



June 30, 2017

Submitted via email to: objections-intermtn-regional-office@fs.fed.us

Reviewing Officer
Intermountain Region USFS
324 25th Street
Ogden, Utah 84401

Re: Middle Fork Weiser River Landscape Restoration Project Objection

To the Reviewing Officer,

WildEarth Guardians submits the following objection to the U.S. Forest Service's decision to implement Alternative 5 (reflects a modified version of Alternative 2 that incorporates aspects of Alternatives 3 and 4), as analyzed in the Middle Fork Weiser River Landscape Restoration Project Final Environmental Impact Statement (FEIS). This project proposes landscape restoration treatments on approximately 24,000 acres of Forest Service lands on the Council Ranger District of the Payette National Forest. The project area covers about 49,276 acres in the Weiser River drainage and includes five subwatersheds: Little Fall Creek-Weiser River, Mica Creek-Weiser River, Jungle Creek-Weiser River, Granite Creek-Weiser River, and part of the upper East Fork Weiser River. In an April 2017 draft Record of Decision (ROD) to be signed by Payette Forest Supervisor Keith Lannom, the Forest Service approves restoration activities include timber harvest, biomass harvest, road reconstruction, road realignment, temporary road construction, road decommissioning, culvert removal, thinning of sub-merchantable trees, prescribed fire, and other actions.

As required by 36 C.F.R. § 218.8(d), the lead objector's name, address, telephone number and email address:

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1. Interest and participation of WildEarth Guardians.

WildEarth Guardians is a nonprofit conservation organization with offices in seven states. WildEarth Guardians has more than 215,000 members and supporters across the United States and the world. Guardians' mission is to protect and restore wildlife, wild places, wild rivers, and the health of the American West. For many years, WildEarth Guardians has advocated that the Forest

Service maintain a balance between access, risks and costs when addressing its road system. Thoughtful management of the agency's road system and its associated impacts can improve the health of watersheds and wildlife on the Payette National Forest.

Guardians submitted timely comments on the draft EIS in March of 2016. WildEarth Guardians has organizational interests in the proper and lawful management of the forest road system and its associated impacts on the Payette National Forest's wildlife and wild places.

2. We support many of the Forest Service's efforts in this project, including efforts to create a resilient future road network.

Identifying a resilient future road network is one of the most important endeavors the Forest Service can undertake to restore aquatic systems and wildlife habitat, facilitate adaptation to climate change, ensure reliable access, and operate within budgetary constraints. And it is a win-win-win approach: (1) it's a win for the Forest Service's budget, closing the gap between large maintenance needs and drastically declining funding through congressional appropriations; (2) it's a win for wildlife and natural resources because it reduces negative impacts from the forest road system; and (3) it's a win for the public because removing unneeded roads from the landscape allows the agency to focus its limited resources on the roads we all use, *improving* public access across the forest and helping ensure roads withstand strong storms.

We are very encouraged to see the Forest Service considering the Payette National Forest Council Ranger District's road system on a watershed scale. We strongly support the agency's thoughtful, strategic approach to improving public access to the forest, reducing negative impacts from forest roads to water quality and aquatic habitats, and improving watersheds and forest resiliency by returning expensive, deteriorating, and seldom used forest roads to the wild.

We strongly support the agency's decision to replace two culverts to allow proper hydrologic function and fish passage. Draft ROD at 25. These are positive actions that should benefit water quality, stream health, and allow for natural fish migration. Finally, we are pleased to see the Forest Service improved its analysis regarding impacts to lynx and lynx habitat, and that it is committed to ensuring the project is consistent with the 2013 LCAS conservation measures for vegetation management in secondary areas. FEIS, Appendix 9 at 81.

3. Parts of the project identified for objection with statement of reasons in support of WildEarth Guardians' objection and suggested remedies.

a. Failure to notify WildEarth Guardians of the objection period.

Forest Service regulations require the responsible official to promptly make available the final EIS and draft ROD to those who are eligible to file an objection. 36 C.F.R. § 218.7(b). WildEarth Guardians submitted timely comments on the draft EIS on March 30, 2016 (hereafter, "Comment"). But we did not receive notice of the final EIS or draft ROD.

