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FIELD HEARING ON THE TARGHEE NATIONAL FOREST

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON FOREST AND FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

ON

THE TARGHEE NATIONAL FOREST ROAD CLOSURES AND THE TARGHEE NATIONAL FOREST TRAVEL PLANS DRAFT ENVIRONMENTAL IMPACT STATEMENT

FEBRUARY 13, 1999, REXBURG, IDAHO

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FIELD HEARING ON THE TARGHEE NATIONAL FOREST ROAD CLOSURES AND THE TARGHEE NATIONAL FOREST TRAVEL PLANS DRAFT ENVIRONMENTAL IMPACT STATEMENT

FEBRUARY 13, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FOREST
AND FOREST HEALTH,
COMMITTEE ON RESOURCES,
Rexburg, Idaho.

The Subcommittee met, pursuant to call, at 1:03 p.m., in the Rexburg Tabernacle, 51 North Center Street, Rexburg, Idaho, Hon. Helen Chenoweth [Chairman of the Subcommittee] presiding.

Mrs. CHENOWETH. The Subcommittee on Forest and Forest Health will now come to order.

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mrs. CHENOWETH. I want to thank all of you for coming out today. And I just want to say that during this hearing, we appreciate all of you offering each other the courtesy that is needed for us to be able to make sure everyone on the panels are heard and that everyone has their chance to testify and that those of you in the audience can see those who are testifying; so we would ask if the signs could come down. If you wish to display them or hold them, you are welcome to stand along the side.

So thank you all very much for attending this very important hearing concerning road activities on the Targhee National Forest. In my tenure as Chairman of this Subcommittee, I have had the good fortune of being able to travel to national forests around this great country and to see first-hand the impact that Federal regulations and policies and laws have on the management of our forests. Unfortunately, I have to say that Federal forests across the country have become a political playground for the Clinton-Gore Administration and for their extreme environmental policies.

[Audience response.]

Mrs. CHENOWETH. We will ask that the audience not clap or cheer for anyone who is testifying, and that includes the members of this panel. We would appreciate your courtesy.

The Forest Service mission of caring for the land and serving people has, by administrative fiat, been changed to locking up the

land and keeping people out. This attack on rural America is putting forests and communities at risk.

Just north of here in the Panhandle National Forest, fir beetle outbreaks have moved local foresters to implement an aggressive effort to harvest and remove the affected trees in an attempt to prevent catastrophic fires in coming years. Unfortunately, the administration, with their environmental allies, are trying to stop this, putting their political agenda ahead of forest health and restoration activities. But nowhere is the administration's agenda of locking up the land and keeping people out more evident than it is here in the Targhee.

As you are aware, last summer, the Forest Service closed 400 miles of roads on the Targhee without seeking public input or performing an environmental analysis. The surface of some roads was ripped to a depth of three feet to prevent motorized access. Nearly 400 miles of roads were obliterated by placing six to eight foot high earthen barriers in the roads. Nowhere in America have we seen these kinds of extreme measures taken to prevent public access. In fact, usual terms did not adequately describe these monstrous barriers, so they have become commonly referred to as tank traps. Only in World War II and in the Gulf War have we seen such constructions before, and those were built to stop the advancement of enemy tanks and equipment during battle. One has to ask why in the world is the Forest Service using battle tactics against the American public. Whatever happened to the honorable calling of serving the people and caring for the land?

It is evident that when the Forest Service dug those traps, they buried their common sense.

The road obliterations had immediate effect on Idahoans as access to traditional family camping sites, hunting spots and bicycling and hiking areas was cut off. For many people, snowfall has posed a serious safety problem for snowmobile riders who often cannot see the tank traps. In addition, Fremont County search and rescue personnel are unable to reach many areas of the forest and expect their response time will be affected by these traps.

As road closures spread to the rest of the forest off-highway vehicle users use will be curtailed and additional recreation and hunting spots will be eliminated. This has and will continue to adversely affect local rural economies.

The primary reason given by the Forest Service for this public access restriction is to protect grizzly bear and elk. Elk populations, however, are at an all time high and are doing terrific, according to the Idaho Fish & Game Department. Likewise, grizzly bear are expanding outside recovery areas into new habitat and the Federal agencies are beginning the process of delisting.

Given that elk and grizzly bear are generally doing well in these areas raises a question of why is the Forest Service and the U.S. Fish & Wildlife Service pushing so hard to eliminate another species, and that is people—from these very beautiful national forests.

