

DECLARATION OF BENJAMIM MALAKAI ERTZ

Pursuant to 28 U.S.C. §1746, I, Benjamin Malakai Ertz, declare under penalty of perjury that the following is true and correct.

1. I am over 18 years of age and competent to provide this declaration.
2. I am pursuing a B.S. in Environmental Science: Sustainability Sciences and am set to graduate in winter of 2024.
3. On August 16, 2023, Austin Eike and I surveyed the south-western portion of the Pack River BORZ in the Idaho Panhandle National Forest. From August 18 through 19, I surveyed the remainder of the Pack River BORZ alone. We were examining the effectiveness of gates and barriers at preventing motorized use, as well as determining where motor vehicle activity was occurring in areas that are not open to motor use. Below is a synopsis of our findings. I took photographs of all but 3 gates and barriers within the BORZ, as well as photographing apparent motor vehicle use in restricted zones. I then recorded the coordinates of each barrier, and where prohibited motor vehicle use occurred, as well as taking notes on the details of each location.
4. I submitted a FOIA request to SM.FS.R1FOIA@usda.gov for all gates, barriers and open roads within the Pack River BORZ on July 25, 2023. I received a response which included datasets of all roads and barriers in the Idaho Panhandle National Forest on July 31, 2023, from Jason Darelus, the Regional FOIA Coordinator based out of Missoula, Montana.
5. We examined gates and barriers in the Pack River BORZ on August 16, 2023, and from August 18-19, 2023, and documented the following ineffective barriers:

a. NF-293B Lat. 48.51633 Lon. -116.58574

Established trail over and to the side of natural barrier. See photos 2-4.

b. NF-293C Lat. 48.51978 Lon -116.59346

Concrete barrier has deteriorated, standing only about 1 foot off the ground with wide gaps on either side and a foot gap in the middle. See photos 5-8.

c. NF-293 Offshoot Lat. 48.51607 Lon. -116.59974

Large rock effectively blocks large vehicles but provides enough space on either side for smaller vehicles such as dirt bikes or ATVs to access the road behind it. Road behind does have limited motor access allowed. See photos 9 and 10.

d. NF-293 Offshoot (2) Lat. 48.516725° Lon. -116.600796°

GIS layer shows a steel gate at this location – none was found. It also shows an earth berm, however no earth berm was found until further down the trail at 48.516725°, -116.600796°, which stood a foot tall. See photos 11-14.

e. NF-2607 Lat. 48.52739 Lon. -116.64259

Natural barrier was a bundle of branches which had been recently cut, providing access to the closed road behind. Two trees to the right of the ineffective barrier were over three feet away, also providing access. See photos 15, 15a, 15b.

f. Road #2610 Lat. 48.53459 Lon. -116.65365

No barrier was present. See photos 16-17.

g. Road #2608 Lat 48.57633 Lon. -116.61974

No barrier was present on the road leading to Fault Lake Trailhead. Cars present at the campsite. No barrier on Fault Lake Trail. See photos 18-20.

h. Road #2558 – Mcpearson Lat. 48.5495 Lon. -116.5577

A large road with recent motor use has been created to the left of the steel gate. See photos 21-23.

i. Road #231 – Pack River Lat. 48.51962 Lon. -116.58103

Steel gate was only found on one side of the road at a length insufficient to block whole road. It appears to only be used in winter as it is on the main road, however it would be insufficient to block any motor use. See Photos

6. We examined gates and barriers in the Pack River BORZ on August 16 and August 18-19 and observed the following gates and barriers:

a. NF-293A Lat. 48.51366 Lon. -116.58503

See photos 24-27

b. NF-293 offshoot (3) Lat. 48.52428 Lon. -116.61480

No berm found but revegetation makes an effective barrier. See photos 28-29.

c. NF-293H – Jeru Falls Lat. 48.52734 Lon. -116.62870

Removed bridge makes effective barrier but the location of the barrier on the Forest Service's GIS dataset is inaccurate. No barrier was present at the location shown. See photos 30-31.

d. Road #1386 – Torrent Creek Lat. 48.56657 Lon. -116.58931

The berm appeared insufficient in height; however, the terrain just passed it was overgrown and would be difficult to access by motor traffic. See photos 34-35

7. We examined gates and barriers in the Pack River BORZ on August 16 and August 18-19 and observed motor use the following restricted locations:

a. NF-293G – Jeru Creek G Lat. 48.52372 Lon. -116.62280

No marked gates/roads in the provided GIS layers, but obvious recent and consistent motor use. See photos 36-37.

b. Road #2605 – Pearson Creek offshoot

Lat. 48.54585

Lon. -116.58140

No marked gates/road in the provided GIS layers. Recent motor use. See photos 38-39.

c. Road #2605 – Pearson Creek offshoot (2)

Lat. 48.54613

Lon. -116.57521

No marked gates/roads. Recent motor use. See photos 40-41.

d. Road #2605 – Pearson Creek offshoot (3)

Lat. 48.57360

Lon. -116.60223

No marked gates/roads. Recent motor use. See photos 42-43.

e. Road #2605 – Pearson Creek offshoot (4)

Lat. 48.57908

Lon. -116.61026

No marked gates/roads. Recent motor use. See photos 44-45.

f. Road #2605 – Pearson Creek offshoot (5)

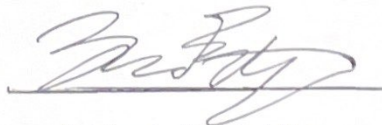
Lat. 48.55358

Lon. -116.56307

No marked gates/roads. Recent dirt bike track. See photos 46-47.

Under Penalty of perjury I declare the foregoing is true and accurate.

Dated this 22nd day of August, 2023.



Benjamin Malakai Ertz