Suggestion: Please revise your contact list for this project to ensure WildEarth Guardians receives future notices about this project.

b. The Forest Service fails to consider the Payette’s forest-wide travel analysis report.

In our Comment, we urged the Forest Service to consider its travel analysis report when considering the various road activities proposed as part of the project. *See* WildEarth Guardians Comment at 2-6. The draft ROD states the Forest Service completed a project-level travel analysis process in June 2013, updated in November 2013. Draft ROD at 1, 41. We are very supportive of the Forest Service’s use of a project-level travel analysis process, as stated in our comments. But the Forest Service should have also considered this project and the proposed road activities in light of the Payette’s 2015 forest-level travel analysis report. *See* September 2015 Payette National Forest Forest-wide Travel Analysis Report (Attachment A). *See also* <https://www.fs.usda.gov/main/payette/landmanagement/planning> (last accessed June 6, 2017) (explaining that the forest-wide travel analysis report and maps “will be used to inform future travel management decisions including: identification of minimum road system, identification of unneeded roads to be decommissioned or converted to other uses, and other changes to system roads”).

In Attachment C to this objection, we have noted the recommendations from the Payette’s 2015 forest-wide Travel Analysis Report in a new column, using Table 1 from the FEIS Appendix 2 (Roads Treatment Table). We are unable to break down the benefits and risks of each road because this information is only provided in the forest-wide Travel Analysis Report in a map. *See* Attachment A, Appendix E. The following rows excerpted from Table 1 from show changes to the road system under this project that are inconsistent with recommendations from the Payette’s Travel Analysis Report:

Rd Number	Owner	Road Type	Status	Alt 5	Miles	Travel Analysis Report Recommendation
50165	FS	NFSR	Open	No change	1.55	Improve
50165	FS	NFSR	Open	No change	1.55	Improve
50166	FS	NFSR	Open	No Change	0.13	OML 2, improve
50166	FS	NFSR	Open	No Change	0.34	OML 2, improve
50192	FS	NFSR	Closed	LTC [ML1]	0.55	OML 2, improve
50192	FS	NFSR	Open	No change	0.42	OML 2, improve
50197	FS	NFSR	Seasonal	No change	2.19	Improve
50197	FS	NFSR	Seasonal	No change	1.84	Improve
50203	FS	NFSR	Seasonal	No change	0.23	Improve
50205	FS	NFSR	Closed	No change	1.5	OML 2
50207	FS	NFSR	Open	No change	0.97	IDT evaluate
50219	FS	NFSR	Closed	Full recontour	0.45	Decommission
50240	FS	NFSR	Closed	Full Recontour	0.89	Decommission (part)
50240	FS	NFSR	Closed	Implement BMPs	1.61	Decommission (part)
50243	FS	NFSR	Open	No change	2.51	Improve
50249	FS	NFSR	Closed	No change	0.87	IDT evaluate
50249	FS	NFSR	Open	No change	0.50	IDT evaluate

50256	FS	NFSR	Closed	Full Recont.-PC	0.56	Decommission
50258	FS	NFSR	Closed	Full Recont.-PC	0.72	Decommission
50261	FS	NFSR	Closed	OML1 to OML2	0.43	OML1
50266	FS	NFSR	Seasonal	Full Recont	0.76	Decommission
50266	FS (PVT)	NFSR	Seasonal	No change	0.03	Decommission
50270	FS	NFSR	Seasonal	Full Recont.	0.12	Decommission
50293	FS	NFSR	Closed	Full Recont.	0.43	Decommission
50489	FS	NFSR	Closed	Full Recont.-PC	1.76	Decommission
50496	FS	NFSR	Closed	Full Recont.	0.66	Decommission
50538	FS	NFSR	Closed	Full Recont.	0.17	Decommission
50552	FS	NFSR	Closed	Full Recont.	0.29	Decommission
50553	FS	NFSR	Closed	OML1 to OML2	0.32	OML1
50556	FS	NFSR	Closed	Full Recont.	0.24	Decommission (part)
50566	FS	NFSR	Closed	No change	2.52	Decommission (part)
50701	FS	NFSR	Closed	OML1 to OML2	2.21	OML1
50702	FS	NFSR	Closed	OML1 to OML2	0.28	OML1
50703	FS	NFSR	Closed	OML1 to OML2	0.38	OML1
50704	FS	NFSR	Closed	OML1 to OML2	0.10	OML1
50705	FS	NFSR	Closed	OML1 to OML2	0.23	OML1
50706	FS	NFSR	Open	Full Recont.	0.48	Decommission
50707	FS	NFSR	Closed	Full Recont.	0.47	Decommission
50798	FS	NFSR	Closed	Full Recont.	0.49	Decommission
50798	FS	NFSR	Closed	OML1 to OML2	0.03	Decommission
50798	FS (PVT)	NFSR	Closed	OML1 to OML2	0.08	Decommission
50849	FS	NFSR	Closed	Full Recont.	0.23	Decommission (part)
50849	FS	NFSR	Closed	No change	0.24	Decommission (part)
50849	FS (PVT)	NFSR	Closed	No change	0.01	Decomm (part)
51054	FS	NFSR	Closed	Full Recont.	0.43	Decommission
51054	FS	NFSR	Open	Full Recont.	0.08	Decommission
51142	FS	NFSR	Closed	OML1 to	0.09	OML1