So in closing, at this time, I would like to take a moment to thank everyone who helped with this hearing, and in particular, I would like to thank Jim Gerber, Adena Cook, especially Senator Stan Hawkins, and my colleagues in the Idaho delegation.

I would also like to introduce our Clerk of the Committee on the Subcommittee on Forest and Forest Health, Natalie Nelson, who will be up here working with us; and my Chief of Staff on the Forest Subcommittee, Doug Crandall.

Also for anyone who would like to add comments to the record, but could not testify, we have provided comment sheets located at the back of the room. However, if it is more convenient, please submit your written comments to the Subcommittee within 10 working days. All of these comments will be placed in the official record of this hearing.

And now, it is my distinct pleasure to present to you the Chairman of the Forestry Committee in the Senate, our senior Senator Larry Craig.

[Applause.]

STATEMENT OF HON. LARRY CRAIG, A SENATOR IN CONGRESS FROM THE STATE OF IDAHO

Senator CRAIG. Helen, thank you very much. Let me ask unanimous consent that my full statement be a part of the record.

Mrs. CHENOWETH. Without objection, so ordered.

Senator CRAIG. Helen, let me also thank you for scheduling and holding this hearing. As Helen mentioned, I am Chairman of the counterpart Forestry Subcommittee on the Senate side, and while I was contemplating a hearing, as most of you know by watching both Senator Crapo and myself, we have been a bit preoccupied for the last month, and that has now been resolved and we will be on with the legislative business of our state and nation. So I thank you, I agree with you.

So it is important that this hearing be scheduled in light of several events that are coming together at this time for all of us to be concerned about, and that is a new forest or road management plan that the United States Forest Service has and is proposing, and how it will impact all of the forests of our nation. As you know, the Targhee was early in developing its forest plan. As a result, when Chief Dombeck announced his road moratorium a year or 18 months ago, the Targhee was left out because of the stage it was in the planning process.

It was during that time that Senator Crapo and I—Mike was then the Congressman—asked—I should not say we asked to meet, many of you asked if you could meet with us in Idaho Falls as it related to the Targhee forest plan, and we met. Supervisor Jerry Reese, who is here today, attended that meeting, and there was a great deal of concern about the character of the plan itself, the new proposed plan, and the change of direction that it was focusing on.

I expressed at that time my real frustration that for the first time in the state of Idaho, we would have a forest plan that would say that this forest is closed unless designated open, that that was a tremendous reversal of a historic cultural policy, if for no other reason; that we in the west loved our public lands and wanted full access to them, but we would accept closure when it was appropriately designated for the right purposes. But to decide that all forests are closed unless designated open was a rather medieval concept known as the king's forests. All of us resented that, and certainly serfdom of that day resented it.

As a result of that, the forest plan itself went to the regional office where there was a review asked. And what stage we are finally in is yet to be determined, but our concern, and Helen said it very well, was it appeared that a plan was beginning to be implemented prior to the plan being final.

Now there are many of you in the audience today who think you hold a different point of view than this Congressional delegation might hold. You might be a bit surprised if you would just listen. The Targhee Forest, since 1984, has been designated, at least in four areas, as grizzly bear habitat. And that forest area has been closed, and we all know that, and you know it. And the bears are recovering and all of us are happy about that. In fact, I was very excited about the idea that we had finally had an effective recovery plan where we could prove in certain areas the Endangered Species Act could work and we were about ready to move toward delisting.

Was the plan and closure being complied to? Well, in looking at the statistics, there was a high level of compliance. Was it a perfect compliance? No. There were some folks who moved around the gated roads, but in large part, it was complied with.

Why then are we here today? I think many of you and your organizations would have been filing lawsuits today if the kind of earth moving activity on the Targhee had been done by anybody other than the Forest Service and had been done for anything other than what you thought it was being done for that you liked. Let me put it this way—I do not believe you can have it both ways. Now I do not believe the Forest Service can implement a plan as dramatic as this one is without first bringing it to completion. They cannot do it, nor would they allow it to be done under a draft environmental impact statement. And yet, much of this has been done. I believe road closures for the purpose of protecting grizzly bear is important and it has been important on the Targhee since 1984. And it has worked.

But you want us to play by the rules and you enforce that through your lawsuits and your energy and your public activity. And we do. And we want our Federal agencies to play by the rules too. And they must. That is what this hearing is about. How are the rules being laid out and how are they being played by.

