USDA United States Department of Agriculture | Forest Service | Intermountain Region | 324 25th Street Ogden, UT 84401 801-625-5605

File Code: 1570-1

Date: JUN 26 2012

Route To:

Subject: Reviewing Officer Recommendation, Mill Creek-Council Mountain Landscape Restoration Project, #12-04-00-0087-A215

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jean Luze Revaul, on behalf of Heartland Back Country Horsemen of Idaho, protesting the Mill Creek-Council Mountain Landscape Restoration Project Decision Notice signed by Keith B. Lannom, Forest Supervisor on the Payette National Forest.

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 appellant's 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 in the enclosed document.

RECOMMENDATION

I have reviewed the record and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

Brent L. Larson
Appeal Reviewing Officer

Heartland Backcountry Horsemen of Idaho
#12-04-00-0087 A-215
Mill Creek-Council Landscape Restoration Project
Payette National Forest

Appeal Issue 1: *There should be trail head opportunities with vaulted toilets, high line areas and places to tie horses.*

Response: The forest appropriately responded to comments about recreational facilities. There were no specific comments received about high line areas or places to tie horses. There was a request for a vault toilet at Deseret Cabin.

Three of the five alternatives in the Final Environmental Impact Statement (FEIS) included providing vault toilets at two trailheads, in addition to other trailhead improvements. The record of Decision (ROD) included a third vault toilet at Deseret Cabin in response to public comment.

Conclusion: The forest adequately addressed the public desire to consider trail head opportunities with vaulted toilets in the FEIS and the ROD.

Appeal Issue 2, 3 &4: *There should be six to seven mile loops for horse and other non-mechanized recreational users; Deseret Cutoff Trail (202) should be included in the trail system as it has been used in the past and; A maintenance/construction budget for trails was not included in this ROD.*

Response: The forest adequately responded to comments regarding expanding the trail system. Comments ranged from concern for a sustainable funding to maintain the existing trail system in addition to long term maintenance of any new trails, to requesting obliterated roads be converted to 3-foot wide trails. Past travel planning decisions did not include trail 202 into the designated system. The forest adequately responded to the request to convert obliterated roads to 3-foot wide trails in the response to comments (FEIS Appendix 10 p.10-72).

There is no specific requirement in FSM 1900 or 40 CFR 1502 to provide a maintenance/construction budget before selecting a proposed action.

Conclusion: The forest adequately addressed the desire for additional non-motorized trails with the constraints of ecological concerns, project goals and long term funding constraints. The final decision included a new 3.7 mile trail as well as converted 0.4 miles of an existing unauthorized road to a non-motorized trail.

Appeal Issue 6 & 7: *The ROD is "unbalanced" and heavily weighted to environmental priorities – in particular to the obliteration of roads; The ROD does not envision a balanced approach, including the recreational desires of the HBCH group and many others in the local community.*

Response: The purpose and need for the project is to restore forest stands toward the historical range of variability, improve habitat for wildlife species, contribute to the economic vitality of the communities, reduce wildland fire hazard in the WUI, and to improve recreational

opportunities in the project area. A decision must address the purpose and need elements and the effects of the decision must be disclosed in the analysis (FEIS).

Based upon the analysis and comments received, the decision to be made was "whether and how to meet the Purpose and Need to restore forest vegetation and watershed indicators as described in Appendices A and B of the Forest Plan (USDA Forest Service 2003b); reduce wildland fire hazard in forested stands for resource protection and reduction of risk in the WUI; improve habitat for white-headed woodpeckers, a Region 4 Sensitive Species (USDA Forest Service 2011a) and Forest Management Indicator Species; and to contribute to the economic vitality of the communities adjacent to the Forest (FEIS p. 1-15).

Conclusion: In this case, the Responsible Official acknowledged his decision would not satisfy everyone (ROD p. 3) however the decision addresses the Purpose and Need elements (ROD pp. 18 – 21).