				ML2		
51143	FS	NFSR	Closed	OML1 to ML2	0.15	OML1
51144	FS	NFSR	Closed	OML1 to ML2	0.01	OML1
51298	FS	NFSR	Closed	Full Recont.	1.26	Decommission
51299	FS	NFSR	Closed	Full Recont.	0.15	Decommission
51305	FS	NFSR	Closed	No change	2.30	Decommission
51305	FS	NFSR	NA	New temp road	0.57	Decommission
51305	FS	NFSR	Closed	Spot treatment	0.95	Decommission
51517	FS	NFSR	Closed	Full Recont.	0.83	Decommission
51517	FS	NFSR	Closed	No change	0.33	Decommission
51540	FS	NFSR	Closed	OML1 to ML2	0.28	Decommission
51541	FS	NFSR	Closed	No change	0.58	Decommission
51541	FS	NFSR	Closed	Spot treatment	0.11	Decommission
51549	FS	NFSR	Closed	Full Recont.-PC	0.30	Decommission
51763	FS	NFSR	Open	Convert to trail	3.37	OML2
51785	FS (PVT)	NFSR	Open	No change	0.83	IDT evaluate
51786	FS (PVT)	NFSR	Open	No change	0.05	Decommission
51790	FS (PVT)	NFSR	Closed	No change	0.29	IDT evaluate
51792	FS	NFSR	Closed	OML1 to ML2	0.39	OML1
51895	FS	NFSR	Closed	Outslope 20%	0.35	Decommission
51896	FS	NFSR	Closed	Outslope 20%	0.19	Decommission
51899	FS	NFSR	Open	No change	0.84	Improve
52001	FS	NFSR	Open	No change	0.11	Not analyzed in TAR-?
52002	FS	NFSR	Open	No change	0.19	Not analyzed in TAR-?
51763	FS	NFSR	Open	Convert to trail	1.11	OML2

To the extent that the final decision in this project differs from what is recommended in the forest-wide Travel Analysis Report, the Forest Service must provide an explanation for that inconsistency. *See, e.g., Smiley v. Citibank*, 517 U.S. 735 (1996) (“Sudden and unexplained change . . . or change that does not take account of legitimate reliance on prior interpretation . . . may be ‘arbitrary, capricious [or] an abuse of discretion’”) (internal citations omitted). Here the Forest Service fails to consider the recommendations Travel Analysis Report, much explain why its management approaches differ from the report’s recommendations. The Travel Analysis Report states that “[i]f there is no

compelling administrative or public need for the road in the long-term, then it should be decommissioned.” Attachment A at 25.

Attachment C also includes notes about roads identified for decommissioning under the Travel Analysis Report, but not mentioned in the Roads Treatment Table (see notes in left margin of table on Attachment C). The Forest Service should address whether these roads are within the project area, and if so, explain why it is not addressing those roads under this project.