I believe in road closure for the purpose of protecting unique habitat and wildlife values, when necessary and where Idaho, Idaho Fish & Game and the U.S. Forest Service and our citizens are in step. But I must tell you, the pictures you see in front of you were not taken by a freelance photographer, they were taken by me and my staff when I climbed in and out of those tank traps that Congresswoman Chenoweth talked about. And trees were uprooted and laying across the roads and rocks were strewn everywhere. If that had been a logging company or a mining company, there would have been lawsuits filed by every environmental organization in the nation, and you all know it. And yet you are here today defending that? I hope not. If you are here defending the bear, that is another story. Count me in.

And then I went down to Macks Inn. Just less than a mile and a half off a highway in a heavily trafficked public area where people go to fish, where this area fishes and enjoys the recreation of this resource, I ran into more of these tank traps. And I must tell

you, I asked Supervisor Reese right afterwards, what in the heck are they there for. It just did not make sense. That is why we are here today. Not that we are against the grizzly bear—we are for the proper and rightful management and the processes of management. And that is what we are here to seek out, because if it does not happen, we will change the rules—because it must happen, so that we can have a multiple use resource, so we can protect these valuable natural resources, so we can have grizzly bear and elk, and they are thriving on the Targhee and we are pleased about that.

But you do not continually change the rules to fit just one side. That is unacceptable. The Forest Service has to comply with the National Environmental Policy Act, like any other group must that is using or utilizing the resource under the law, and the management most especially. That is what we are here for. That is what I am here to listen to. These kinds of decisions do have impacts, they have impacts on the environment, on wildlife, on the public and you all know that, and that is why we are very concerned about it.

You have heard all you are going to hear from me, I am here to listen. But thank you all, and I mean all of you, for coming out today. It is an important issue. Our Forest Service is struggling right now to find a sound management approach. We have a lot of talented people in the Forest Service and they are very frustrated. The Forest Service cannot be managed out of the executive offices in Washington. Most importantly it cannot be managed out of the Council of Environmental Quality. It must be managed here, on the ground, by the supervisors, using good science and not political science.

Thank you very much, Madam Chairman.

[Applause.]

Mrs. CHENOWETH. Thank you, Senator Craig, thank you very much. And now we will hear from Senator Mike Crapo.

[The prepared statement of Senator Craig follows:]

STATEMENT OF HON. MIKE CRAPO, A SENATOR IN CONGRESS FROM THE STATE OF IDAHO

Senator CRAPO. Thank you very much, Madam Chairman. I appreciate very much the opportunity that you have given us to hold this hearing. Larry and I both had to jump in an airplane last night to get out here, but it truly is much more rewarding to be out here in Idaho working on the Idaho issues than some of the difficult, difficult times we have had in Washington the last month. And I say that notwithstanding the fact that it is evident from the feelings that people have already expressed here today that there are strong disagreements over the proper way to manage our public lands.

It seems to me that—although I agree very strongly with some of the concerns that have already been raised here about the tank traps and about whether the management of the forest system has followed the legal procedures of the land, as all others are required to follow it, and as to whether the right policies have been achieved in terms of assuring proper public access to our wonderful natural

resources, while maintaining the adequate protections of our environment.

I am going to limit my comments to one issue. And this may sound like a broken record to some of you who have talked to me privately or been to other places where I have made comment. But I continue to believe that we do not have to sacrifice either our environment and our wonderful rich natural resource heritage or our economy that is so significantly based in our natural resources here in this region, in order to achieve proper management.

I believe that some of the solutions to help us achieve a fix, if you will, that will properly balance all of these needs, may require changes in Federal law to allow more real local management and real opportunity for people like yourselves to impact public policy, or else we may continue to end up with a situation in which the winner is whoever has control or the greatest access and support at the White House during a given administration.

But I do not think that is the right way for us to manage. I believe that everybody in this room lives in Idaho because they love the quality of life that we have here. And that quality of life depends on us protecting and preserving our wildlife, our fisheries, our natural resources, which are one of the greatest treasures that Idaho has. Everybody also has to have a job. And when an economy is so dependent on our natural resources, as ours is, many, if not most, of those jobs and the families that depend on those jobs will depend on our managing our natural resources so that the people can have access to those natural resources, yes, for economic activities including tourism and recreation.