The desires of the HBCH were considered and are documented throughout the project record (e.g. ROD pp. 7, 13-14, 18, and p. 24; PFC Recommendations p. 74, etc.) The decision-maker considered all comments (ROD – Rationale pp. 21-24; FEIS Appendix 10 - Response To Comments), and he met the standard for inviting and responding to comments received. Thus, the decision was made in conformance with law and regulation.

Appeal Issue 9: *The opportunities in the ROD have strings attached, for example, requiring partners assist in funding the Deseret Cabin Trailhead.*

Response: Installation of vault toilets at the Deseret Cabin trailhead and the Blue Bunch Ridge Road are dependent upon the securing of external funding with the support of local user groups. However a vault toilet will be installed at Shingle Flat and has no such conditions (ROD p. 13)

The vault toilet proposed at the Deseret Cabin Trailhead was eliminated from detailed study in the FEIS (section 2.5) but included in the decision in response to public comment (ROD p. 18). Initially, the Deseret Cabin Trailhead site did not meet the minimum recreation use to justify a vault toilet. This was re-evaluated and included in the Selected Alternative with the commitment of partners to help fund the proposal (ROD p. 24).

A decision-maker can attach conditions he believes to be appropriate, including funding constraints. The decision was made in compliance with law and regulation.

USDA United States Department of Agriculture | Forest Service | Intermountain Region | 324 25th Street Ogden, UT 84401 801-625-5605

File Code: 1570 JUN 29 2012

Date: #12-04-00-0087-A215

Jean Luze Revaul
President
Heartland Back Country Horsemen of Idaho Members
P. O. Box 968
Donnelly, ID 83615

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Dear Ms. Revaul:

This is my decision on the appeal you filed on behalf of Heartland Back Country Horsemen of Idaho, regarding the Mill Creek-Council Mountain Landscape Restoration Project Decision Notice signed by Keith B. Lannom, Forest Supervisor of the Payette National Forest.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.18. My review focused on the project documentation and the issues raised in your appeal. I specifically incorporate in this decision the project record, the references and citations in the project record transmittal documentation, as well as the Appeal Reviewing Officer (ARO) analysis and recommendation.

After considering your issues and the project documentation, the ARO recommends the Forest Supervisor decision be affirmed. A copy of the recommendation is enclosed.

Based upon a review of the project documentation provided, I find the issues were adequately considered. I agree with the ARO analysis and conclusions in regard to your appeal issues. I find the Forest Supervisor made a reasoned decision and has complied with all laws, regulations, and policy. After careful consideration of the above factors, I affirm the Forest Supervisor's decision to implement the Mill Creek-Council Mountain Landscape Restoration Project. Your requested relief is denied.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

KEVIN MARTIN
Appeals Deciding Officer

Enclosure

cc: Keith Lannom

USDA United States Department of Agriculture | Forest Service | Intermountain Region | 324 25th Street Ogden, UT 84401 801-625-5605

File Code: 1570-1

Date: JUN 26 2012

Route To:

Subject: Reviewing Officer Recommendation, Mill Creek-Council Mountain Landscape Restoration Project, #12-04-00-0087-A215

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jean Luze Revaul, on behalf of Heartland Back Country Horsemen of Idaho, protesting the Mill Creek-Council Mountain Landscape Restoration Project Decision Notice signed by Keith B. Lannom, Forest Supervisor on the Payette National Forest.

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 appellant's 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 in the enclosed document.

RECOMMENDATION

I have reviewed the record and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

Brent L. Larson
Appeal Reviewing Officer

Heartland Backcountry Horsemen of Idaho
#12-04-00-0087 A-215
Mill Creek-Council Landscape Restoration Project
Payette National Forest

Appeal Issue 1: *There should be trail head opportunities with vaulted toilets, high line areas and places to tie horses.*

Response: The forest appropriately responded to comments about recreational facilities. There were no specific comments received about high line areas or places to tie horses. There was a request for a vault toilet at Deseret Cabin.

