting that used cyanide. The mined ore was hauled by roads and trails to various process sites. That accounts for the road that was built to Rankin's Mill, and the road down Lakes Creek to get the lime used as part of the cyanide reduction process. It appears that the fisheries have not suffered from all this activities based on the location of the hatchery on Rapid River.

Our Adams County letter asked for several items by the Forest Service as the administrator of the Rapid River Wild River and Corridor. We believe that 2 wheel motorized travel could have or should have, remained through the river and the corridor where it historically existed. While that action was not implemented, we requested that 2 wheel motorized use be an allowed trail use to a safe turn around area near the ¼ mile corridor either side of the Rapid Rivers banks. We hesitate to assign trail numbers because numbers assigned to the trails vary across a history of your published maps for various purposes and do not conform to numbers posted on the ground.

We believe that all of the following trails as found numbered on the Payette National Forest Map of 2013 should be opened to 2 wheel motorized use during the MVUM snow-free period: Trail # 187 Echols Mountain/Creek, Trail # 328 Echols Mountain/Twin Lakes, Trail #517 Lost Basin-Bear Saddle, Trail #362 connector to Trail #184 Indian Springs-Ant Basin, Trail #183 North Star Ridge, Trail #188 Black Lake Fork, Trail# 228 Bear Creek, Trail #231 Who Who-Bear Cr. Ridge, Trail #279 Fry Pan, and Trail #186 Paradise Creek. There needs to be a clarification on which Trail #328 is being discussed. I believe the Jackley Mountain trail #328 should be renumbered. These trails can have motorized use stopped at the locations of turn-arounds. That would keep them from entering the ¼ mile corridor of the Wild River. The geographic locations Shawn Ogden provided in past provide good terminus points, I am providing this in an attachment with the geographic locations, with site photos, if you no longer have the data Shawn provided the District.

Trail # 188 Lake Cr. was a historic road and can be found in the Heritage Resources Map files of your agency for the Weiser National Forest of 1912 (attached partial). It serviced residences and mining community at Black Lake plus an FS Station. It followed a near creek side path of that trail according to the current map location, with the road crossing Rapid River and terminated at a Forest Service administrative cabin. The road also was called the lime kiln road as it served the needs for fine gold reduction with cyanide. The road would definitely qualify as a potential Adams County trail to be granted under the Forest Roads and Trails Act ( P.L. 88-657 Oct. 1964) as has been done with other roads and trails in the area. Many roads and trails seem to fall within the "dual estate" criteria because who and when they were built, that is found in the Organic Act and that has a rich legal historic precedence.

Trail # 191 Rankin Mill Road Trail and Trail #186 were part of the part of the road system that serviced the mining community and mine at Iron Springs and the community of Paradise with a Paradise Flat Forest Service Ranger Station. That trail because of the obvious snow problems at

High Dive was the access for area for a variety of food services that came up Rapid River from the Pollock area to supply the miners and support operations. These trails were motorized trails as early as motorized vehicles were available. They were connected to the Black Lake Road No. 112 that miners built to access the mineral rich western portion of the Seven Devils Mountains and the Landore-Placer Basin mines.

Trail #517 with a trailhead in Lost Basin, from Adams County maintained road No. 112, is a motorized trail that provides access to Rapid River trails from the adjacent Ranger District. Along with Trail #228 from the Bear Creek drainage which is also 2 wheel motorized. The #517 trail allows early access to Rapid River because it heads in Lost Basin near Smith Mountain while the High Dive on Road 112 to Black Lake is often snowed closed beyond July 4th. It junctions with 3 trails at Bear Saddle. This seems to be a connected action situation.

Trail #178 should also be a 2 wheel motorized trail along the ridge dividing Boulder Creek and Rapid River. There could be a seasonal closure in place between Ant Basin and Lick Cr. Lookout to protect the ESA species located near the lookout.

Outside of your project boundary but still part of your needed review is the need to provide a Forest Roads and Trails Easement on ATV Trail #191 from its current terminus near Paradise Creek to Rankin Mill. That old road to the Rankin Mill mine site and claims qualifies under the Forest Roads and Trails Act and has been asserted by Adams County under RS 2477. Your agency has a copy of those assertions. You would have to negotiate with the county to see what considerations might be given to the newly established Hells Canyon Wilderness Area.

Many people have or will express a problem with controlling the use of 2 wheel motorized use where such illegal activity is not highly visible. Expressing that violators will ignore the law or plead ignorance. At the approximate ¼ mile corridor edge of the wild river there can be several types of signs placed that advice trail user of the rules. Several control strategies can be placed at the turn-around locations that will make the need for turning back obvious and that the area has restrictions including notices at the trailheads of the use restrictions or rules. Short pole fences and bypassed panels can make the restriction obvious by requiring complex maneuvers but yet allowing pack strings passage.

The currency and actual number of posted area trail signs, geographic signs and information signs could be classified best, as benign neglect. In fact, as has been pointed out to you that some of the few remaining trail signs in existence in the Rapid River or adjacent areas do not match with your Forest Map, your MVUM map or the Travel Plan published in 2009. I have visited many other National Forests during my Forest Service career but, most were considerably better signed than the Payette Forest. Signing helps the public understand and help enforce restriction or act appropriately and it might help your employees find their way around on the Forest. Compliance with rules can be more easily obtained when people know the rules through appropriate signage.

As you pointed out in the first scoping public meeting the Rapid River Wild River corridor has been defined using a system referred to as the General Land Office Survey system. That system is the defined system for dealing with most land transactions in the US. However, the law defined river section consistently refers to a ¼ mile wide strip either side of defined river banks of that river. That really calls for a meets and bounds form of survey. It would be appropriate for the agency to define, through a collaborative process, that matters of enforcement would use that system until the millions of \$ it would take for the actual survey and posting could take place. That will require a lot of work because even the rudimentary part of the GLO Survey has not been accomplished in part of Rapid River to provide survey control for lot edge posting to fit the description posted in the Federal Register defining the corridor. The agreement would probably aid in enforcement since determining ¼ mile distances using GIS is relatively straight forward among interest groups and other users.

My concern about the mixed administration of the Hells Canyon National Recreation Area still exists because of the rather poor interaction of administrators when dealing with this area. It seems that the consistency of applying and enforcing restrictions in the Rapid River Wild Corridor is not occurring. For example, the scoping document indicated that motorized equipment is not allowed along with mechanized equipment. If that is a requirement, why is outfitter's camp within the corridor and why is he allowed to use a chainsaw to fall trees and cut them into firewood? Even more revolting, why is caching of camping gear allowed when the camp is not in use? In the case of caching, this is a practice several of the long term user and area residents seem to practice. I can provide names and locations but, the names and locations have been provided to your staff before with little response. Bicycle use in the corridor is still occurring and I believe that qualifies as mechanical equipment.

As I point out there were a number of historic users that were overlooked by the developers of the Comprehensive Management Plan for Hells Canyon NRA. What was not overlooked was the Tribes allowed mechanical uses based on historical use. Apparently they had mechanized equipment before the non-tribal users that I am aware of. This seems hard to understand, sovereign lands or not.

Please consider my comments as you move forward with your proposal. Many of us have invested much time and effort trying to deal with something that has been very convoluted, dysfunctional and based on my long term agency memory, legally very distorted. It has been greatly distorted to the court. Contact me with any question or validations of my assertions that you may have.



Ron C. Hamilton

Attached: Location of turn-arounds with photos, newspaper clippings, photocopies of maps.