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Title: Chairman

Comments: February 3, 2020

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 [bull] LAPWAI, IDAHO 83540 [bull] (208) 843-2253

Submitted Via Electronic Mail to: objections-intermtn-regional-office@fs.fed.us

Objection Reviewing Officer Intermountain Region USFS

324 25th Street, Ogden, Utah 84401

Re: Nez Perce Tribe's Objection on the South Fork Restoration and Access Management Project Revised Environmental Assessment and Draft Decision Notice

Dear Objection Reviewing Officer:

On behalf of the Nez Perce Tribe ("Tribe"), and in accordance with 36 C.F.R. [sect][sect] 218.8 and 218.9, I submit the attached objection to the South Fork Restoration and Access Management Plan ("Project") revised Environmental Assessment ("EA") and Draft Decision Notice ("DN"). 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 Project includes numerous actions relating to watershed restoration, motorized and non[shy]-motorized access, and improvements of recreation facilities within the South Fork Salmon River ("SFSR") watershed within a 329,000-acre Project area. The selected alternative is a hybrid of the alternatives presented in the Environmental Assessment, which includes one Project-level amendment related to the designation of existing routes as system roads for administrative purposes in the Krassel Work Center and Reed Ranch Airstrip area.

The objections outlined in the attachment are based on the Tribe's 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, and submitted comments on the draft Environmental Assessment on May 16, 2019.

The Tribe's paramount goal is to protect and advance its treaty-reserved rights and cultural interests in its aboriginal territory. As the Forest is aware, 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.

The Tribe, as part of its review of the Project, has been significantly involved in the Big Creek/Yellow Pine/South Fork Salmon River Collaborative ("Collaborative"). The Collaborative is comprised of Tribal staff, Valley County, Yellow Pine and Big Creek residents, local businesses, recreationists, and conservationists working together, in cooperation with the Forest and other federal and state agencies, to provide consensus-based recommendations on the Project.

While the Tribe appreciates the Forest's decision to decommission some roads in the Project, the Tribe is disappointed that the Forest declined the Tribe's requests in its submitted comments to decommission numerous other Management Level 1 roads in the Project that are already identified for removal in the Forest's travel management plan, that will result in violation of applicable Forest plan standards, and most fundamentally, will have significant ongoing impacts to fishery resources important to the Tribe.

The Tribe is also disappointed with the Forest's decision rejecting the Collaborative's recommendations regarding road decommissioning. The Tribe's participation has been integral to the Collaborative's efforts and accordingly supports the Collaborative's consensus recommendations for the Project, as documented in the November 14, 2016, proposal and reiterated in the Collaborative's May 16, 2019, letter submitted to the Forest.

The Tribe requests a meeting with you and the Forest to discuss and resolve its objections to the Project. Please contact Mike Lopez, Senior Staff Attorney at (208) 843-7355 or mopez@nezperce.org to schedule a meeting.

Shannon F. Wheeler

Chairman

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

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

SEE ATTACHED