

STATEMENT OF  
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Before the Subcommittee on Forests and Forest Health  
U.S. House of Representatives Committee on Resources  
Concerning  
MANAGEMENT OF SOUTH JARBIDGE CANYON  
ON THE  
HUMBOLDT-TOIYABE NATIONAL FOREST

Saturday, November 13, 1999  
Elko, Nevada

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to be with you today to discuss management of the South Jarbidge Canyon in the Jarbidge Ranger District of the Humboldt-Toiyabe National Forest. Today I am accompanied by Ben Siminoe, Assistant Forest Supervisor of the Humboldt-Toiyabe National Forest.

The Forest Service faces the dilemma of providing public access in South Jarbidge Canyon, while maintaining fisheries habitat and proper functioning condition of the watershed. The alternative of rebuilding the Forest Road #64, known as the South Canyon road, has been analyzed extensively, and the Forest Service does not believe this is a feasible option.

In my testimony, I will summarize the analysis of South Jarbidge Canyon and the events that have affected the management of this canyon and its aquatic resources.

South Jarbidge Canyon is a narrow canyon with steep slopes prone to periodic debris flows. Forest Road #64 is located adjacent to the west fork of the Jarbidge River in the bottom of the canyon. The road is owned by the United States, and managed by the Forest Service. The road was built around 1910 or 1911 by miners accessing their claims. Over the years, local residents, Elko County, and the Forest Service have maintained the road. Records since the 1950's indicate that floods have washed out portions of this road about once every 10 years. Prior to 1995, Forest Road #64 was roughly two miles long and terminated at a parking area that includes an outhouse and a horse loading ramp. Along the road, about one-half mile from the parking area, is another outhouse and four primitive campsites. In 1995, a flood washed out portions of the upper 1.5 miles of Forest Road #64.

In 1997, the Humboldt-Toiyabe National Forest prepared an environmental assessment (EA) and the District Ranger issued a decision to rebuild Forest Road #64. The Regional Forester reviewed the 1997 decision as part of an administrative appeal and remanded it to the Humboldt-Toiyabe National Forest for further analysis on the effects to bull trout and other aquatic species from road construction and from possible future road failure. The west fork of the Jarbidge River is home to a unique population of bull trout due to its isolation and its location on the southern boundary of bull trout habitat.

On June 13, 1998, the Fish and Wildlife Service proposed listing the Jarbidge River bull trout under the Endangered Species Act. In April, 1999, the bull trout were formally listed as a threatened species. The listing requires the Forest Service to consult with the U.S. Fish and Wildlife

Service on agency actions, such as construction or reconstruction, to ensure the trout's survival is not jeopardized.

In late June, 1998, the Humboldt-Toiyabe National Forest released the second EA for public comment. Although this EA included alternatives for rebuilding the road, the preferred alternative was a 1.5 mile lofted trail to access Snowslide Trailhead. In the EA, the Humboldt-Toiyabe National Forest proposed to provide access to the area in a way that would allow for management of the watershed and associated fisheries while addressing the economic needs of the town of Jarbidge. The Forest Service has not made a final decision regarding reconstruction of the road and when it does, it will be subject to administrative appeal and judicial review.

Elko County did not submit comments during the 30 day comment period for the EA. However, the County did make public statements claiming that Forest Road #64 was needed for emergency fire protection, to help provide camping and picnicking opportunities, and to provide access to the elderly and handicapped. The Forest Service suggested that campsites could be developed in other locations to meet this need. A trail alternative that would allow access for all-terrain vehicles has been added to the analysis and is being considered in the ongoing National Environmental Policy Act (NEPA) process. Only recently has Elko County claimed ownership of Forest Road #64 under RS2477.

While the Forest Service continued to evaluate the environmental effects of the various alternatives for Forest Road #64, Elko County Commission directed its county road department to reconstruct Forest Road #64. This

reconstruction work began on July 21 but was halted on July 22, 1998, when Nevada Department of Environmental Protection and U.S. Army Corps of Engineers issued cease and desist orders.

The section of South Jarbidge Canyon altered by the County's construction activities was extremely unstable and at risk for failure. To prevent further damage to the aquatic habitat of the Jarbidge River, stabilization work on the river channel and surrounding floodplain was necessary before the onset of winter. In November and December 1998, Forest Service and contracted crews rehabilitated the damaged area. To stabilize the site before the spring because had the site been left in a unstable condition, there could have been severe damage during spring snowmelt and runoff. The rehabilitation cost was about \$400,000.

Senator Harry Reid formed a working group consisting of representatives from Elko County, the U.S. Fish and Wildlife Service, the Forest Service, Trout Unlimited, Nevada Department of Wildlife, Congressman Gibbons' office, and several fisheries experts to discuss whether Forest Road #64 could be rebuilt without harm to the aquatic habitat. In April of 1999, the group consensus was that, if rebuilt, Forest Road #64 would adversely impact the aquatic habitat and the bull trout.

On August 27, 1999, the U.S. Attorney's Office, District of Nevada, notified Elko County that it intended to file suit against the County to recover the cost of the 1998 stabilization work and to address violations of the Clean Water Act unless some resolution of this dispute could be negotiated. Negotiations are ongoing.

Two months ago, three individuals announced that they were organizing a work party to re-open Forest Road #64. If this event had gone forward as planned, damage could have occurred to the bull trout and its habitat. On October 7, 1999, the United States filed suit against the three individuals and the work party. In connection with the lawsuit, a U.S. district court judge issued a temporary restraining order enjoining the "work party" due to likely violations of the Endangered Species Act that would occur.

Subsequently, on October 21, 1999, the same district judge joined Elko County in the lawsuit against the "work party" and directed all parties to participate in settlement negotiations to be mediated by the U.S. Institute for Environmental Conflict Resolution. We hope that a settlement at this time can be reached to resolve the matter once and for all.

#### **SUMMARY:**

In conclusion, the Forest Service and the other involved state and federal agencies look forward to bringing this issue to closure. The NEPA analysis of Forest Road #64 is ongoing and the District Ranger will issue another decision for public review and comment in the near future. We sincerely hope that Elko County will actively participate in this established planning process.

Madam Chairman, this concludes my statement. I will be happy to answer questions you may have.