It is interesting to me—and I have said this to many of you before—that when you hear someone from one side of the issue talking about one of the disputes in Idaho, they will say I believe we have got to protect the environment, but we have got to make sure that I keep my job. And from the other perspective, they will say I believe that we have got to make sure we have got jobs and that we protect the economy, but I think we have got to do such and such to protect the environment. Everyone seems to want to have to qualify that they are not dismissing the other side of the equation but that they have a point of view that suggests that we have not yet reached the proper management balance with regard to our natural resources.

And what I am saying is that I believe those people, all of us when we say that, are telling the truth. The vast majority of Idahoans do not want to destroy the environment and they want to make sure that our management policies protect and strengthen these treasures. And the vast majority of Idahoans do not want to eliminate jobs and restrict access to our natural resources any more than is necessary to assure that we protect them. And that is the balance that we have got to reach.

Now, as I said, I have some real problems with some of the issues that are going to be brought up here today. But I will commit to everyone in this room, whether you are on the job side of the equation or on the environment side of the equation, because as I have said I believe ultimately all of us are on the same side of the equation and that is to preserve both, that working together to allow local input into these decisions and then making sure that

we find the common ground where we can build forward to have reasonable management policies that people can accept is an objective that I think we must achieve.

I think that this hearing will give us an opportunity first of all to let people from many different perspectives voice their feelings, and I would encourage everyone to listen carefully to those with whom you disagree, because they have a point of view and they have some valid points. And if we can look for common ground, we can find a lot of it. And that is what I will be looking for in today's hearing, Madam Chairman. Thank you.

Mrs. CHENOWETH. Thank you, Senator.

[Applause.]

Mrs. CHENOWETH. It is certainly my pleasure to introduce no stranger to you, my colleague and your Congressman, Mike Simpson.

STATEMENT OF HON. MIKE SIMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mr. SIMPSON. Madam Chairman, thank you for holding this hearing here today. Senator Craig, Senator Crapo, it is nice to have you here today, being the former Congressman from this district.

It is my pleasure to welcome all of you that may not be from this area to what is now my district. I have had the opportunity to represent the State of Idaho over the past as the Speaker of the State of Idaho and now as the Congressman from this district. I have also operated a dental practice for the last 22 years in Blackfoot, some 50 miles south of here. So I and my wife have spent a great deal of time both in Boise and in Blackfoot, but we also have a place in Driggs. And so the Targhee Forest is something that we appreciate and enjoy and something that is very near and dear to our hearts. That is why it is so disheartening for me to see land managers that turn once beautiful forests into what appear to be eyesores and potential hazards.

Idaho's public lands are a priority to the residents of this beautiful state. Idahoans tend to become emotional when public access is threatened. The controversy over the development and implementation of the Targhee Forest Plan has escalated feelings on every side of this issue, as can be seen here today. The failure of the Forest Service to follow the NEPA process and their own prescribed method of road closures only contributes to the public's distrust of those responsible for managing public resources.

I am concerned that the Targhee Forest might be the tip of the iceberg instead of the end of the road. We must ask the question: Is this the beginning of an attack on the right of citizens to enjoy the lands that are rightfully theirs. I and many of my fellow westerners live in the west because we love and enjoy this lifestyle. We value and nurture the way of life and the beautiful natural resources that surround us here. I find it disturbing that the Federal Government seems to feel it necessary that it needs to keep the local citizens, those that have had a way of life and stewardship on this land, off the land. I also find it confusing that in order to protect the forest we must deface it. I have real concerns about the government's lack of consideration for the aesthetic value of the Targhee Forest. Most of the people in this part of the country

would agree with me that you do not go in and put permanent scars on the land and call it conservation. If any Idaho citizen were to take similar action on the forest, they would be immediately thrown in jail, as has already been mentioned.

Though they may not agree, the individuals on these six panels here today are both thoughtful and intelligent people, each of whom feel passionately about the Targhee Forest, each of whom have their own points of view. Considering the caliber of individuals here, it is both logical and feasible that we ought to be able to work together to develop a workable solution to this problem.

Sports Afield recently named Driggs the best outdoor sports town. That in itself illustrates how important the Targhee Forest is to the residents of this area, both for their personal enjoyment and for their economic wellbeing. To cut off the roads to the Targhee Forest that are the lifeblood of communities in southeast Idaho seems to be irresponsible.

I have worked and will continue to work to ensure access to public lands for everyone. Workable solutions must involve the community and their interests and their interests must be taken into consideration. It is in this spirit that road closures and their methods of implementation should be negotiated with local interests.

