

Dear District Ranger Botello,

Thank you for responding to my comments and the opportunity to respectfully object to your decision to choose alternative B in regards to issuing Valley County a Forest Roads and Trails Act (FRTA) easement for 30.3 miles of the South Fork Salmon River Road (Forest Roads 474/674) from the Warm Lake Highway (Forest highway 22) north to the confluence with the McCall-Stibnite Road (Forest Road 412). As a full time resident, property owner, tax payer, and river enthusiast in Valley County the issue of road maintenance funding and wheeled access into the South Fork of the Salmon watershed is of utmost importance to me. I appreciate the collaboration between the Payette National Forest and Valley County to provide wintertime snow removal on Forest Roads 474/674, but for the reasons stated below I object to your decision to grant Valley County a FRTA easement.

In my comment letter dated May 13th, 2019 I stated, "aside from Table 6, there is not any mention of the cost to repair damages from large flooding events." The Final EA, while providing the same Table 6 (SRAMP Final EA pg 84), does not include any mention of costs to repair damages from large flooding events. Furthermore, this table is not referenced to any source, Forest Service or otherwise, that explains how dollar amounts are derived for "Annual Maintenance Cost" and "Annualized Deferred Maintenance Cost." It does appear that a 2-year maintenance cycle is presumed, as the requested FRTA Easement involves an ML4 road, but the associated costs per mile could very easily have been pulled out of thin air. Please include citation, or reference, to any reports or documents that helped to determine the "Annual Maintenance Cost," and "Annualized Deferred Maintenance Cost" dollar amounts for ML4 roads in a revised SRAMP Final EA.

New Information Submitted Into The Project Record-

December 10th, 2019 letter from Valley County Commission Chair Elt Hasbrouk withdrawing request for FRTA easement. The PNF must acknowledge this letter as a consent by Valley County to terminate the requested FRTA easement.

According to the Valley County website, "[T]his [FRTA] is not a large source of revenue for the Road Department and the County has never spent more than its earned in a given year." This statement alone is questionable when taking into consideration the rain on snow avalanche cycle last spring that affected the McCall-Stibnite Road. At a public meeting in fall of 2019 (just prior to election day when County residents were asked to vote on a road levy), Valley County Clerk Douglas Miller stated the McCall-Stibnite Road repair cost \$500,000. This amount is approximately $\frac{1}{8}$ of the total Valley County Road Department budget for 2018, and likely a very similar percentage of the 2019 Valley County Road Department budget.

16 U.S.C. § 532 (Pub L. 88-657 Sec. 2) states "the Secretary is authorized, under such regulations as he may prescribe, subject to the provisions of this Act, to grant permanent or temporary easements for specified periods or otherwise for road rights-of-way (1) over national forest lands and other lands administered by the Forest Service, and (2) over any other related lands with respect to which the Department of Agriculture has rights under the terms of the grant to it."

This clearly outlines authority to grant easements across national forest lands. But this authority may be reliant upon 16 U.S.C. § 532 (Pub L. 88-657 Sec. 6), “The Secretary may require the user or users of a road under the control of the Forest Service, including purchasers of Government timber and other products, *to maintain such roads in a satisfactory condition commensurate with the particular use requirements of each*” (emphasis added). Valley County has submitted a letter into the Project Record on December 10th, 2019 to withdraw the requested FRTA Easement citing “budgeting” as a particular reason. This, along with the initiative to pass a road levy, implies Valley County lacks sufficient funding to undertake the responsibilities set forth in the Forest Roads and Trails Act.

16 U.S.C. § 532 (Pub L. 88-657 Sec. 6) also states, “[s]uch maintenance to be borne by each user shall be proportionate to total use. The Secretary may also require the user or users of such a road to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction.” The Forest Service, or Valley County for that matter, has not provided any information describing proportionate use, or any evidence to support Valley County’s ability to deposit “sufficient funds” should reconstruction be determined as necessary due to a reasonably foreseeable significant weather, flooding, or mass wasting event. A history of these types of events is included in Appendix B Table 33, although, as requested in my comment letter, the Recurrence Intervals of such events have not been evaluated or considered.

Furthermore, under 16 U.S.C. § 532 (Pub L. 88-657 Sec. 3), “[a]n easement granted under this Act *may be terminated by consent of the owner of the easement...*” (emphasis added). Although the exact sequence of events that preceded Valley County’s December 10th, 2019 letter is unknown to me, the Draft Decision Notice is dated by its file name 20191204. If such is the case that the County was aware that the decision maker had chosen Alternative B, and subsequently the Valley County Commission elected to terminate the requested easement, then the easement was, in fact, “terminated by consent of the owner.”

The PNF must choose alternative A for this particular component of the SRAMP. Whereby, “an FRTA easement would not be issued to Valley County and road maintenance would continue to be the responsibility of the BNF and PNF, respectively. The road would continue to be managed as an ML4 road. The existing road use agreement with Valley County for winter plowing would continue on an ad hoc basis, without a formal FRTA easement” (SRAMP Final EA pg 45).

Respectfully,
Fred Coriell
McCall, Idaho