Three of the five alternatives in the Final Environmental Impact Statement (FEIS) included providing vault toilets at two trailheads, in addition to other trailhead improvements. The record of Decision (ROD) included a third vault toilet at Deseret Cabin in response to public comment.

Conclusion: The forest adequately addressed the public desire to consider trail head opportunities with vaulted toilets in the FEIS and the ROD.

Appeal Issue 2, 3 &4: *There should be six to seven mile loops for horse and other non-mechanized recreational users; Deseret Cutoff Trail (202) should be included in the trail system as it has been used in the past and; A maintenance/construction budget for trails was not included in this ROD.*

Response: The forest adequately responded to comments regarding expanding the trail system. Comments ranged from concern for a sustainable funding to maintain the existing trail system in addition to long term maintenance of any new trails, to requesting obliterated roads be converted to 3-foot wide trails. Past travel planning decisions did not include trail 202 into the designated system. The forest adequately responded to the request to convert obliterated roads to 3-foot wide trails in the response to comments (FEIS Appendix 10 p.10-72).

There is no specific requirement in FSM 1900 or 40 CFR 1502 to provide a maintenance/construction budget before selecting a proposed action.

Conclusion: The forest adequately addressed the desire for additional non-motorized trails with the constraints of ecological concerns, project goals and long term funding constraints. The final decision included a new 3.7 mile trail as well as converted 0.4 miles of an existing unauthorized road to a non-motorized trail.

Appeal Issue 6 & 7: *The ROD is "unbalanced" and heavily weighted to environmental priorities – in particular to the obliteration of roads; The ROD does not envision a balanced approach, including the recreational desires of the HBCH group and many others in the local community.*

Response: The purpose and need for the project is to restore forest stands toward the historical range of variability, improve habitat for wildlife species, contribute to the economic vitality of the communities, reduce wildland fire hazard in the WUI, and to improve recreational

opportunities in the project area. A decision must address the purpose and need elements and the effects of the decision must be disclosed in the analysis (FEIS).

Based upon the analysis and comments received, the decision to be made was "whether and how to meet the Purpose and Need to restore forest vegetation and watershed indicators as described in Appendices A and B of the Forest Plan (USDA Forest Service 2003b); reduce wildland fire hazard in forested stands for resource protection and reduction of risk in the WUI; improve habitat for white-headed woodpeckers, a Region 4 Sensitive Species (USDA Forest Service 2011a) and Forest Management Indicator Species; and to contribute to the economic vitality of the communities adjacent to the Forest (FEIS p. 1-15).

Conclusion: In this case, the Responsible Official acknowledged his decision would not satisfy everyone (ROD p. 3) however the decision addresses the Purpose and Need elements (ROD pp. 18 – 21).

The desires of the HBCH were considered and are documented throughout the project record (e.g. ROD pp. 7, 13-14, 18, and p. 24; PFC Recommendations p. 74, etc.) The decision-maker considered all comments (ROD – Rationale pp. 21-24; FEIS Appendix 10 - Response To Comments), and he met the standard for inviting and responding to comments received. Thus, the decision was made in conformance with law and regulation.

Appeal Issue 9: *The opportunities in the ROD have strings attached, for example, requiring partners assist in funding the Deseret Cabin Trailhead.*

Response: Installation of vault toilets at the Deseret Cabin trailhead and the Blue Bunch Ridge Road are dependent upon the securing of external funding with the support of local user groups. However a vault toilet will be installed at Shingle Flat and has no such conditions (ROD p. 13)

The vault toilet proposed at the Deseret Cabin Trailhead was eliminated from detailed study in the FEIS (section 2.5) but included in the decision in response to public comment (ROD p. 18). Initially, the Deseret Cabin Trailhead site did not meet the minimum recreation use to justify a vault toilet. This was re-evaluated and included in the Selected Alternative with the commitment of partners to help fund the proposal (ROD p. 24).

A decision-maker can attach conditions he believes to be appropriate, including funding constraints. The decision was made in compliance with law and regulation.