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Organization: Opal Creek Ancient Forest Center

Title: Facility Director

Comments: Opal Creek Ancient Forest Center

In Reply To: 2020 Fire Affected Road System Risk Reduction EA Scoping

Dear Mr. Warnack,

The Opal Creek Ancient Forest Center is an environmental education non-profit 501(c)(3) and a Willamette National Forest (WNF) inholder of 15 acres of private land known as Jawbone Flats, located on FS 2209, at the confluence of Opal Creek and BattleAx Creek in the valley of the little North Santiam River. We are pleased to read the most recent Fire Affected Road System Reduction EA Scoping presented by the WNF. We ask for administrative clarity on one aspect of these scoping documents and fire-affected road inventory.

It came to Opal Creek's attention in Appendix C of the previous 2020 Decision Memo's fire affected road public inventory that the 3.2 mile section of FS 2209 between the public parking gate and our inholding of Jawbone Flats is classified as a Maintenance Level-1 basic custodial care (closed road). We disagree.

This specific section of road between the public gate and our inholding is to be maintained indefinitely as a Maintenance Level-2 High Clearance Vehicle road for in-holder, administrative Forest Service, research, and emergency uses.

Our belief derives from the originating legislation of the Opal Creek Wilderness and Scenic Recreation Area of 1996, followed with the establishment of the Opal Creek Scenic Recreation Area (SRA) Environmental Assessment and Decision Notice of 2001/2002. Both identify "Roads serving recreation sites and facilities in existence on the date of enactment of P.L. 104-333 shall remain open."

There is additional language in the same SRA EA/DN pair that identifies "Forest Road 2209 and its bridge structures beyond gate at the Opal Creek Trailhead shall be maintained or improved consistent with the character of the road as it existed upon the date of enactment of P.L. 104-333, and shall not include paving or widening."

The 3.2 mile portion of the 2209 road was at ML-2 equivalent status (high-clearance vehicle use only) at the time of the originating legislation, and the originating legislation and the EA/DN pair clearly predate the USFS 2005 Travel Management Rule and the 2009 and 2015 Willamette NF Roads Analyses. Because of these established management prescriptions and the need to maintain reasonable access for the Opal Creek Ancient Forest Center to our inholding, the designation for this portion of the 2209 road was never eligible to be changed, much less to a "closed" status of ML-1.

However we do agree that this portion of the road is not open to the public for vehicle use. It is administratively closed and can only be accessed for the specifically-identified uses in the EA/DN pair: "Motorized use on Forest Road 2209 beyond gate at the Opal Creek Trailhead shall be permitted for emergency and administrative use, authorized research, and for access by private in-holders subject to terms and conditions established within a road easement consistent with Opal Creek Legislation..."

Beyond the legislation and SRA EA/DN, in 2012 the Forest Service Road Maintenance Guidelines were released which describe the classifications and care of Maintenance Level 1-5 Forest Service roads; later guiding the 2015 Willamette National Forest Road Investment Strategy (RIS). According to the 2012 Maintenance Guidelines, pages 28-47, two main differences between ML-1 and ML-2 roads for road "closure" are:

Maintenance Level 2: "A gate is an appropriate closure device for maintenance level 2 roads that temporarily restrict all motor vehicle use or that are managed as administrative use only roads".

Maintenance Level 1 (closed road): "Maintenance level 1 road with motor vehicle use restricted by a barricade. The road is closed to all motor vehicle use, including administrative use, for a period of more than 1 year. Gates are not appropriate on level 1 roads."

Thus, this 3.2 mile section of the 2209 road has been operating as a ML-2 road since the 1996 legislation, despite being classified as ML-1 at some intervening time.

Furthermore, the 2015 RIS highlights the total mileage and funding for care of WNF roads, and public involvement process in that update. In 2014-2015 Opal Creek constructed 2 vehicle-bearing bridges on this section of the 2209 road at 100% our own cost (under protest to the WNF) to continue cleaning dangerous mining debris, yet we were not included in the 2015 RIS, or mentioned in this document, where the road to our inholding was identified as ML-1.

According to Table 1 of the 2015 RIS, there were a total of 1,081 miles of ML-1 roads and 4,756 miles of ML-2 roads on the WNF. Table 3 shows the total cost to maintain each ML classification in 2015. ML-1 roads had an estimated cost of \$7,455, or an average of \$6.90/mile. ML-2 roads had an estimated cost of \$3,073,983, or an average of \$646.34/mile.

Continuing to classify and fund this 3.2 mile section of the 2209 road as ML-1 would provide less than \$21 in 2015 dollars for annual maintenance and upkeep, clearly an insufficient allocation of funds for the 3.2 miles of road in question, given there are 3 vehicle-bearing bridges and dozens of culverts that require constant maintenance. As inholders, we have provided innumerable hours of labor, provided culvert materials and contracted hundreds of thousands of dollars of engineering design and construction work for this section of road.

These bridges and this road are absolutely needed, not only for cleaning up burned buildings and infrastructure on our inholding (still inaccessible by vehicle 1.5 years after the fire) or to eventually rebuild our educational center, but also to provide emergency access exactly like that which was needed and used in 2020, and would have been useful with the 2021 Bull Complex Fire.

In agreement with the FS, we believe WNF roads need to be assessed and treated individually, including consideration of where each road is going, and why. This specific section of road historically entered a mining town. Today it enters an education center, where Opal Creek wants to continue providing Outdoor School for Oregon's youth, and partnering with the FS to develop the next generation of outdoor professionals. In order to do that we need to maintain reliable and reasonable access to our site at Jawbone Flats. In accordance with the governing documents of the 1996 Opal Creek establishing legislation and the 2001/2002 Opal Creek SRA NEPA EA/DN, please correct the classification of this 3.2 mile section of FS 2209 to ML-2, with an administrative closure to public vehicles.

Sincerely yours,

Augustus Gleason
Facility Director
Opal Creek Ancient Forest Center