

IDAHO PARK AND RECREATION BOARD SPECIAL TELECONFERENCE MEETING

“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”

March 5, 2012

**Originating at IDPR Headquarters
Teleconference Meeting**

AGENDA.....1

Monday

March 5, 2012

- 10:00 a.m. Call to Order
Additions or deletions to the printed agenda

- 10:05 a.m. Review, Discussion and Action regarding House Bill 542 *AI Director Merrill.....2

- 10:30 a.m. Update on the Clearwater National Forest Travel Plan Decision Appeal.....3
* IO Director Merrill

- 11:00 a.m. Adjourn

Please Note: Discussion times for agenda items are approximate. The Board reserves the right to move agenda items and adjust time schedule as needed.

(1) This is the final agenda. Copies of the agenda will be available at the Idaho Department of Parks & Recreation, 5657 Warm Springs Avenue, Boise, Idaho. The agenda can also be found on the Department Website (www.idahoparks.org) If you have questions or would like to arrange auxiliary aids or services for persons with disabilities, please contact the Department Administrator of Management Services at 208-334-4199. Accommodations for auxiliary aids or services must be made no less than five (5) working days in advance of the meeting.

(2) The Action Items address policy and program items the Board may wish to discuss prior to making a formal recommendation or decision. An item may be moved from this agenda area to another at the request of the Board.

IDAPA RULE

IDAPA FEE

BOARD ACTION REQUIRED

BOARD POLICY

INFO ONLY, NO ACTION REQUIRED

AGENDA

Idaho Park and Recreation Teleconference Board Meeting

March 5, 2012

Originating from IDPR Headquarters

Boise ID

AGENDA ITEM: Review, Discussion and Action regarding House Bill 542

PRESENTER: Director Merrill

PRESENTATION

BACKGROUND INFORMATION:

Idaho Department of Fish and Game are presenting the following bill, 0542 to legislature:

MOTORIZED VEHICLES - HUNTING - Amends existing law relating to taking of wildlife to revise provisions relating to the prohibition on hunting from a motorized vehicle and to establish provisions relating to restrictions on rulemaking and policy relating to motorized vehicle use on trails or roads on certain lands.

The complete bill is locate at <http://www.legislature.idaho.gov/legislation/2012/H0542.pdf>.

IDAPA RULE

IDAPA FEE

BOARD ACTION REQUIRED

BOARD POLICY

INFO ONLY, NO ACTION REQUIRED

AGENDA

Idaho Park and Recreation Teleconference Board Meeting

March 5, 2012

Originating from IDPR Headquarters

Boise ID

AGENDA ITEM: Update on the Clearwater National Forest Travel Plan Decision Appeal

PRESENTER: Director Merrill

PRESENTATION

BACKGROUND INFORMATION:

The following letter was sent on February 10, 2012 to the Appeal Deciding Officer
USDA Forest Service – Northern Region regarding IDPR's position on the Clearwater National Forest
Plan:

February 10, 2012

Appeal Deciding Officer
USDA Forest Service – Northern Region
P.O. Box 7669
Missoula, MT 59807

RE: Clearwater National Forest Travel Plan Decision

Dear Appeal Deciding Officer:

The Idaho Department of Parks and Recreation (IDPR) hereby independently appeals the decision for the Final Environmental Impact Statement Clearwater Travel Plan Alternative C Modified, Clearwater National Forest, signed by Forest Supervisor Rick Brazell on November 10, 2011. The legal notice for this decision was published in the Lewiston Morning Tribune on January 12, 2012.

The IDPR is a duly-established executive department of the State of Idaho. Idaho Code §§ 67 2402(1) and 67 4222(a). The IDPR, acting under the supervision of the Idaho Park and Recreation Board, carries out recreational policies and programs of the State of Idaho. Idaho Code §§ 67 4221 and 67 4222. The IDPR is authorized by state statute to prepare and keep current a "Statewide Comprehensive Outdoor Recreation and Tourism Plan" referred to as "SCORTP," for the protection and maintenance of areas of scenic beauty, recreational utility, historic, archeological, or scientific interest for the enjoyment of the people. Idaho Code §§ 67 4219 and 67 4223(h). Consistent with these authorities, the Department participates in USFS land management planning and project planning to further the public interest in recreational, scenic, and historical/archeological values.

The IDPR has participated at every opportunity in the NEPA process that has led to this decision, from initial scoping, participation at Interdisciplinary Team Meetings, and submission of written comments on the draft Environmental Impact Statement. Copies of our written comments on the Notice of Intent and Draft EIS are attached to this appeal.