Today, I am truly here to listen to you—the Federal and state agencies, the local groups, the county commissioners, state legislators, user groups, conservation groups and the Idahoans that enjoy these public lands. It is my hope that at this hearing chaired by my colleague, Congresswoman Chenoweth, we will find the beginning of a workable solution for everyone. I hope that everyone, as Senator Crapo said, is here to listen to those people that they might disagree with, because everyone does have a legitimate point of view and we can work together and we can solve this if we do not polarize the issue.

Thank you, Congresswoman Chenoweth.

[Applause.]

Mrs. CHENOWETH. Thank you, Congressman Simpson.

Now, I would like to introduce our first panel, if they would come up to the front here and take their place behind their name plaque. Mr. Jim Gerber, President of the Citizens for a User-Friendly Forest; Ms. Adena Cook, Public Lands Director for the Blue Ribbon Coalition; The Honorable Stan Hawkins, State Senator, Boise, Idaho; Mr. Neal Christiansen, County Commissioners, Ashton, Idaho.

As you take your place, I want to ask you to remember that we have many witnesses that we need to hear from today. It was important to me to be able to accommodate all of you and we must bring the hearing to a close at 5 p.m. So, I need to ask all of you to keep your oral remarks limited to five minutes. You may submit your entire testimony for the record and it will appear in the record in its entirety. And I assure you that if you have any written additional comments, they too will appear in the record.

I also want to explain the lights to you. You will see a green and a yellow and a red light. The green light will be on for four and a half minutes—and they are just like traffic lights, you can just go for four and a half minutes and then when the yellow light

comes on, you speed up and then when the red light comes on, it means stop.

Senator CRAIG. And Madam Chairman, when the red light comes on, within half a second after it comes on, do the chairs not eject——

Mrs. CHENOWETH. They do, they fall through the floor.

[Laughter.]

Mrs. CHENOWETH. As explained before, and I think you received some of the rules involving this, it is the intention of the Chairman to place all outside witnesses under oath. Now this is a formality of this Committee that is meant to assure open and honest discussion and should not affect the testimony given by the witnesses. Now I believe that all the witnesses were informed of this before appearing here today and you each have been provided a copy of the Committee rules. So if you would please stand and raise your hand to the square, I will administer the oath.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you. I would like to open this panel hearing from Senator Stan Hawkins.

STATEMENT OF HON. STAN HAWKINS, STATE SENATOR, BOISE, IDAHO

Mr. HAWKINS. Thank you, Madam Chairman. I can assume that the light situation here was intended to rein in the politicians, and I will do my best to comply with the technology.

Let me first formally welcome all of you, as our Congressional delegation. This may be a historic moment in fact in resource management in eastern Idaho, and I sincerely welcome all of you here and speak on behalf of the crowd and our constituents and the other elected officials.

I am the State Senator from the 28th legislative district of Idaho and that includes the northern part of Bonneville County, all of Teton County and a good part of Fremont County. I am a native, I was born and raised here, spent all my life here and I can tell you that this is a very diverse area and we depend on resource-based activities to help us fund everything from roads, bridges, schools, many of our public facilities depend upon a healthy and a good resource policy.

For generations, our land use practices in fact have preserved this area in a condition that now causes us to fight about it sometimes. We want to maintain that which has been maintained and frankly, I am amazed many times at some of the illogical and unsupportable claims that are made on both sides, for that matter, by those who would have you believe that we are going to have to stop using the resources if we are ever going to hand this area down to the next generation.

As local officials, we are charged with this funding mechanism that relies heavily on a resource-based economy, and frankly, panic management and emotional management simply is not going to work, and we are seeing that in the legislature right now. We are seeing an ag economy that is suffering, we are seeing all kinds of problems that I think, at least in part, has to be solved with a balanced approach to the use of our resources.

We are told to count on the new and emerging tourism economy to solve these problems. Frankly, it is interesting to me that many of those people who are telling us to let tourism pick up the slack and that there will be no impact if we do that, they are the same ones who many times want the launches on our rivers limited, they want the roads closed and they want motorized vehicles banned from the public lands and from our parks and so on.

We have people with good intentions who are decrying the urban sprawl and the lack of control on development and tell us that we need to protect our farm economy and then in the next breath we hear many of the same people saying we need the water to move fish. I just have to say we have got to find balance. I am constantly considering these issues, and frankly, I am tired of battling, trying to maintain the way of life that I grew up in, enjoying those natural resources and using them as well; and frankly, we need to get on with some sound management and some sound decision-making.

