



**File Code:** 1570  
**Date:** March 12, 2018

Lauren Rule, Senior Staff Attorney  
Advocates for the West  
3115 NE Sandy Blvd. #223  
Portland OR 97232

Dear Ms. Rule:

We are in receipt of your August 29, 2017 Notice of Intent (NOI) to sue the Forest Service under the Endangered Species Act (ESA) concerning the potential effects of publishing an over-snow vehicle use map (OSVUM). Publishing the OSVUM in accordance with 36 CFR §212.81 allowed enforcement of existing restrictions and prohibitions on over-snow motor vehicle use on the Payette National Forest under 36 CFR §261.14. By notice of December 14, 2017, the OSVUM was withdrawn. Accordingly, the Forest Service will revert to enforcing the restrictions and prohibitions on over-snow motor vehicle use that have been adopted in prior administration decisions for the Payette National Forest through orders issued under 36 CFR §216 Subpart B.

The NOI asserts that over-snow motor vehicle use on the Payette National Forest may affect listed and proposed species, specifically Canada lynx, northern Idaho ground squirrel [NIDGS], and North American wolverine. The NOI further asserts that the Forest Service has failed to consult on the potential effects of over-snow motor vehicle use under section 7 of the ESA to ensure that the Forest's actions are not likely to jeopardize the continued existence of listed or proposed species, or result in the destruction or adverse modification of critical habitat. The following information responds to those concerns.

#### Management of Over-Snow Motor Vehicle Use.

The Forest Service has withdrawn the 2017 OSVUM for the Payette National Forest and reinstated closure orders as a means of enforcing the over-snow motor vehicle restrictions and prohibitions on the Payette National Forest that have been in place pursuant to prior administrative decisions. The Forest Service will continue to administer over-snow motor vehicle use in accordance with these prior decisions with the use of closure orders for the foreseeable future. Winter travel planning will be initiated for the Payette National Forest when resources become available.

#### Potential Effects to Species Identified in the NOI.

Over-snow motor vehicle use is administered consistently with the Forest Plan, for which consultation was completed when the Plan was revised in 2003. There is no mapped designated Critical Habitat (CH) for Canada lynx, NIDGS or wolverine on the PNF.



Canada Lynx

Consultation for the winter snowmobile grooming program was completed for the PNF in 2013, and addressed potential effects to the Canada lynx, NIDGS, and wolverine.

Northern Idaho Ground Squirrel (NIDGS)

NIDGS are in a dormant (hibernacula) period from approximately late July to late March/early April. Winter recreation activities are not considered a threat to NIDGS. The 2003 NIDGS Recovery Plan does not identify that there are potential impacts or necessary mitigation for potential impacts to NIDGS from winter recreation and travel.

Wolverine

The wolverine is currently proposed for listing under the Endangered Species Act. We will consider the effects of our action on wolverine and will conference with the Service if required as per 50 CFR section 7(a)(4).

We are willing to discuss your concerns related to conservation and protection of resources for Canada lynx and wolverine related to winter recreation and travel. Please contact me if you would like to discuss in person.

Sincerely,



KEITH B. LANNOM  
Forest Supervisor

Cc: Ken Paur, OGC; Kris Lee, R4 RO; Pete Gomben, R4 RO; Janet Thorsted, R4 RO; Lee Jacobson, R4 RO; Keith Lannom, Payette NF; Sarah Lau, Payette NF; Jascha Zeitlin, Payette NF; Steve Kimball, Payette NF; June Galloway, Payette NF; Clayton Nalder, Payette NF