**November 7, 2016**

***Sent via email***

**To:** Objection Reviewing Officer

Intermountain Region, US Forest Service

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# RE: SFRAMP

# Idaho Conservation League Objection and Suggested Remedies to the South Fork Restoration and Access Management Plan Draft Decision Notice and Finding of No Significant Impact

# I. General support for the South Fork Restoration and Access Management Plan

The Idaho Conservation League has been involved with the Big Creek-Yellow Pine-South Fork collaborative since its inception in December of 2012. We are very supportive of the collaborative process as a way to resolve long-standing disagreements between different user groups and often-conflicting goals. The Charter of the collaborative was to formulate a recommendation consistent with the objectives of the Payette Forest Plan for disputed road closures in management areas 12 and 13 of the Krassel Ranger District.

This recommendation was crafted to (i) meet all regulatory requirements, (ii) represent the input from and support of all stakeholders of the management areas as reflected in the collaborative’s situation statement and (iii) will support an economically viable Travel Management Plan that includes appropriate roads and road design in the region considering, among others, road maintenance, road restoration, realignment or recontouring, seasonal openings, road-to- trail conversions and road decommissioning to support the following simultaneous outcomes:

* Maintain and improve conditions for TEPCS (threatened, endangered, proposed, candidate, and sensitive) fish, wildlife, and botanical species, or impaired (as defined by the 303(d) section of the Clean Water Act) water bodies;
* preserving or enhancing the area as a (Nez Perce) treaty resource for fishing, hunting and gathering;
* preserving or enhancing effective access for private property;
* preserving or enhancing effective public access;
* supporting effective access for business activities;

The collaborative crafted recommendations for the Big Creek Restoration Access and Management Plan and then further refined these during the objection resolution process which was successfully resolved and implemented.

Following completion of the Big Creek RAMP, the collaborative turned its attention to address a similar set of issues on the South Fork of the Salmon.

The June 2017 South Fork RAMP scoping notice from the Forest Service included the following project description:

Project Description: The project would implement a range of actions relating to watershed rehabilitation, motorized and non-motorized access and improvements of recreation facilities within the South Fork Salmon River (SFSR) watershed (Figure 1). The actions listed below are a combination of recommendations provided to the Forest Service by the Big Creek – Yellow Pine – South Fork Salmon River collaborative group, and recommendations from the Forest Service interdisciplinary team.

The Purpose and Need included the following components:

* Determine the Minimum Road System needed for management of the project area, and what routes will be open for public motor vehicle use
* Improve watershed condition, bu decommission or obliterating roads, storm damage risk reduction treatments, improving maintenance of roads and trails and managing dispersed use
* Provide motorized ATV and motorcycle trail opportunities, while minimizing resource impacts
* Reduce resource impacts from dispersed camping and parking while accommodating public access

On Nov. 14, 2016, the collaborative submitted a set of recommendations to the Forest Service to address these goals. These recommendations were the result of years of meetings among collaborative members and the Forest Service and attempt to strike a reasonable balance between conservation goals, recreation interests and access needs as outlined above.

We are writing to reiterate our support for the collaborative’s original recommendations which are attached below. We are very appreciative of the Forest Service’s efforts to consider these recommendations in the Final EA and Draft Decision Notice. As such, the Idaho Conservation League is largely in support of the project

We also acknowledge that the collaborative did not seek to reach consensus regarding all issues. The Forest Service conducted its own analysis based on individual comments. The Idaho Conservation League largely supports these components and requests to be part of the resolution process if these components are challenged.

**II. Official notice of objection**

We are concerned, however, that several critical components are not reflected in the Draft Decision or that these components may not end up being carried through to the final decision. As such, the Idaho Conservation League is officially objecting to specific components of the Draft Decision that differ substantially from the Collaborative’s recommendations and that appear to violate NFMA, NEPA and the ESA. These issues are outlined below along with suggested remedies.

Pursuant to 36 CFR Part 218, the **Idaho Conservation League (ICL)** files this Objection to the Final Environmental Assessment (dated September 2016) and Draft Decision Notice and Finding of No Significant Impact (legal notice appeared on 9/21/2016) issued by Acting Payette Forest Supervisor Tawnya Brummett for the South Fork Restoration and Access Management Plan Draft Decision.

The project name is the South Fork Restoration and Access Management Plan and Tawnya Brummett, Acting Payette Forest Supervisor, is the responsible official. The project is proposed on the Krassel Ranger District, Payette National Forest. The Reviewing Officer is the Regional Forester. The legal notice announcing opportunities to file objections was published on December 18, 2019. Written objections must be filed within the following 45-days or, if the final day fell on a weekend or federal holiday, the next business day. This objection is submitted on February 3, 2020 in a timely manner.

The FEA and Draft DN/FONSI are available on the Forest Service webpage for the South Fork Restoration and Access Management Plan at:

<https://www.fs.usda.gov/project/?project=51257> (viewed February 3, 2020).