Now many would say we have already a process to allow that to take place and we give input, we come to the hearings. County commissioners and sheriffs and legislators and the emergency service providers attend hearings. We testify and we speak as if that will make a difference. And in the end, we become frustrated. The plans and the actions are seldom, if ever, reflective of the comments and the wishes of the local interests as expressed by those of us who attempt to speak for the majorities that elect us.

Frankly, it is my hope that this hearing will move to the questions that are raised by these pictures and get to the bottom of the main question here of this hearing, and that is did the Forest Service in fact follow the law when they moved forward with these decisions. It is an important question. Again, we are thankful that you are here, we are grateful for you being here and we look forward to your help in resolving this issue.

Thank you very much.

Mrs. CHENOWETH. Thank you, Senator.

[The prepared statement of Senator Hawkins may be found the at end of the hearing.]

Mrs. CHENOWETH. Mr. Gerber.

STATEMENT OF JIM GERBER, PRESIDENT, CITIZENS FOR A USER-FRIENDLY FOREST, ST. ANTHONY, IDAHO

Mr. GERBER.Congresslady and Congressmen, my testimony will address the three reasons the Targhee Forest gave us for closing and obliterating roads on the forest. These are: protect grizzly bear, protect elk and reduce erosion. I will explain why we in CUFF do not believe these are valid reasons for road closures on the Targhee. Please keep in mind as I discuss them that the majority of the people in eastern Idaho do not support road closures, so the pressure to close roads is not coming from us. The question then is: Where is the pressure to close roads coming from?

The first reason the Forest always gives for closing and obliterating roads is to protect grizzly bear.

I have an overhead transparency of a map to discuss the grizzly bear issue. The dark blue line is the outline of Yellowstone National Park; the Targhee Forest lies along the lower left boundary of the park.

The map shows the results of a ten-year radio-telemetry study in and around Yellowstone National Park. The map is taken from a scientific paper written by Drs. Richard Knight and Dave Mattson, former employees of the Interagency Grizzly Bear Committee and experts on grizzly bear behavior.

Prior to 1977, park biologists radio-collared a number of female grizzly bears in and near the park and then released them. For the next ten years, biologists flew over the park and through the wizardry of radio electronics located each bear and marked its position on a map with a black mark. At the end of ten years, the scientists produced this map. Every bear management unit—and there are 18 in the park—is covered with black marks indicating the location of bears; every BMU, that is, except one. That one is the Plateau Bear Management Unit in the southwest corner of the park. It is absolutely white. For ten years, while biologists were flying over the park locating female collared bear, no bear ever walked out into the Plateau Bear Management Unit. Congressmen, we are setting 164,000 acres aside for the grizzly bear in an area where the bear does not even want to be.

The second overlay is a statement taken from the same study. The highlighted portion in yellow says "Low densities of telemetry locations in unroaded areas northeast of Yellowstone and in the park's southwest corner may be a result of poor habitat condition. . . ." So here we have the premier authority on grizzly bear in Yellowstone National Park saying that the Plateau Bear Management is poor habitat.

When you combine this statement with the previous map and add the fact that the Plateau BMU is hot, dry habitat with no water, you get a clear picture that this area is not good grizzly bear habitat. The question then is why are the Targhee Forest and U.S. Fish & Wildlife Service pushing so hard to emphasize grizzly bear here. We hope your hearing can shed some light on this question.

The second reason the Forest gives to close roads is to protect elk, but elk are doing well on the Forest, having increased 600 percent since the 1960s. This increase occurred at a time of heavy salvage logging and associated roadbuilding to harvest millions of beetle-killed trees. This increase in elk associated with more roads does not tell us roads are a problem for elk on the forest. Again, the question is why is the Targhee Forest pushing to close roads when the elk population is at an all-time high and thriving, according to the Idaho Fish & Game Department.

The third reason to close roads is to reduce erosion. This issue revolves around ghost or two-track roads. The theory being that since these roads are not constructed or maintained, they must be adding large quantities of sediment to streams. However, most of these ghost roads are located one-quarter mile or more from a stream. These roads erode each year, but that sediment runs into the adjacent vegetation and is captured. Little, if any, sediment ever reaches a stream.