STATEMENT OF REASONS

1. The decision adopts a forest-wide regulation to restrict motorized use (except snowmobiles) to designated routes on the Clearwater National Forest as described on Page 16, Decision of the Record of Decision Notice. This decision was made without sufficient analysis.

The Final Environmental Impact Statement (FEIS) failed to analyze how route designation would change the Recreational Opportunity Spectrum (ROS) under the range of alternatives. The first ROS Setting Indicator is Accessⁱ. Designating trails motorized or non-motorized can change ROS Settings from Semi-Primitive Motorized to Semi-Primitive Non-Motorized or even Primitive. The very nature of the Motorized Rule, restricting motorized vehicles to designated routes greatly reduces the semi-primitive motorized settings from wide area polygons to linear polygons. The FEIS failed to show how ROS would be changed throughout the range of alternatives.

Our staff recommended that ROS be mapped on the range of alternatives and offered assistance with this effort. Unfortunately, the planning team only analyzed whether the existing ROS Standards were violated under the range of alternatives.

Alternative C Modified reduces motorized trail opportunities by 201 miles of the existing condition (Alternative A)ⁱⁱ. The changing of a trail designation from motorized to non-motorized moves the ROS from semi-primitive motorized to semi-primitive non-motorized or even primitive.

The ROS analysis for the Clearwater Travel Plan FEIS is presented in Appendix E. This analysis was conducted using the 2005 Clearwater Land Management Plan Revision Effort. The 2005 ROS Analysis is flawed because it did not consider existing motorized access and use (travel plan regulations) on motorized trails. ROS requires recreation planners to consider motorized access first before assigning ROS classifications. The analysis does show where the Forest Service might designate different ROS opportunities when the forest plan revision is out, but Appendix E doesn't show what the existing conditions are based upon the 1987 Forest Plan and current travel plan designations (2005 Travel Plan).

2. Both FEIS and the DEIS failed to disclose how motorized looping trail opportunities would be impacted throughout the range of alternatives.

Motorized looping opportunities are a significant issue that IDPR requested to be analyzed in this project. Motorized visitors to the Clearwater National Forest (particularly motorcyclists) enjoy numerous looping opportunities. Looping opportunities are essential to providing a quality motorized recreation experience. These areas offer the only area in North Central Idaho that provides multiple loop opportunities that allow riders to create long-distance riding opportunities and multiple decision points on single-track trails. The areas have three key components to a successful OHV Trail System:

- Lots of Trails: Miles equal smiles
- Loops, Loops and More Loops: Lots of Decision Points
- Variety of Topography and Difficulty Levels

The attached KMZ files show how single-track trail motorized trail looping opportunities will be impacted under decision (Alternative C Modified) in the Weitas drainage. Under the current condition (Alternative A); a rider has numerous decision points, a variety of topography and difficulty levels, and a distance of over 90 milesⁱⁱⁱ. The decision reduces these opportunities to 54 miles and reduces decision points, topography and difficulty levels^{iv}. All of these factors reduce the recreation opportunities and satisfaction level for motorcyclists.

The Clearwater National Forest, in particular the North Fork Ranger District, provides the only multi-day looping riding opportunities in North Central Idaho. If Alternative C Modified is adopted, riders will be displaced to other trail systems in Southwest Idaho or North Idaho.

The decision, Alternative C Modified, greatly reduces these opportunities by changing the Trail Designations in Management Areas B2, C1, C6 and C8S.

Looping opportunities could have been qualitatively discussed in better detail in both the Decision Notice and the FEIS. A supplemental EIS should be prepared to address this issue.

3. The Elk Habitat Security Analysis presented in the FEIS is flawed because it overstates impacts of motorized use on trails.

The FEIS presents the motorized zone of influence table on 3-63^v. The buffer widths purported to “represent the zones of influence from Gaines et.al (2003).” The buffer width for trails is stated to be 900 meters. The Gaines Report provided a buffer width recommendation of 300 Meters for Motorized Trails^{vi}. The report further specifies that the zone of influence may be modified based on the topography adjacent to the linear recreation route.

The FEIS greatly overstated the impact that the range of alternatives would have on the motorized information by using a 900 meter influence zone on trails instead of a 300 meter influence. The FEIS alleges that the resources were not available to digitize adjusted buffer widths for road and trails present on the forest. This statement is false.

