

Comments/Objections on the East Fork South Fork Restoration and Access Management
Plan Draft Environmental Assessment (EA)

I am responding as a Managing Member of the JJO LLC, an Idaho company, which has been appointed by the Idaho Probate Court as the Personal Representative of the Estate of J. J. Oberbillig. The JJO LLC is comprised of ten heirs of the Estate of J. J. Oberbillig. The Estate holds title to almost five hundred acres of property in and around the Cinnabar area of Valley County the ownership of which has been adversely affected by the unilateral and abrupt closure of National Forest System Road 51883 (Sugar Creek Road). The Sugar Creek Road has been designated an ML2AP road. However, actions were taken by the Forest Service to effectively close the road to all motorized traffic. Furthermore, there has been no private access provided, only “administrative actions” to remove a ford and install a gate. The only private access to the extensive private property now involves a much longer, difficult and dangerous route through Stibnite and up Monumental.

The primary purpose of this document is to object and non-concur with Alternatives A, B, and C being proposed in the EA with respect to the Sugar Creek Road. Alternative A takes no action appropriate and helpful to private ownership, much less the public desire for access of some kind. Alternative B makes legal the illegal closing of the Sugar Creek Road by designating it as an ML1 Road, with likely decommissioning of the road as the ultimate Forest Service objective. Alternative C only perpetuates this unfortunate situation by retaining the ML2AP designation, which means all parties are displeased and left with an unacceptable situation. Unfortunately, no alternative was offered or analyzed designating the road as a trail for specialized motor vehicles. Apparently, based on the EA, the Forest Service believes the only options for the road are 1) close it to all motorized vehicles or 2) open it to all motorized vehicles. One can only conclude the only acceptable option to the Forest Service was pre-determined years earlier as ML1 designation of the road and total closure as in Alternative B.

The favored alternative for a Forest Service that wants to keep the public out of the forest is Alternative B. The Forest Service’s assertion that Alternative B best balances recreational access and improvement of soils and watershed is not surprising and shockingly unsupported. Balance is a matter of perspective, and there is nothing balanced about the objectivity of the Forest Service. The emphasis on “improvement” is made clear in the wide-ranging decommissioning and closures in Alternative B. The redesignation of the

Sugar Creek Road for closure as a ML1 road is obviously among the most fond and prominent desires of the Forest Service and is enthusiastically embraced in the one-sided analysis and justification.

Alternative D is acknowledged as public-oriented and also better balanced for recreational purposes. Among the initiatives, the Sugar Creek Road is desirably designated a ML2 road, open without barriers to motorized use by the public. For Alternative D to succeed, some investments may be required and additional monitoring necessary. Still, an increase in designated trails is surely a good development. This EA should not be trying so hard to create something more like the Frank Church Wilderness Area next door. Adjustments can be made as necessary in the future to address adverse impacts on soil and “aquatic organisms.” Moreover, the expressed concern over inconsistencies is simply overblown. Bureaucracies deal with such all the time. In addition, there is no reason to fear a project specific Forest Plan Amendment to except Management Area 13 Road Standard 1339. Every situation has its unique and historical aspects. The Sugar Creek Road into Cinnabar is only 4.85 miles long. It traverses a lovely area with some issues and sensitivities that have not demonstrably changed in many decades. However, the area is never going to be voted a national monument or even a state park. What’s more, the EA “gold plates” an estimate for opening the road at \$1.8 million. The main requirement is to construct one or two “aquatic organism passage structures,” which cost far less. Other activities like graveling the road and stabilizing and widening it at great cost are unnecessary and merely optional. Any additional sediment from an accessible Sugar Creek Road (or even trail) should be largely offset by the proposed decommissioning of trails in the subwatershed. Regarding the criticism the Sugar Creek Road only provides an out and back loop because of the lack of an easement through Cinnabar, the Forest Service should be made aware an easement has been discussed with recreational interests. Regardless, no one that has used the Sugar Creek Road has ever complained about the out and back loop. That’s because the only other exit/entrance to Cinnabar is a much longer, difficult and dangerous route through Stibnite (see para 1).

Ron Oberbillig

Member, Manager, JJO LLC

[REDACTED]

[REDACTED]