Suggestion: Revise the EIS and draft ROD to consider and address the Payette’s forest-wide 2015 travel analysis report. Where road actions in this project are inconsistent with that report, explain why there is a change in management approach and how the new approach still allows the agency to achieve its substantive duties under subpart A of the Travel Management Rule to work towards a minimum road system. This includes decisions to change maintenance level from 1 to 2 for many road segments recommended to remain closed under the Travel Analysis Report. For roads recommended for decommissioning in the Travel Analysis Report, but proposed to remain part of the road system under this decision, the Forest Service must identify a compelling administrative or public need for the road in the long-term, or modify its decision to decommission the road segment. Finally, explain why the additional roads noted on Attachment C are not addressed by this project.

c. Based on the Payette’s travel analysis, identify the minimum road system within the project area.

We urged the Forest Service to identify the minimum road system for the project area, based on the factors defining a minimum road system as set forth in subpart A of the Forest Service’s travel rules and in light of the Payette’s forest-wide travel analysis report. *See* 36 C.F.R. § 212.5(b)(1) (“The minimum road system is the road system determined to be needed to meet resource and other management objectives adopted in the relevant land and resource management plan (36 CFR part 219), to meet applicable statutory and regulatory requirements, to reflect long-term funding expectations, to ensure that the identified system minimizes adverse environmental impacts associated with road construction, reconstruction, decommissioning, and maintenance.”). WildEarth Guardians Comment at 2-6. We have several concerns with how the minimum road system is addressed in this analysis.

First, it is unclear which road segments are actually part of the minimum road system. At one point, the Forest Service identifies the minimum road system as 139 miles, reducing roads accessible by passenger vehicles by 10 miles, adding 15 miles of motorized trails. Draft ROD at 5. *See also id.* at 24. This reduces the system roads by 19 miles. Draft ROD at 41. But elsewhere in the draft decision the Forest Service states that the selected alternative results in a total of 401 miles of NFS road in the project area, reflecting a reduction of 68 miles from the existing miles on the landscape. Draft ROD at 40.

Second, the Forest Service failed to consider the factors defining a minimum road system or the Payette’s forest-wide Travel Analysis in its determination. The Forest Service states that the minimum road system will be the NFS road system identified by the selected alternative in the ROD. FEIS, Appendix 9 at 84. In its draft decision it states that the Interdisciplinary Team (IDT) identified a minimum road system recommendation that identified roads needed, based on the 2013 project-level travel analysis report. Draft ROD at 26; FEIS Section 1.9. But the Forest Service never

analyzed how the roads identified under the selected alternative in the ROD meet the factors defining a minimum road system.

Identification of the minimum road system without considering the factors set forth by regulation or the Payette's Travel Analysis Report is inconsistent with the agency's own rules. As noted above, the Forest Service failed to consider the Payette's forest-wide Travel Analysis Report, and therefore its analysis of whether the roads identified to remain part of the road system was not based on the best available science and failed to consider its own more recent, and well-informed, recommendations about managing these roads.

In fact, the FEIS fails to show how the IDT made its identification of the MRS at all. The draft ROD states that the agency considered the risk and benefit of each road in the project area. Draft ROD at 26. The Forest Service says the IDT assessed road risk to hydrology and watershed function in its project-level travel analysis plan process by considering proximity to water, number of crossings, and existing road condition. FEIS, Appendix 9 at 88. But this information is not provided.

This precludes the public from providing meaningful comment about the proposed road actions. The Road Treatment Table in Appendix 2 provides only the road number, owner, jurisdiction, status, proposed actions under each alternative, and total miles of each road segment. It fails to provide the risks or benefits of each of these roads, expected long-term maintenance costs, or recommendations from the Payette's forest-wide Travel Analysis Report or even the 2013 travel analysis report that the Forest Service says it completed to analyze road actions under this project. As noted above, the forest-wide Travel Analysis Report also fails to show the risks and benefits of each road segment to support its ultimate recommendations.

Suggestion: As discussed in our comments, the Forest Service should identify the minimum for this project area in light of the recommendations set forth in the Payette's forest-wide Travel Analysis Report. This would be consistent with directive memoranda from the Forest Service's Washington Office.¹ Proper identification of the minimum road system would also require the Forest Service to identify roads that are no longer needed and therefore should be decommissioned or considered for other uses (see next section), not slated for closure. 36 C.F.R. § 212.5(b)(2). Clarify whether the Forest Service identified the minimum road system for this project area, and if so, which road segments it includes. Modify the EIS and ROD to demonstrate how it identified the minimum road system consistent with the Payette's forest-wide Travel Analysis Report and in light of the factors listed at 36 C.F.R. § 212.5(b)(1).

d. The Forest Service should consider decommissioning more unneeded roads to properly restore and protect the project area's ecology from negative road impacts.