The contact person for Objector ICL is: John Robison, ICL Public Lands Director, PO Box 844, Boise, ID 83701, 208.345.6933; Street Address: 710 N 6th St., Boise, ID 83702. Objector ICL filed comments on the Draft EA and proposed Forest Service actions on May 20, 2019 and scoping comments on July 24, 2017. The Idaho Conservation League is also a member of the Big Creek-Yellow Pine South Fork Travel Plan collaborative that developed the original recommendations for the Forest Service to consider in the development of this project.

*Connection between prior specific comments*

Pursuant to 36 CFR 218.8, ICL states that the following content of this Objection demonstrates the connections between the July 2017 scoping comments and the May 2019 comments on the draft EA (collectively “previous comments”) for all issues raised herein, unless the issue or statement in the FEA or DN/FONSI arose or was made after the opportunity for comment on the Draft EA closed, as detailed herein. Pursuant to 36 CFR 218.8(b), the previous comments submitted by ICL are hereby incorporated by reference.

*Use of the objection process*

We intend to use the objection process to review and address any significant departures by the Forest Service or other objectors from the collaborative’s original recommendations. Should an objector propose further modifications that are not supported in the analysis and do not strike the proper balance for the various interests that crafted the original proposal, ICL intends to use the objection process to resolve these discrepancies.

It is important to note that the Idaho Conservation League does not purport to represent other collaborative members or the entire collaborative in this objection; we are simply one member. However, we hope to use the collaborative process to resolve outstanding issues. We believe that all the issues raised below can be addressed through the objection review process.

As part of the objection process, ICL intends to seek the counsel of other collaborative members (and the entire collaborative, if possible) on ideas to resolve a particular issue. For example, if an objector seeks an additional design feature and this feature that may adversely impact a key issue for one of the collaborative members, the Idaho Conservation League would like to bring this issue before the collaborative to seek ideas for rebalancing the project or developing additional offsets.

We recognize the Forest Service’s authority in making the final decision. We also believe that the collaborative can be an important resource during the objection process in resolving specific objection points and balancing any further modifications.

Significant modifications from the Collaboration’s original recommendations proposed by the Forest Service or other objectors will need to be offset to ensure that forest resources and various public interests are adequately protected. Should these modifications and offsets meet NFMA, NEPA and ESA requirements, we would be willing to withdraw our objection. We intend to invite collaborative partners to any Objection Resolution discussions to discuss any discrepancies and propose resolutions to any other objectors and the Forest Service.

If the Payette National Forest is committed to selecting and implementing the collaborative’s original recommendations, the Idaho Conservation League would be willing to withdraw those relevant sections of this objection.

**III. Statement of Reasons**

**A. Failure to implement sufficient road decommissioning to allow for new trail construction and to be consistent with NFMA and ESA**

Due to the project’s location in MPC 3.2, new trail construction can occur only if sufficient restoration offsets are created through road decommissioning, relocation, resurfacing or other actions. The collaborative reached agreement for the authorization of 14.2 miles of new motorized trails and identified a number of old logging roads in the same watershed that are not needed for public access that could be restored to provide the needed offsets. The collaborative recommended assessing 166.5 miles of roads and decommissioning those that have resource issues. However, the Forest Service draft decision calls for designating 88 miles of these roads as ML1 and not decommissioning them, even though many of them were determined to have significant resource issues.

The status of these roads was not known to the collaborative. While these roads may have appeared on 1981 maps for Cougar Creek and Zena Creek Transportation Plans, it does not appear they were formally authorized as ML1 roads through a formal NEPA process. In fact, the more recent 2015 Transportation Analysis Report and Transportation Analysis Plan recommended that these non-system routes be decommissioned.

The Forest Service is now stating that these are ML1 roads that may be important for future management. According to the Forest Plan, authorizing and retaining these roads is only allowable if there is a compelling administrative or public need for the road. However, there is no future management such as logging that could provide a justification for these roads that would be allowed under the Forest Plan as MPC 3.1 calls for passive restoration. We point out that Vegetation Standard 1216 allows for mechanical vegetation treatment only when needed to protect public safety and structures, to maintain or restore water quality, and to maintain or restore habitat, none of which apply here.

Even MPC 3.2, which calls for active restoration, only allows mechanical vegetation treatments where they maintain or restore water quality, fish habitat, desired wildlife and reduce risks to human life, structures and investments (Standards 1220, 1221 and 122). The Forest Service provides no information that there is a need for these types of mechanical treatments here. In fact, previous commercial logging in this area resulted in numerous landslides and was subsequently disallowed.

Furthermore, these recently authorized ML1 roads will continue to be a chronic sediment source. Authorizing and permanently retaining them is in violation of General Standard 1215 that states that management actions may only degrade resource conditions in the temporary time period and must avoid resource degradation for more than 3 years.