First of all the GIS information for the travel plan is contained in two separate GIS layers and datasets – one layer for roads and one layer for trails. ArcGIS has a simple buffer tool that allows the user to create different buffer zones for individual layers. The Forest could have easily used many different buffer zones when conducting this exercise under the range of alternatives. The incorrect measure led to misleading and incorrect information for Tables 3-65 and 3-66.

In addition, the Forest already has GIS information available that shows topography on the Clearwater National Forest. The forest has its own contour lines, land types associations, and vegetation layers that could have been used to adjust the buffers; however the ID team failed to do this exercise.

A supplemental EIS needs to be completed to correct the data presented in the FEIS.

4. The Clearwater Travel Management Plan decision violates the 1987 Clearwater National Forest Land Management Plan standard by changing designations of “trail open to motorcycle use” to “non-motorized” in Management Area C8S.

The decision, Alternative C Modified, changes designations on numerous trails in Management Area C8S. The 1987 Forest Plan has a standard which requires the Forest to keep the trails open to motorcycle use. This standard states, “Permit trail bike use on trails suitable for trail bikes until the area is roaded, at which time the entire area will be closed to all public use of motor vehicles.”^{vii}

The Forest Plan standard for C8S areas clearly provides that trail bike (motorcycle) use would be permitted on trails suitable for trail bikes until the area is roaded, after which the entire area would be closed to the use of motor vehicles. The closing of trails in C8S areas that have not been logged or roaded is inconsistent with the plain language of the Forest Plan.

“[O]nce the Forest Plan is adopted, [the National Forest Management Act prohibits any site-specific activities that are inconsistent with the Forest Plan.” Lands Council v. Powell, 395 F.3d 1019, 1032 -1033 (9th Cir. 2005). Section 1926.41 of the Forest Service Manual requires the Forest Service to “confirm and document that the proposed project or activity is consistent with

the management direction in the land management plan. If an action cannot be changed to be consistent, the action must be rejected or the land management plan must be amended” FSM 1926.5.

Likewise, section 29 of Forest Service Handbook 1909.12 requires a project or activity decision document to “include a finding that the project or activity is consistent with the land management plan,” and provides that if “a project or activity cannot be modified to become consistent with the plan, the action must be rejected or the land management plan must be amended or revised.” Alternatively, the responsible official and “amend the plan contemporaneously with the project or activity decision.” FSH 1909.12 § 25.4.

Here, the ROD does not contain any finding that the closures and restrictions in MA C8S are consistent with the Forest Plan. Instead, the ROD merely states that the development “envisioned for these C8S areas in the plan has not occurred and is unlikely to.” That being the case, the appropriate action would be to retain existing motorized trail opportunities.

In our view, it would be more effective to provide seasonal hunting access on Road #555 and allow summer motorized trail access. The decision should have allowed summer motorized Trail access on Bugle Point Trail #580, Cook Mountain Trail #627, Liz Butte Trail #649, Weitas Ridge Trail #173 and Windy Creek Trail # 634 to provide more motorized looping opportunities and provide more effective elk summer habitat. Even with 2005 Travel Designations, this area was already meeting elk habitat effectiveness standards related to motorized route density standards.

5. The decision makes unreasonable seasonal restrictions in Management Area C 1 (Junction Mountain).

The Record of Decision asserts that motorcycle use is having a significant effect on elk populations. If this were true, then why are elk populations declining in Unit 12 (where there are very few single-track motorized trail opportunities because of Wilderness) and in Unit 10 (where there are abundant single-track motorized trail opportunities)? This management area has very few trail opportunities (three single-track trails) and extensive security opportunities for wildlife (no roads or trails).

The 1987 Clearwater Forest Plan Goals for this Management Area to “Manage to Maximize big-game summer habitat potential” and “Provide for high quality dispersed recreation in a semi-primitive motorized setting”^{viii}. Many public comments have stated that the “maximize” statement equates to 100% elk habitat effectiveness (EHE) standard; however the Forest Plan has no EHE standards in the C1 Management Area.

These standards were based upon models that used roads as an indicator for management. Roads have much higher use levels than single-track motorized trails. Trails normally exhibit narrower corridors, smaller cut and fill slopes, shorter sight distances, and denser trail-side vegetations.

Under existing conditions, the entire size of the management area is 73.57 square miles. The total number of motorized trails is 32.86 miles. This gives the total management area a motorized trail density of 0.45 miles/sq mile which is very low. The bulk of the trail system goes through the middle of the management areas and gives large refuges in the Fourth of July Creek drainage, Barnard Creek drainages and between the trails. The drainages have no roads or trails in them.