Guardians commented that the Forest Service should consider unneeded roads for closure or decommissioning. Comment at 6-8. Subpart A of the Forest Service's own travel rules requires it to identify unneeded roads to prioritize for decommissioning or to be considered for other uses. 36 C.F.R. § 212.5(b)(2). *See also Center for Sierra Nevada v. U.S. Forest Service*, 832 F. Supp. 2d 1138, 1155

¹ *See, e.g.*, Memorandum from Leslie Weldon to Regional Foresters *et al.* on Travel Management, Implementation of 36 CFR, Part 212, Subpart A (Mar. 29, 2012) ("The next step in identification of the [minimum road system] is to use the travel analysis report to develop proposed actions to identify the [minimum road system].") (Attachment B).

(E.D. Cal. 2011) (“The court agrees that during the Subpart A analysis the Forest Service will need to evaluate all roads, including any roads previously designated as open under subpart B, for decommissioning.”). A decision to decommission roads should also consider recommendations from the Payette’s forest-wide Travel Analysis Report. 36 C.F.R. § 212.5(b)(2) (requiring decisions about which roads are needed to be based on “a science-based roads analysis at the appropriate scale.”).

Here, we are very disappointed to see the total miles of road (system and unauthorized) identified for decommissioning decrease from 80.7 miles in the original proposed action (Alternative 2) to 76.1 miles in the selected Alternative 5.² Overall miles for decommissioning is even less than the proposed Alternative 2 from the DEIS, despite EPA comments suggesting the Forest Service consider the vegetation management levels from Alternative 2 with *more* road decommissioning to create a vegetation management *and* restoration focused alternative. Because it will likely be many years before the Forest Service returns to re-assess the roads in this project area, this is a major missed opportunity to comprehensively address the road system under this landscape restoration project.

Under Alternative 5 the Forest Service will decommission only 16 miles of system roads. Instead of decommissioning, 1.5 miles will go to long-term closure and 4.5 miles of unauthorized routes will remain on the landscape. Draft ROD at 44, Table ROD-8.

As forest road users and conservationists, we understand that a strategic reduction in road miles does not necessarily equate to a loss of access. Some roads are already functionally closed, either due to washouts, lack of use, or natural vegetation growth. Other roads receive limited use and are costly to maintain. Resources can be better spent on roads providing significant access than to spread resources thinly to all roads. This is why we urge a more probing analysis of roads and a revised decision that would decommission more of the roads the forest has identified as unneeded.

Long-term Closure vs. Decommissioning

The draft decision proposes long-term closure of 19.3 miles of road, compared to the original action that proposed long-term closure of 17.8 miles of road. The Forest Service explains these roads were high-priority candidates for long-term closure due to their location within an RCA or proximity to streams or stream crossings. Draft ROD at 24. It also states these roads were identified as unneeded for a period of at least 30 years. *Id.* Closure includes scarifying, installing cross-ditches, removing or bypassing culverts, establishing vegetation at stream crossings, and blocking or recontouring the entrance. *Id.* The Forest Service envisions “maintenance-free storage of the road.” *Id.*

The Forest Service should not rely on road closures as a proxy for decommissioning roads. Indeed, the Forest Service Manual directs forests to prioritize decommissioning unneeded roads. FSM 7703.12(5) (Road Management) (“Give priority to . . . decommissioning unneeded roads, or, where appropriate, converting them to less costly and more environmentally beneficial uses.”). Closing roads—instead of decommissioning—does nothing to actually reduce the miles of system roads in the agency’s road inventory since stored roads remain on the Forest Service inventory and retain Road Management Objectives in the system, while decommissioned roads are removed from the

² As noted in our Comment, including the number of unauthorized road miles in the calculation of roads to be decommissioned improperly skews the analysis.

Forest Service road inventory. Closed roads remain on the landscape and therefore would still present a risk to the ecosystem. As noted above, the FEIS fails to provide the public with information regarding the risks and benefits of each road, so we are unable to fully comment on whether each road identified for long-term closure would be better addressed through decommissioning.

