



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

November 16, 2020

Sent via Forest Service portal and email to: objections-intermtn-regional-office@fs.fed.us

Objection Reviewing Officer
Intermountain Region, US Forest Service
324 25th Street
Ogden, Utah 84401

Re: *Nez Perce Tribe's Supportive Objection Concerning the Final Environmental Assessment and New Draft Decision Notice and Finding of No Significant Impact for the South Fork Salmon River Restoration and Access Management Plan*

Dear Objection Reviewing Officer:

On behalf of the Nez Perce Tribe ("Tribe"), and in accordance with 36 C.F.R. §§ 218.8 and 218.9, I submit the attached supportive objection concerning the Payette National Forest's September 20, 2020 South Fork Restoration and Access Management Plan ("Project") New Draft Decision Notice ("DN") and Finding Of No Significant Impact ("Draft Decision Notice No. 2"). The Responsible Official is the Forest Supervisor for the Payette National Forest. This project is located on the Krassel and McCall Ranger Districts on the Payette National Forest and the Cascade Ranger District on the Boise National Forest ("Forest").

The Forest has prepared Draft Decision Notice No. 2 for a portion of the Project. The Project went through an objection period earlier this year and the Tribe and others submitted objections. As a result, the Objection Reviewing Officer instructed the Responsible Official to reconsider two of the sixteen actions considered in the Project Environmental Assessment, including: (1) proposed road decommissioning and (2) new ATV trails in the Little Buckhorn Creek drainage, and to issue a new DN subject to another objection period for these two actions.

The Tribe's supportive objection is based on our previously submitted comments. The Tribe submitted scoping comments on July 12, 2017, participated in a staff-to-staff meeting with Krassel District Ranger Anthony Botello on March 19, 2019, submitted draft Environmental

Assessment comments on May 16, 2019, submitted an objection on February 3, 2020, and participated in resolution meetings with the Forest Service and other objectors in March 2020. The Tribe's paramount goal is to protect and advance its treaty-reserved rights and cultural interests in its aboriginal territory. The Project is located entirely within the Tribe's aboriginal territory and is subject to the rights that the Tribe reserved, and the United States secured, in the Treaty of 1855.¹ The Project is also located within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission.² The Forest Service has a trust responsibility to ensure that its actions, including implementation of this Project, are fully consistent with the 1855 Treaty, executive orders, departmental regulations, and other federal laws implicating the United States' unique relationship with the Tribe.

As the Forest Service is aware, the Tribe has been an integral partner in the collection of data, as well as participating in the Big Creek/Yellow Pine/South Fork Salmon River Collaborative ("Collaborative"), and as a participant through the prior objection review process. In the Draft Decision Notice No. 2, the Forest proposes implementing Alternative D to allow for the decommissioning of 143 miles of unauthorized road, and 50 miles of closed system roads on the Krassel Ranger District. Further, five miles of unauthorized road would be decommissioned on the McCall Ranger District. Sixteen miles of closed system road and 20 miles of unauthorized road with dual designation as a trail would be converted to motorized or non-motorized trail. While 14.2 miles of new ATV trail would be designated in the Little Buckhorn Creek drainage, the Tribe believes the watershed benefits are adequate to offset the impacts to these new trails.

The Tribe writes to express its support for the Forest Service's selection of Alternative D and submits this supportive objection to advocate for this action and to request participation in the objection resolution process if Alternative D or any other component of the Project is challenged. The Tribe does have a concern about the timing of implementation of road decommissioning in Alternative D. We therefore request as a remedy that the Forest include an implementation schedule in the final decision. We also intend to participate in the objection resolution process to reinforce the Project record, support the Forest's decision to adopt Alternative D overall, and aid with successful Project implementation. Should an objector propose modifications that are not supported by the Tribe or the Collaborative, the Tribe intends to use the objection process to assist with the resolution of these discrepancies.

¹ Treaty with the Nez Perces, June 11, 1855, 12 Stat. 957.

² *Nez Perce Tribe v. United States*, Docket #175, 18 Ind. Cl. Comm. 1.

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The Tribe looks forward to participating in the objection review process. Please provide the dates, times, and other information regarding the objection resolution meetings. For any questions related to the Tribe's objection, please contact Michael Lopez, Senior Staff Attorney, Nez Perce Tribe Office of Legal Counsel, at (208) 843-7355 or at mlopez@nezperce.org.

Sincerely,



Shannon F. Wheeler
Chairman

cc: Linda Jackson, linda.l.jackson@usda.org
Jennifer Blake, jennifer.b.blake@usda.gov