We also point out that Standard 1270 makes it highly unlikely that the Forest Service will be able to actually open these ML1 roads for administrative uses in the future:

Do not reopen classified roads in Level 1 maintenance or Level 2 roads that have become impassable unless it can be demonstrated through the project-level NEPA analysis and related Biological Assessment that:

1. For resources that are within their range of desired condition, reopening these roads for use shall not result in degradation to those resources unless outweighed by demonstrable short- or long-term benefits to those resource conditions; and
2. For resources that are already in degraded condition, reopening these roads shall not further degrade nor retard attainment of desired resource conditions unless outweighed by demonstrable short- or long-term benefits to those resource conditions; and
3. Adverse effects to TEPC species or their habitats are avoided unless outweighed by demonstrable short- or long-term benefits to those TEPC species of their habitats.

**Where reopening these roads cannot meet these constraints, consider decommissioning.** (emphasis added, Forest Standard 1270).

Buckhorn Creek is currently 303d listed for temperature and reopening these roads and clearing vegetation at stream crossings will retard attainment of desired resource conditions and potentially affect TEPC species.

**B. Failure to comply with Forest Standards regarding ML1 roads in Recommended Wilderness**

Furthermore, several miles of the recently authorized ML1 roads in Martin Creek and Buckhorn Creek appear to be within the Needles Recommended Wilderness which is managed under the Wildland Recreation Roadless theme. Under Forest Plan Standard 1205, within the Wild Land Recreation theme and MPC 1.2 protections, road construction or reconstruction may only occur where needed to provide access related to reserved or outstanding rights or to respond to statute or treaty, none of which apply here. We believe that the Forest Service’s recent classification of informal logging roads as ML1 road should count as authorization and reconstruction and should not be allowed within MPC 1.2. We also point out that the cutting, sale or removal of timber within 1.2 is not permissible either under Forest Standard 1202. No new motorized or mechanical treatments are to be allowed, except in response to reserved or outstanding rights, statute or treaty, none of which apply here.

We point out that the Forest Service makes the correct decision with regard to keeping Cougar Creek Trail as non-motorized in order to be consistent with Forest Standard 1203 and avoided potential negative effects to Recommended Wilderness, wildlife and watershed conditions from motorized use. The same standard applies to the ML1 roads in the Needles Recommended Wilderness. Furthermore, the ROS within the Wild Land Recreation area should be updated to semi primitive non-motorized if it is not already.

**C. Failure to comply with Objective 1250 providing for a spectrum of trail opportunities including both motorized and non-motorized uses.**

While the Forest Service proposes to authorize 14.2 miles of new motorized trails that the collaborative recommended, the Forest Service also states they will not decommission the majority of old logging roads that the group recommended restoring.

We are concerned that, even though these new trails have been authorized, construction will not actually begin until additional restoration treatments are identified and analyzed:

Prior to constructing the ATV trail in the Buckhorn Creek subwatershed, a plan will be developed that identifies the location and extent of road restoration treatments, which may include system road decommissioning, necessary to show long term improvements in relevant sediment and riparian Watershed Condition Indicators (WCIs)(Forest Plan 1220, SWST01, SWST04) and avoidance of adverse effects to ESA listed fish and habitat (TEST06). (SF RAMP Draft Decision Notice p. 4).

As such, it is unclear how this trail construction will ever occur. The collaborative’s efforts to look for restoration offsets were exhaustive.

The Forest Service is deferring actual trail construction until a future plan is developed that identifies the location and extent of needed restoration treatments. This was in fact what the collaborative accomplished, as outlined in the Purpose and Need:

* Determine the Minimum Road System needed for management of the project area, and what routes will be open for public motor vehicle use
* Improve watershed condition, bu decommission or obliterating roads, storm damage risk reduction treatments, improving maintenance of roads and trails and managing dispersed use
* Provide motorized ATV and motorcycle trail opportunities, while minimizing resource impacts
* Reduce resource impacts from dispersed camping and parking while accommodating public access

Authorizing one project component that is conditioned on a future and undetermined component is a segmentation of the NEPA process as well as a violation of the Forest Service’s settlement agreement filed 6/30/17 to consider in good faith, written agreements for travel planning and other actions (e.g. watershed restoration) from the collaborative. We note that the collaborative already submitted a plan that meets all requirements.

**IV. Support for project components developed that were outside of the collaborative process**

We are generally supportive of the other components of the Decision Notice and wish to be part of the resolution process if other parties object to them and suggest other alternatives. We are particularly appreciative and supportive of efforts to protect Outstandingly Remarkable Values of suitable Wild and Scenic River sections as well as Wilderness Characteristics of Recommended Wilderness Areas.

We note that if the Forest Service cannot either implement the majority of these recommendations or adequately justify departing from these recommendations, it will likely discourage future collaborative efforts on the East Fork South Fork and in other areas.

**E. Suggested Remedies**

1. Adopt the collaborative’s recommendations and decommission all recommended roads that are causing resource impacts, including those in Buckhorn and Zena Creek.
2. Adopt an implementation schedule for road decommissioning and construction of the 14.2 miles of trails, similar to the implementation plan for the Big Creek RAMP.
3. Consistent with the decision to keep the Cougar Creek Trail non-motorized, do not authorize any ML1 Roads in the Needles Recommended Wilderness or Wild Land Recreation Theme.

We look forward to participating in the Objection Review Process to review our objections and work with our collaborative partners to discuss potential remedies so the project can proceed.

**

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