Closed roads remain on the landscape and therefore would still present a risk to the ecosystem. No maintenance is planned for roads while in storage. In contrast, returning expensive, deteriorating, and seldom used forest roads to the wild would significantly reduce the risks those roads pose to the ecosystem. Decommissioning more road miles would better achieve the stated needs for this project.

Decommissioned Roads Open to Grazing

The Forest Service notes that some roads identified for decommissioning will still provide access for cattle and other grazing permit activities. Draft ROD at 24. It envisions “a barrier to unauthorized use,” but states that final actions will be determined during implementation. *Id.* Later on the agency mentions gates (for ML2 roads only), barriers, or obliterating the first portion of the road. Draft ROD at 26.

Roads slated for decommissioning should not remain open to cattle and other grazing activities. 23.4 miles of the roads (system and unauthorized) proposed for decommissioning are located in RCAs. Draft ROD at 25. Allowing cattle and other grazing activities to continue on these roads will defeat on the main purposes of decommissioning, to return the forest to desired conditions. The negative impacts of cattle on riparian areas is well documented in scientific literature. What’s more, using barriers instead of fully decommissioning this roads is likely to lead to unauthorized use in the future, also averting the purpose of the decommissioning.

Decommissioning More Roads will Achieve the Purpose, Desired Conditions, Forest Plan Road Densities

In explaining why this project was a priority project for the Payette, the Forest Service notes, “due to the past management actions there is higher than desired road densities” and “[t]he need for restoration is driven by the departure from desired conditions.” FEIS, Appendix 9 at 83. But the proposed action will not achieve road densities set by the Payette’s forest plan. *See* Draft ROD at 31 (“total road density for the Project area will be 3.8 miles per square mile for all ownership and 2.1 miles per square mile on NFS land only” and “Mica Creek is the only subwatershed that would achieve the Forest Plan recommended 1.7 miles per square mile”).

Draft ROD at 46, Table ROD-9:

Soil, Water, Riparian, and Aquatic (SWRA) Resources Objective 6: Improve watershed and aquatic function and integrity by moving all watersheds within the Project area towards the desired condition for the soil, water, aquatic, and riparian resources.					
Road Density by Subwatershed (miles/square miles); All Ownership/National Forest Land Only					
Subwatershed	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5
Granite Creek	4.6/4.2	3.0/2.5	2.6/2.1	3.1/2.6	3.1/2.6
Jungle Creek	5.9/3.1	5.3/2.1	5.3/2.1	5.4/2.2	5.5/2.3
Little Fall Creek	3.4/3.9	2.7/1.8	2.7/1.8	2.8/1.9	2.9/2.2
Mica Creek	4.8/2.6	4.0/1.6	4.0/1.6	4.1/1.6	4.1/1.7

Decommissioning more of the system roads and all of the unauthorized roads in the project area would be consistent with many of the Payette forest plan’s Weiser River Management Area objectives. *See, e.g.*, FEIS at 16 (noting direction to “Improve water quality . . . by reducing road-related accelerated sediment through a combination of road decommissioning, realignment, reconstruction, and maintenance,” “Restore riparian vegetation and floodplain function . . . by reducing road-related impacts through relocation, realignment, or obliteration”).

It would also better achieve road densities for great elk security. *See* FEIS at 353. Under the Payette’s Forest Plan, TEPC Objective TEOB03 is to “Identify and reduce road-related effects on TEPC species and their habitats using the WARS and other appropriate methodologies.” Payette Forest Plan, page III-8. The draft ROD notes that the project area will still fail to meet forest plan road density standards. In response to our comments, the Forest Service states that it is using the Hillis Paradigm for managing elk security areas, but that creating elk security in this project area has been problematic due to habitat alterations from the Grays Creek Fire in 2007, large amount of private land inholdings, and location of main arterial Forest System roads needed for resource management in the drainage. FEIS, Appendix 9 at 82, 100. Yet as identified in the Roads Treatment Table, the Forest Service is choosing to forgo many opportunities to decommission roads that are not subject to private land inholding interests and that are not high-benefit roads, according to the Travel Analysis Report recommendations.

