



IDAHO  
CONSERVATION  
LEAGUE

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## BEFORE THE REGIONAL FORESTER, INTERMOUNTAIN REGION, USDA FOREST SERVICE

**IDAHO CONSERVATION LEAGUE**  
Objector

v.

**Objection to the Middle Fork Weiser  
River Project Final Environmental  
Impact Statement (FEIS) and Draft  
Record of Decision (DROD), Council  
Ranger District, Payette National  
Forest**

**Keith Lannom, Forest Supervisor**  
Responsible Official

### **Objector's Contact Information:**

**IDAHO CONSERVATION LEAGUE:** John Robison, Lead Objector, Public Lands Director, P.O. Box 844, Boise, ID, 83701. Phone: (208) 345-6942 ext. 13, [jrobison@idahoconservation.org](mailto:jrobison@idahoconservation.org)

### Certification of Filing

This objection was timely filed by electronic transmission to [objections-intermntn-regional-office@fs.fed.us](mailto:objections-intermntn-regional-office@fs.fed.us) and also faxed to (801) 625-5277, ATTN: Objection Deciding Officer.

DATED this 3rd, day of July, 2017.

Sincerely,

John Robison  
Public Lands Director  
[jrobison@idahoconservation.org](mailto:jrobison@idahoconservation.org)  
(208) 345-6942 x 13  
Lead Objector

# **Objector's Notice, Statement of Reasons & Suggested Remedies**

## **Notice of Objection**

Pursuant to 36 CFR § 218 Subparts (A) and (B), the Idaho Conservation League hereby objects to the Middle Fork Weiser River Management Project (project), proposed by Payette National Forest (PNF) Forest Supervisor Keith Lannom (responsible official) on the Council Ranger District (Ranger District).

### **Connection between prior specific comments**

The Idaho Conservation League has been engaged in discussions and deliberations on this project since it was initially scoped in January 2015. We also submitted comments in March 25, 2016 in response to the Draft EIS as one of the members of the Payette Forest Coalition. In addition, ICL is a member of the Payette Forest Coalition. We have participated in numerous discussions about the project on several occasions at Payette Forest Coalition meetings. Lastly, ICL partnered with the Forest Service's Rocky Mountain Research Station (RMRS) to sample areas pre-selected by the RMRS as part of the Rangewide eDNA Bull Trout Project. One positive sample was collected on June 17, 2016 in No Business Creek within the Middle Fork Weiser River Project. This positive sample was unexpected because previous bull trout surveys had been negative, there is a fish barrier downstream on the Middle Fork Weiser, and the area is outside of bull trout critical habitat.

## **Statement of Reasons**

The Idaho Conservation League has invested significant time and resources in developing recommendations for the Middle Fork Weiser River project and want to see the project successfully implemented in a timely manner in such a way that projected benefits are realized and negative effects are successfully avoided, minimized and mitigated.

We support the project's overall purpose and the proposed balancing among alternatives as detailed in Alternative 5 and the DROD. We feel this carefully crafted combination of alternatives is necessary to strike the appropriate balance for meeting project objectives.

We are concerned, however, that these design features may not be carried through to the final decision and implementation. That is, if changes are requested by another party and if the final decision differs substantively from Alternative 5, the final outcome may not strike the appropriate balance among project goals. In addition, if the current analysis is not sufficient to support these changes, the project may not be implemented in a timely manner.

As such, we intend use the objection process to strengthen the project record, address any remaining issues of uncertainty, update the adaptive management

approach to better guide project implementation and participate in any objection resolution discussions with any other objectors.

If the Payette National Forest is committed to selecting and implementing Alternative 5 as described in the Draft Record of Decision, the Idaho Conservation League would be willing to withdraw this objection.

## **I. Possibility of NFMA and NEPA violations**

If the Forest Service selects a Final Record of Decision that differs substantively from Alternative 5, we are concerned that this may potentially represent a NFMA violation. The project activities were developed in accordance with the Forest Plan and if the combination of activities is not carried forth as envisioned in Alternative 5, we are concerned that the project will fail to meet the stated purposes as directed by the Forest Plan.

In addition, if the Forest Service selects a Final Record of Decision that differs substantively from Alternative 5, the current analysis may not be sufficient to support these changes this may represent a potential NEPA violation.

## **Suggested Remedies**

- We ask that the Forest Service select and implement Alternative 5 as described in the Draft Record of Decision
- We recommend that the Forest Service include a summary of implementation and effectiveness monitoring results from the Riparian Conservation Area treatments in the Mill Creek Council Mountain and Lost Creek Boulder Creek Projects. This summary should contain the following information:
  - What percent of approved commercial RCA treatments were actually implemented?
  - In RCAs where treatments were implemented, what were the results with regard to fuel loads, canopy cover, commercial volume, coarse woody debris, and stream temperature?
  - What were the effects on terrestrial and aquatic organisms of RCA treatments?

Having these additional materials in the Project Record for the Middle Fork Weiser River Project should help support the DROD and better address any uncertainties about the impacts of treatments. These supplemental materials could also help direct implementation and effectiveness monitoring efforts for the Middle Fork Weiser River Project and guide any adaptive management decisions for this and future projects.

- If the Forest Service selects a different alternative or combination of alternatives, we ask that the Forest Service work with the Idaho Conservation League, the Payette Forest Coalition, and any other objectors to craft an alternative that works for all parties.
- If the Forest Service commits to implementing Alternative 5 as described in the DROD, we intend to withdraw this objection in a timely manner and before the SORT is convened.

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