In summary, bears and elk are doing fine and water running off the Targhee is clear. This does not indicate a need for the excessive road closures proposed by the Targhee Forest. Since the impetus to close roads is not coming from us in eastern Idaho, we wonder

where it is coming from. We hope your hearing can shed some light on this question.

Thank you and that concludes my comments.

Mrs. CHENOWETH. Thank you, Mr. Gerber.The Chair now recognizes Ms. Cook.

[The prepared statement of Mr. Gerber may be found at the end of the hearing.]

STATEMENT OF ADENA COOK, PUBLIC LANDS DIRECTOR, BLUE RIBBON COALITION, IDAHO FALLS, IDAHO

Ms. COOK. First of all, I am very proud that Idaho's entire Congressional delegation has come here to investigate and hear testimony on this local issue, but this is not just a local issue. It is happening to greater or lesser degree in almost every national forest in the country. So this is a microcosm of what is happening everywhere else.

Thinking out of the box is a popular euphemism for creative problem solving. Tough issues can demand unconventional ways of thinking and processes that reach beyond established boundaries. Nowhere is this more important than in the management of our public lands.

When Targhee Forest planning began eight years ago, there was promise that a new plan process would attempt new solutions. Dr. Bill Shands, one of the nation's foremost experts on forest planning, was put in charge of public involvement. He advocated taking planning out of the box. This was long before that euphemism became popular. It was hoped that if the public were involved in each step of the process, that consensus or maybe even comprehension would result.

Under Dr. Shands' direction, the process went very well for the first couple of years and understanding was occurring, maybe even a little bit of consensus. But this was not to last. The Office of Supervisor changed—Bill Shands passed away. The preservation direction of the Clinton Administration was emerging and the Forest Service was being reinvented.

Out came a box with a big label—ecosystem management. Its management criteria were slanted in a preservationist direction. Locally based solutions and citizen involvement became less important and polarization started to develop.

Now the Blue Ribbon Coalition has always been a strong advocate of cooperation with land managers. They are our partners. We have demonstrated many successes as a result of this partnership. One of the key elements of success in this way is constructive give and take. Another is dedication to on-the-ground problem solving.

But the inflexible standards of the new forest plan stimulated not this give and take that we needed, but more polarization. For example, it mandated tough road and trail density standards, not only in the bear management units, but throughout the whole forest. It counted a single track trail where motorized use was allowed as having the same impact on wildlife as a Federal highway. And it closed—imposed a "closed unless posted open" fiat on most cross country travel.

This inflexibility continued as the process moved forward. A multiple use alternative developed by local citizens, which was in-

cluded in the Targhee draft plan, was dropped in the final plan because it failed to conform to established parameters.

A travel plan was issued shortly after the final forest plan was released. This decision designated open roads and trails and decided which trails would be closed. The regional office received 1,276 appeals on this decision and the appeals were upheld by the regional office because the public was not given an opportunity to comment through site specific process.

And then finally, toward the end of last summer, nearly 400 miles of road were obliterated without site-specific documentation. And this not only obliterated the roads, but obliterated any public dialogue that would have examined gates site specifically to determine if they were effective or not; determine whether informal routes were essential and could be traded for other routes; address concerns about winter recreation safety; determine if the obliterations were necessary in developed parts of Island Park.

So now, Targhee's current management is in a box that is inflexible, inhibits on-the-ground solutions and discourages constructive communication. The Targhee is but one example of how thinking in a box constrains land management problem solving.

Committed to top down mandates that come in a box, other national forests face similar difficulties. And that is why we are here. We need you to help us work toward solutions and help us think out of the box.

Mrs. CHENOWETH. Thank you, Ms. Cook.

The Chair now recognizes Commissioner Christiansen.

[The prepared statement of Ms. Cook may be found at the end of the hearing.]

STATEMENT OF NEAL CHRISTIANSEN, COUNTY COMMISSIONER, ASHTON, IDAHO

Mr. CHRISTIANSEN. Thank you, Madam Chair. I certainly welcome this opportunity to state a few of my concerns from a county commissioner's standpoint. Also, I am a former logger, I have been there and watched this forest drop down to where the jobs are pretty near non-existent in the forest.

I was elected to office in 1994 and re-elected in 1996. I have served now for four years continuously as a county commissioner. During that time and before, the previous four, five, six, eight years, I worked with the Forest on some of these issues that we are facing today, including the forest plan revision and subsequent travel plan.