The 1987 Clearwater National Forest Plan clearly states that single-track motorized trail use should be allowed in Management Area C1. The plan has one standard that states “Manage for dispersed recreation in a semi-primitive motorized setting oriented to big-game hunting activities.”^{ix} It also has another standard to allow motorcycle use on trails. This standard states “Permit trail bike use on trails to the extent that use does not damage trails, result in unsafe conditions for other users, or prevent achievement of fish and wildlife management goals.”^x

The three trails in this MA provide a looping trail system for motorcyclists using Trails #191, Trail #691, and Trail #106. These trails are already providing high elk habitat effectiveness and meeting wildlife management goals. Year-round restrictions are not needed.

The decision (Alternative C Modified) seasonally allows motorcycle use only on Trail #191 and #691 from August 1st to November 15th in order to protect elk. This is the most restrictive seasonal closure for elk ever adopted into a travel plan in Idaho.

Most routes that are located in elk calving habitat have a seasonal opening date of July 1st. A July 1st opening date would be ideal for this management area, because this is when generally the area is free of snow. A July 1st date would also make it more consistent with other seasonal designations in Idaho's National Forests.

6. The decision makes inconsistent management of recommended Wilderness Areas in Idaho.

The decision to restrict all motorized use (summer and winter) with the exception of the Fish Lake Trail within recommended Wilderness (Management Area B2) is inconsistent with the management of other recommended Wilderness Areas in Idaho. The current 1987 Forest Plan allows for semi-primitive uses (motorized or non-motorized). The FEIS assumes that the 1987 Forest Plan designated this area non-motorized because of Recreation Visitor Day (RVD) projection data showing no motorized RVD data^{xi}.

The IDPR staff assumes that no motorized RVD data was shown because Forest Planners assume that these areas would be designated for Wilderness during the life of the Forest Plan. This designation has not occurred, so the projection is incorrect.

Motorcycle and mountain bike use on trails has never changed the status of a proposed or designated Wilderness in Idaho. The impacts that mountain biking or motorcycle riding has on wilderness character are temporary and not permanent. Once an area is legislated as Wilderness the impacts disappear.

Snowmobile use has no effect on recommended wilderness characteristics over time other than the appearance of snowmachine tracks that could occur in some areas but this effect is temporary only during the winter season.

Only Congress can designate Wilderness or remove an area from Wilderness. When Congress does designate Wilderness, it is a political decision, not a resource management decision.

The Owyhee River Wilderness, Frank Church River of No Return Wilderness, the Gospel Hump Wilderness, and Hells Canyon Wilderness all had motorized and mechanized uses in them before they were designated Wilderness. The 2009 Owyhee Management Area Wilderness Legislation actually designated Wilderness on lands that were outside of BLM's Wilderness Study Areas.

Other recommended Wilderness Areas like the Italian Peaks on the Targhee National Forest have had a long history of motorized and mechanized uses. It has never led this area from being dropped from recommended wilderness, despite two forest plan revisions. Other examples exist on the Boise, Payette and Sawtooth National Forests.

7. The decision closes the Eldorado Creek Trail #31 to motorized uses due to watershed concerns. This decision was not based on actual resource concerns.

The IDPR recognizes that the Eldorado Creek is suffering from sedimentation problems. These sedimentation problems are coming from the surrounding roads that have not been decommissioned.

Our staff has maintained the Eldorado Creek Trail #31 trail in the past through our Trail Ranger Program starting in 1989. Without our assistance, this trail would have disappeared from the landscape. The problems associated with this trail are mostly with the upper part (away from the creek). The trail is sloughing on the sidehill in the last half-mile and some work is needed to stabilize the tread. Since the trail mostly lies in the bottom of the canyon and stays away from the creek for the most part, it is not really contributing much, if any sediment.

This trail provides a critical single-track looping opportunity in a roaded setting. Without the occasional assistance from our Trail Ranger Program, the trail is likely to disappear. The ROD should have never closed this trail to motorcycle use.

