



File Code: 1570-1

Date: September 18, 2007

Route To: (1570 (215))

Subject: 1570 (215) - ARO Letter - Sheep Mountain/Camp 60 OHV Trail DN - Clearwater NF - Friends of the Clearwater, et al. - #07-01-00-0160

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Gary Macfarlane, on behalf of Friends of the Clearwater, Alliance for the Wild Rockies, WildWest Institute, and The Lands Council, protesting the Sheep Mountain/Camp 60 OHV Trail Decision Notice (DN) on the Clearwater National Forest.

The District Ranger's decision adopts Alternative 3, which will allow for creating a 55.8-mile OHV loop trail in the Sheep Mountain/Camp 60 area of the North Fork Ranger District.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Clean Water Act (CWA), the Endangered Species Act (ESA), Executive Order 11644, and the Clearwater Forest Plan, as amended by INFISH. The appellants request the DN be rescinded and an Environmental Impact Statement be completed, the effects on bull trout be fully disclosed, the Forest close all inventoried roadless areas to motorized use, and the Forest complete their Forest-wide travel plan. An informal meeting was not held because the lead appellant was not available.

ISSUE REVIEW

Issue 1. The EA fails to offer a legitimate need for the project.

Response: The Decision Notice (pp. 2 to 3), Response to Comments (DN, Appendix C, Comment #4), and EA (pp. 1 to 5) describe the purpose and need for this action. The number of OHV users visiting the North Fork Ranger District has increased in recent years. The lack of existing, designated loop routes has led to off-route exploring by OHV users, causing unacceptable erosion and water quality impacts. These "pioneered" routes cannot be maintained and do not provide a high quality trail experience. There are limited opportunities for OHV users to complete loop trips without traveling on Forest roads that receive considerable full-size



vehicle traffic. There are also limited opportunities for OHV users to travel on trail-like routes that provide a more natural experience. This project would provide a high quality OHV trail opportunity; direct OHV users to well designed, easily maintained routes; and provide safer routes by directing OHVs toward routes where highway vehicle traffic is light or prohibited. The project is based on a legitimate purpose and need, and the analysis is in compliance with NEPA.

Issue 2. The EA fails to disclose to the public a reasonable range of alternatives.

Response: The DN (p. 4) and EA (pp. 5 to 8) explain how issues raised by the public were used to develop design criteria and alternatives to the proposed action. In response to public comment, the NEPA analysis was changed from a Categorical Exclusion/Decision Memo to an Environmental Assessment (EA, p. 5); and a second action alternative was developed, modifying the original proposed action to include the removal of 10 log culverts. The two action alternatives analyzed in the EA meet the purpose and need for action and comply with Forest Plan standards, policy, and direction. A no action alternative was also analyzed. The analysis considers a reasonable range of alternatives and is in compliance with NEPA.

Issue 3. The Sheep Mountain DN does not comply with the Executive Order 11644 (as amended) concerning off road vehicles.

Response: The purpose of Executive Order 11644 is to ensure that the use of off-road vehicles be controlled and directed so as to protect the resources of the land, promote safety, and minimize conflicts (PF, Doc. 15001, p. 1). That is the intent of this project (EA, pp. 1 to 2). The EA (pp. 26 and 27) indicates that detrimental soil impacts from the project would not exceed Forest and Regional standards. The project would have no effect on threatened or endangered wildlife, and no heritage sites were identified during the field review (DN, p. 12; EA, pp. 10, 20 to 23, and 29 to 30). Mitigation measures to protect soils, watersheds, fisheries, and to prevent the introduction or spread of noxious weeds would be implemented (DN, pp. 10 to 11). The project is in compliance with Executive Order 11644.

Issue 4. The Sheep Mountain DN does not comply with the Forest Plan.

Response: The appellant argues the Forest Plan is being violated because the Forest does not have a formal travel plan. The Forest Plan does not preclude implementing motorized recreation projects prior to travel management planning (see Forest Plan, Appendix F, Forest Travel Planning). The EA (p. 4) points out that the Plan allows the Forest to designate areas, roads, and tracts for off-road use in accordance with management area goals and standards. A comprehensive roads analysis, including the project area, is scheduled as part of project analysis for the Barnyard/South Sheep Vegetation Restoration Project in 2009 (DN, Appendix C, Response to Comment #3). OHV use on area trails would not preclude the decommissioning of roads, and

the decommissioning of a road as part of the roads analysis would not prevent it from being part of an OHV trail.

The second argument is the Recreation Opportunity Spectrum is not being followed because there were no alternatives dealing with non-motorized use. The project is almost entirely within Management Area E1, with small amounts of Management Areas C4 and US. The recreation standard for Management Area E1 states, "Manage a roaded natural setting for dispersed recreation" (Forest Plan, p. III-57). Management Area C4 also allows for the managing of dispersed recreation in a roaded natural setting (Forest Plan, p. III-47), and Management Area US (unsuitable for timber management) allows for managing of resources including dispersed recreation, as appropriate (Forest Plan, p. III-74). The EA (p. 4) classifies the project area as "Roaded Natural/Roaded Modified" based on the Recreation Opportunity Spectrum. As far as the Recreation Opportunity Spectrum is concerned, there is no requirement to develop a non-motorized alternative for this project area. The analysis and project are in compliance with the Recreation Opportunity Spectrum, the Forest Plan, and NFMA.