Decommissioning more roads would also further the purpose and need of this project. The Forest Service lists in its statement of purpose and need a purpose to move subwatersheds towards desired conditions, with an emphasis on improving water quality by reducing road-related accelerated sediment through a combination of road obliteration, realignment, and maintenance. FEIS at 18-19. All of the subwatersheds within the project area are listed as either functioning at risk (Class 2) or impaired function (class 3) under the Watershed Condition Framework. FEIS at 18.

Adding Unauthorized Routes to the Road System

Instead of working to reduce the miles of system roads, consistent with the Payette forest plan’s direction, the agency proposes to *add* 3.9 miles to its road system. Draft ROD at 27, 44. It also proposes to keep up to 2 miles of unauthorized roads in the project area. Draft ROD at 26. Based on Table 1 from the FEIS Appendix 2 (Roads Treatment Table) (excerpted below) it is unclear how the Forest Service plans to address 1.25 miles of unauthorized roads within the project area.

Rd Number	Owner	Road Type	Status	Alt 5	Miles
502061000	FS	Unauthorized	Unauthorized	Add to system	0.27
502061050	FS	Unauthorized	Unauthorized	Add to system	0.10
502113510	FS	Unauthorized	Unauthorized	Add to system	0.11
502113510	FS	Unauthorized	Unauthorized	Add to system	0.03
502113560	FS	Unauthorized	Unauthorized	Add to system	0.60
502113577	FS	Unauthorized	Unauthorized	Add to system	0.56
502183500	FS	Unauthorized	Unauthorized	Add to system	0.22
502183570	FS	Unauthorized	Unauthorized	Add to system	0.53
502187000	FS	Unauthorized	Unauthorized	Add to system	0.05
502187010	FS	Unauthorized	Unauthorized	Add to system	0.53

502189080	FS	Unauthorized	Unauthorized	Unauthorized (?)	0.62
503142000	FS	Unauthorized	Unauthorized	Unauthorized (?)	0.13
504821000	FS	Unauthorized	Unauthorized	Unauthorized (?)	0.12
504822000	FS	Unauthorized	Unauthorized	Unauthorized (?)	0.15
509151000	FS	Unauthorized	Unauthorized	Unauthorized (?)	0.23
512982000	FS	Unauthorized	Unauthorized	Add to system	0.35
513061000	FS	Unauthorized	Unauthorized	Add to system	0.05
513061010	FS	Unauthorized	Unauthorized	Add to system	0.19
513061020	FS	Unauthorized	Unauthorized	Add to system	0.34
Total unauthorized road miles to add to system					3.93 miles
Total unauthorized road miles in project area unaddressed					1.25 miles

The Forest Service should not add unauthorized roads to its system through a process focused on right-sizing an already unaffordable road network. Our comments noted a lack of information about the risks and benefits of these unauthorized roads. WildEarth Guardians Comment at 11. Forest Service policy directs the agency to carefully consider and document the road management objectives, environmental impacts, and social and economic benefits associated with any proposed addition before adding roads to the system. *See* Forest Service Handbook 7703.26(1). It also directs the agency to consider long-term road funding opportunities and obligations as part of any decision to add road miles to the system. *Id.* 7703.26(2). *See also* FSM 7715.03(7) (noting that “Ranger Districts should avoid adding routes to the Forest transportation system unless there is adequate provision for their maintenance”).

Suggested Remedy: Based on current natural resource conditions, assessed risks from the existing road network, road densities across the landscape, the agency’s limited resources, and long-term funding expectations, additional road decommissioning is warranted. The Forest Service should prioritize road decommissioning to enhance landscape connectivity and ecological integrity based on, *inter alia*, benefit to species and habitats, addressing impaired or at-risk watersheds, and achieving road density standards. Consistent with the Payette forest-wide travel analysis report, Forest Service policy and guidance, and the Payette forest plan, the Forest Service should modify its decision to include more road decommissioning to reduce road densities and thereby better protect wildlife, wildlife habitat and water quality. The Forest Service must not add unauthorized roads to the road system. Instead, the agency should fully recontour these roads, including the 1.25 miles of unauthrized roads that are unaddressed.

e. Failure to provide assurances that impacts from temporary roads will in fact be temporary in light of very real impacts.