REQUEST FOR RELIEF

1. The final EIS decision should be withdrawn or remanded with instructions to thoroughly analyze changes to the Recreation Opportunity Spectrum and motorized looping opportunities.
2. Create an additional alternative in a Supplemental EIS that would keep existing motorized trail opportunities in Management Areas B2, C1 and C8S in order to comply with Forest Plan standards.
3. Revise the seasonal designations in Management C1 to be consistent with other National Forest seasonal designations for elk calving habitat (open July 1st).
4. Reconsider designations made within Management Area B2 (recommended wilderness) in order to be consistent with other Idaho National Forests.
5. Reconsider designating the Eldorado Creek Trail #31 for single-track motorized use.
6. Order the Forest Supervisor to take no action towards the implementation of Clearwater National Forest Travel Plan, until SEIS addressing the issues above has been completed.

APPELLANT



Nancy C. Merrill, Director
Idaho Department of Parks and Recreation
P.O. Box 83720
Boise, ID 83720-0065
(208) 334-4199

Appeal Contact
Jeff Cook, Outdoor Recreation Analyst
Idaho Department of Parks and Recreation
P.O. Box 83720
Boise, ID 83720-0065
(208) 514-2483
E-mail: jeff.cook@idpr.idaho.gov

Cc: Idaho Governors Office
Idaho Department of Fish and Game
Clearwater National Forest

ATTACHMENTS

IDPR Notice on Intent Response on Clearwater Travel Plan
IDPR Draft Environmental Impact Statement Response on Clearwater Travel Plan
WeistaAltALoop.kmz
WeistaAltCMLoop.kmz

¹ CHAPTER 60 OF THE ROS USERS GUIDE — PROJECT PLANNING USDA FOREST SERVICE.

¹ Table 3-2 Issues Indicators for Trail and Recreation Opportunities, Clearwater Travel Plan Final Environmental Impact Statement Page 3-97.

¹ WeistaAltALoop.kmz, Idaho Trails Mapping Application <http://www.trails.idaho.gov/>

¹ WeistaAltCMLoop.kmz, Idaho Trails Mapping Application <http://www.trails.idaho.gov/>

¹ Table 3-63: Road and Trail Buffers (Zone of Influence), Clearwater Travel Plan Final Environmental Impact Statement Page 3-310

¹ Assessing the Cumulative Effects of Linear Recreation Routes on Wildlife Habitats on the Okanogan and Wenatchee National Forests, William L. Gaines, Peter H. Singleton, and Roger C. Ross, United States Department of Agriculture Forest Service Pacific Northwest Research Station General Technical Report PNW-GTR-586 November 2003, Table 10 Page 24

¹ Clearwater National Forest Forest Plan Orofino, Idaho, September 1987 Page III-55 Standard 8 b.

¹ Clearwater National Forest Forest Plan Orofino, Idaho, September 1987 Page III-40 Goals

¹ Clearwater National Forest Forest Plan Orofino, Idaho, September 1987 Page III-40 Standard 1 a

¹ Clearwater National Forest Forest Plan Orofino, Idaho, September 1987 Page III-42 Standard 8 b

¹ Table 3-11: 1987 Forest Plan Project File: Recommended Wilderness ROS/RVD Analysis, Clearwater Travel Plan Final Environmental Impact Statement Page 3-129.

IDPR Talking Points for the Clearwater Appeal Discussion with Rick Brazell Clearwater Forest Supervisor:

- The Clearwater National Forest provides the only extensive single-track motorcycle looping opportunities in North Central Idaho. These opportunities draw riders from all over Idaho, Montana, and Eastern Washington.
- The decision eliminates 201 miles of motorized trails opportunities (196 miles for motorcyclists. This is on top of abandoning another 219 miles of trail – a 420 mile loss.
- The seasonal restriction dates (August 1st opening) are the most restrictive dates we have seen. A July 1st or earlier opening date (June 15th is acceptable)

- The closure of trails in the Weitas drainage to protect elk habitat makes no sense when the decision keeps the Lean To Ridge Road #555 open on a yearlong basis. (This road goes right through the middle of the elk calving habitat). The Lean To Ridge Road should be seasonally designated for all vehicles (07/01-11/15) The trails should open on a yearlong or seasonal basis.
- A SEIS needs to be prepared to address the issues we submitted in our appeal
- A revised alternative CM need to be developed to add more trails (List Provided) in the SEIS
- Snowmobiling should still be allowed in the Great Burn Area. This area provides one of the few off-trail high elevation riding opportunities in the Clearwater National Forest. These areas are at a premium because of loss of opportunities in the Selkirks (ESA issues).

Three Possible Outcomes from the Clearwater Appeal:

- 1) The reviewing officer upholds decision
- 2) The reviewing officer reverses the decision
- 3) The reviewing officer upholds the original NEPA decision but issues specific instructions about the project decision.

