

January 29, 2024

SUBMITTED VIA U. S. MAIL & ELECTRONICALLY

<https://cara.fs2c.usda.gov/Public//CommentInput?Project=44089>

Regional Forester (Reviewing Officer)
USDA Forest Service
Northern (R1) Regional Office
Attn: Nez Perce-Clearwater Forest Plan Objection
26 Fort Missoula Road
Missoula, Montana 59804

Re: Nez Perce-Clearwater Forest Plan Objection

Dear Regional Forester (Reviewing Officer):

This objection is submitted on behalf of the Idaho State Snowmobile Association and the Idaho Recreation Council, pursuant to 36 CFR 219 Subpart B, regarding the revised Nez Perce-Clearwater Forest Plan. Notice of the revised Forest Plan was published in the Lewiston Tribune on November 28, 2023. This objection is timely submitted within the 60-day deadline from the time of publication.

1. Objector.

The objector is:

Idaho State Snowmobile Association (“ISSA”)
P.O. Box 70001
Boise, ID 83707
Phone: 208-424-3870
Email: smitchel@alscott.com

Idaho Recreation Council (“IRC”)
501 Baybrook Court
Boise, ID 83706
Email: smitchel@alscott.com

ISSA and IRC are represented by an attorney in this matter, and all correspondence or other communications regarding this objection should be directed to the undersigned at the mailing and email addresses indicated on the letterhead above.

ISSA is a statewide organization representing 41 clubs, numerous individuals and many businesses throughout Idaho. ISSA members highly value the opportunity to ride snowmobiles in the national forests, including the Nez-Perce Clearwater Forests in particular. Winter snowmobiling, properly managed, has little impact on resources, even when utilizing both roaded and unroaded areas. It provides recreation for millions of Americans and is of particular importance to those of us who live in Idaho. Not only is it important to the quality of life of Idahoans and the thousands of visitors each year, but it is also important to the economic stability of many of our communities.

IRC is an Idaho nonprofit association representing Idaho mechanized and motorized recreation interests, which acts through committees comprised of representatives from numerous recreation organizations, individuals and businesses. 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, llama and mules, mountain bikes, jetboats and rafts, all forms of winter recreation (both motorized and non-motorized), airplanes, small suction dredge mining, and hiking to access state and federally-managed lands through the United States and especially in Idaho. This includes the U.S. Forest Service lands in the Nez Perce-Clearwater National Forests.

ISSA and IRC have participated in consideration of revisions to the Forest Plan, including submittal of comments and meetings with Forest Service officials. Pursuant to 36 CFR 219.54(c), ISSA and IRC hereby incorporate the entirety of all of their previously submitted comments on the Forest Plan into this objection by reference, as well as by the specific references below. See e.g., “Forest Plan Revision Salmon Nez Perce-Clearwater National Forest Idaho State Snowmobile Association Comments” and IRC’s Forest Plan revision comments (also adopting by reference the Forest Plan revision comments of Idaho County, ISSA and others) (Feb. 14, 2018).

2. Signature.

The signature of the attorney representing ISSA and IRC in this matter is affixed below. Additional authentication of this objection is available upon request.

3. Lead Objector.

ISSA is the lead objector.

4. Name of Plan Revision and Responsible Official.

The plan revision being objected to is the Nez Perce-Clearwater National Forests Forest Plan Revision #44089, including the “2023 Land Management Plan for the Nez Perce-Clearwater National Forests” (“Forest Plan”) and the “Final Environmental Impact Statement for the Land Management Plan Nez Perce-Clearwater National Forests” (“FEIS”). The responsible official is Forest Supervisor Cheryl Probert.

5. Issues and Violations of Law, Regulation and Policy.

Significant portions of the Recommended Wilderness Areas (“RWAs”) do not meet the statutory criteria under the Wilderness Act. In addition, the RWAs will be managed as Wilderness (with some limited exceptions) prior to any designation as Wilderness by Congress, with no allowance for existing motorized recreation, including snowmobiling. This is contrary to law. Only Congress can make Wilderness designations, and existing uses can only be discontinued – if at all - through a Congressional Wilderness designation. The determinations made by the Forest Service also fail to comply with the National Forest Management Act, NEPA and the APA. ISSA and its partners will continue to scrutinize the treatment of motorized recreation, including snowmobiling, in RWAs and bring litigation to enforce the law and protect their interests as needed, just as they did in *ISSA v. U.S. Forest Service*, Case No. 3:12-CV-447-BLW (D. Idaho).

6. Explanation of Objection and How to Resolve.

This objection could be resolved by removing RWAs that do not meet the statutory criteria under the Wilderness Act and instead providing for Special Management Areas that allow for snowmobiling. For any remaining RWAs, this objection could be resolved by allowing existing motorized recreation, including snowmobiling in historic riding areas, to continue in the RWAs prior to any designation as Wilderness by Congress.

7. Link to Previous Comments.

ISSA and IRC previously submitted specific written comments regarding revisions to the Forest Plan. The issues raised in this objection are based on previously submitted timely specific written comments regarding revisions to the Forest Plan. Those comments, including those referenced above, are directly linked to the issues raised in this objection. For example, the previously submitted written comments included opposition to RWAs; they also included opposition to management of RWAs as Wilderness, which would exclude existing motorized recreation, including snowmobile use in historic riding areas - prior to any Wilderness designation by Congress.

8. Documents referenced in Objection.

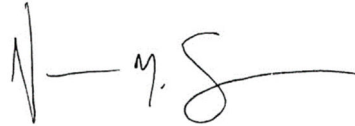
A copy of the previously submitted comments by ISSA and IRC, and the Forest Plan, are available in the Forest Service's records.

9. Meeting request.

ISSA and IRC request a meeting to discuss the issues raised in this objection and potential resolution with the Forest Service. As interested parties, ISSA and IRC also request that they be included in any other objection meeting(s) held by the Forest Service regarding other objections submitted in this matter, pursuant to 36 CFR 219.56(f).

Sincerely,

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read "N-M. S", with a long horizontal flourish extending to the right.

Norman M. Semanko
Attorney at Law

NMS:kea