Issue 5. The EA and DN would negatively affect fisheries, water quality, and TES species and, because of this, an Environmental Impact Statement should be prepared.

Response: The EA (pp. 14 to 20) and DN (pp. 9, 10, and Appendix B, pp. 2, 3, 7, and 8) describe the affects to fisheries. "Bull trout are the only listed aquatic species within the North Fork Clearwater River subbasin upstream of Dworshak Dam" (EA, p. 15). "With the exception of Beaver Creek, the bull trout studies conducted by the Idaho Department of Fish and Game did not document any migration into other streams with the project area" (EA, p. 16). "Due to the absence of bull trout within the four drainages (Lodge Creek, Tepee Creek, unnamed tributary of Washington Creek, and Deadhorse Creek) direct and indirect effects to bull trout spawning, incubation, and early rearing are considered non-existent" (EA, p. 18 and DN, Appendix B, p. 3). All Endangered Species Act requirements have been meet for bull trout.

The fisheries biologist and the hydrologist determined INFISH requirements are being met. The DN (Appendix C, p. 2) states, "INFISH requires that we 'design, construct and operate recreation facilities, including trails and dispersed sites, in a manner that does not retard or prevent attainment of the Riparian Management Objectives and avoids adverse effects on inland native fish.'... No increases in stream temperature are expected as a result of this stream crossing due to the small area of impact nor would it retard or prevent attainment of Riparian Management Objectives."

The EA (p. 19) states, "Although the project area watersheds are highly impacted by past roading and timber harvest, cumulative watershed effects are not expected because the project activities do not lead to an incremental increase in sediment or water temperature within or downstream of the project area."

The decision maker is well supported in his conclusion the proposed action will not negatively effect fisheries. The analysis demonstrates the project is in compliance with the Clean Water Act, INFISH, and ESA. Since there are no significant impacts to fisheries, water quality, and TES species (DN, pp. 11 and 12) there is no requirement for the Forest to complete an EIS. The analysis is in compliance with NEPA.

Issue 6. The EA and DN would negatively affect soils.

Response: In order to meet NFMA direction and manage National Forest System lands without permanent impairment, the policy of the Northern Region is to "...not create detrimental soil conditions on more than 15 percent of an activity area" (FSM, 2554.03). The EA (p. 26) states, "For the purpose of the Sheep Mountain/Camp 60 OHV project, proposed trail construction IS NOT considered to be part of an activity area, since the new routes will become part of the permanent transportation system, thus a system trail" (emphasis in original). The DN provides further explanation. The DN (Appendix C, Response to Comment #8) quoting the FSM, states, "'The standards do not apply to intensively developed sites such as mines, developed recreation sites, administrative sites, or rock quarries.' The Sheep Mountain/Camp 60 OHV proposed route is considered a developed recreation site as well as being classified as a system transportation route, so the proposed route is not considered to be an activity area and hence the Regional Standards do not apply" to the actual route surface. Even so, the soils analysis indicates that the project would meet both the Clearwater Forest Plan standards for soils and the Regional standards for soils (EA, p. 26).

The soil scientist conducted surveys and analysis for soil and landform erosion hazards in the Camp 60 OHV project area using the LTHAZ program (PR, Doc. 10001, p. 2). The proposed new trail construction was reviewed on the ground by the Forest soil scientist. Where areas of high erosional hazards existed, route modifications were made to ensure there would be no detrimental soil impacts (PR, Doc. 10001, p. 10). Mitigation of negative impacts to soils is also contained in the DN (p. 6). The project is in compliance with the Regional soil standards and NFMA.

Issue 7. Monitoring item 3 on page 11 of the EA, the "Tread Lightly" message, is immaterial and the mitigation measures don't directly address mitigating or monitoring ORV use.

Response: The Decision Notice (DN, p.7) and EA (EA, p. 11) include monitoring for new invasive weed species and maintenance of ongoing stream temperature monitoring. Since "Tread Lightly" is not actually a monitoring item, the Decision Notice does not include the "Tread Lightly" monitoring as described in the EA (EA, p. 11). The Tread Lightly message that would be conveyed to the public would include asking that people avoid streamside areas, not leave garbage, share trails, not approach or chase wildlife, and most importantly, stay on existing

designated roads and trails. The “Tread Lightly” monitoring described in the EA (pp. 11 and 12) is not mentioned as part of the effects analysis. In other words, the effects described in the EA are not contingent on implementing the Tread Lightly monitoring item.

As discussed in the Decision Notice (Appendix C, Response to Comment #5), in order to control off-trail OHV use, the Forest has increased patrols to enforce 36 CFR 261.15(h), which prohibits operating a vehicle in a manner that damages land, wildlife, or vegetative resources.

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellants. I recommend the District Ranger’s decision be affirmed and the appellants’ requested relief be denied.

/s/ Barry Paulson
BARRY PAULSON
Appeal Reviewing Officer

cc:
Forest Coordinator
Responsible Official