Here we are also very disappointed to see the number of temporary road miles increase from 34.8 miles in the original proposed action (Alternative 2) to 41 miles in the selected Alternative 5. Draft ROD at 49, Table ROD-10. The decision also authorizes additional, incidental temporary roads, without specifying the actual miles of incidental roads or specific locations. Draft ROD at 22. We commented that the impacts of temporary roads are far from temporary and avert the intent of subpart A of the Travel Management Rules. WildEarth Guardians Comment at 8-9.

In response to our comments, the Forest Service states that *all* temporary roads will be decommissioned and fully recontoured as part of the timber and stewardship contract, ensuring that

temporary roads do in fact get decommissioned upon project completion. FEIS, Appendix 9 at 81, 92, 94. This assurance is inadequate. The Forest Service provides no temporal limitation, or explanation for how these contracts will be enforced. Based on the Forest Service's history across the West, many roads exist on the landscape precisely as a result of reliance on timber contracts that never get fulfilled.

Suggested Remedy: Understanding that reliance on timber contracts to address temporary roads following project completion has not proven effective in the past, the Forest Service must provide better assurances that temporary roads will be addressed to ensure the impacts are not long-term. The Forest Service should incorporate monitoring as part of the terms of its decision, instead of simply deferring to timber contracts where enforcement is uncertain.

f. Consult with the US Fish and Wildlife Service under the ESA

In our comments we urged the Forest Service to comply with the Endangered Species Act. WildEarth Guardians Comment at 12-13. The Forest Service notes that due to new eDNA sampling results in No Business Creek from 2016, the Forest Service changed its determination from "no effect" to "may affect, not likely to adversely affect" bull trout. Draft ROD at 97. It developed an adaptive management strategy to conduct 10 additional eDNA samples in 2017 to verify the positive 2016 result. *Id.* The agency notes that if any of the 10 samples are positive for bull trout, the agency will remove RCA treatments in the No Business Creek drainage (475 acres). *Id.* If all 10 samples are negative, the RCA treatments would continue to occur. *Id.* We are concerned that this approach improperly fails to give the benefit of the doubt to the species, waiting to take protective measures unless and until there is confirmation of bull trout presence.

Are the RCA treatments allowed to begin before the 2017 eDNA sampling is complete? *See, e.g.,* Draft ROD at 97 (noting that if all samples are negative, "Treatment would *continue* to occur") (emphasis added).

What's more, this approach seems inconsistent with the Payette's forest plan direction, which direct the Forest Service to design management to provide habitat components that are required by listed species, regardless of whether the species are physically present in the area. *See, e.g.,* TEGO04 ("Design and implement management actions to provide for ecological conditions, population viability, reproductive needs, and habitat components required by threatened, endangered, proposed, and candidate (TEPC) species."), TEGO05 ("Provide for well-distributed habitat capable of maintaining self-sustaining, complex, interacting groups of TEPC species"), TEGO06 ("Provide habitat capable of maintaining or increasing trends in abundance of TEPC species in all recovery units"). If the Forest Service only protects those areas where bull trout already exist from riparian vegetation management, it can never expect to bring the species back towards recovery.

Suggested Remedy: The Forest Service should revise its approach to clearly prohibit treatment in RCAs where bull trout may be present, not wait until confirmation that they are present. The Forest Service should also provide the public with all of the ESA consultation documentation supporting this decision, including any Letters of Concurrence of Biological Opinions from the Fish and Wildlife Service.

Conclusion

WildEarth Guardians appreciates your consideration of the information and concerns addressed in this objection, as well as the information included in the attachments. Pursuant to 36 C.F.R. § 218.11, we respectfully request to meet with the reviewing officer to discuss these concerns and suggested resolutions. Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Marla Fox". The signature is written in a cursive, flowing style.

Marla Fox
Rewilding Attorney

List of Attachments

Attachment A: September 2015 Payette National Forest Forest-wide Travel Analysis Report (attachment includes only Appendices A, E and F because they are referred to in this objection; all other appendices the Payette National Forest has access to and are available online).

Attachment B: Memorandum from Leslie Weldon to Regional Foresters *et al.* on Travel Management, Implementation of 36 CFR, Part 212, Subpart A (Mar. 29, 2012).

Attachment C: FEIS Appendix 2, Table 1 (Roads Treatment Table) with additional column noting recommendations from the Payette's 2015 forest-wide Travel Analysis Report.