As I said before, I was for years a logging contractor and am currently Vice President of the Associated Logging Contractors of Idaho. We represent some 560 logging contractors throughout the state plus their families and the jobs that they hold. So as such, I am very familiar with the resource utilization and the forest end of the forest management of it.

Fremont County is heavily dominated by Federal land. Between the Targhee Forest and the Bureau of Land Management, 60 percent of our county is federally owned, most of it, of course, is Forest Service land. As a result, Federal land management policies have a large impact on Fremont County. Those who use the forest also live elsewhere. Tourists are heavily impacting us now, we have a

heavy summer home residency. I would like to interject here that this road closure affected practically all of Fremont County, it went from south of the river, north to the continental divide, east to the Teton County—or south from the Teton County line to the Clark County line on the north and on the west, I think there is one road closed in Clark County and we were able to put a stop to it before they hit the Teton County line, but it completely wiped out Fremont County, two-thirds of Fremont County, as far as access to timber extraction.

By example, I point to the loss of the 25 percent funds in the last eight years or so. In 1991, Fremont County had $213,000 in 25 percent resource money coming in. From then on, it has been a steady reduction in receipts and this year, we had a mere $48,000 in 25 percent resource money and a good share of that was from cabin lease sites, very little from grazing or from timber receipts. Practically all of the reduction results in the decline of the timber receipts. The Forest seems oblivious to this impact, even though we have pointed out the problem many times.

So it is not surprising that we, the county commissioners, were less than enthusiastic about the revision of the forest plan. Still, the public involvement process is the only game in town and hopefully in the enlightened 1990s, they will have an open mind, but this has not happened.

To summarize, I would like you to keep in mind that Fremont County is heavily dominated by federally-owned lands, with 60 percent in Federal ownership. It is very important, therefore, that the Forest carefully consider the effects its actions have on us. That has not always been the case. Since 1991, as I explained before, our 25 percent resource money has dropped to practically nil.

The Forest proposes major reductions in public access and with little input from the commissioners or the public. In addition, 380 miles of roads were obliterated this summer with these tank traps without any public input. This action violates both NEPA and NFMA. Since our constituents did not request the obliterations, we wonder where the pressure to do so originated from. We hope your hearing can shed some light on this problem.

Thank you, ma'am.

[The prepared statement of Mr. Christiansen may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you very much, Commissioner.

I want to thank the panel for their testimony and I want to remind the members that under Rule 4(g) in our Committee Rules, even members are limited to five minutes in their questioning. And one thing about being Chairman, you have to wield the gavel. So, I will closely adhere to that five-minute rule for all of us.

The Chair would like to yield for the first set of questions to Senator Craig.

Senator CRAIG. Madam Chairman, thank you very much. I will play by the rules.

Mr. Gerber, would you please tell us for the record what your organization, Citizens for a User-Friendly Forest, is, why was it formed, what kind of an organization is it?

Mr. GERBER. Citizens for a User-Friendly Forest is a group of forest users in eastern Idaho. We consist of loggers, OHV people,

ranchers, snowmobilers, two summer home groups, three county commissioners, a mayor and a number of small businesses from Island Park to Idaho Falls. And we kind of grew out of a citizens involvement group for the Targhee Forest. We could see the forest was not headed in the same direction that we wanted to go. So we developed our own group and developed our own alternative and presented that to the Forest.

Basically, we believe the forest should provide a broad range of goods and services along with the access needed to provide those goods and services.

Senator CRAIG. Would you tell us about the ballot that took place in Madison, Fremont and Teton Counties concerning your organization's proposal?

Mr. GERBER. Yeah, in May of 1966, there was an advisory ballot placed on six counties that touched the Targhee National Forest, and as a result of that—and what it did was give those who voted a chance to choose between the Forest Service's preferred alternative and our CUFF alternative. It was generally known that our CUFF alternative allowed more access, more timber harvest and generally more use of the forest. And as a result of that vote, 78 percent of those six counties preferred our CUFF alternative, compared to 22 percent for the Forest Service.

Senator CRAIG. In total numbers of participants, what does 78 percent represent, do you recall? What were the total number of people who participated in the balloting?

Mr. GERBER. I do not recall exactly, there were probably 20,000 or 30,000 people.

Senator CRAIG. How many?

Mr. GERBER. Twenty or thirty thousand.

Senator CRAIG. Twenty or thirty thousand.

Mr. GERBER. Yeah, in all six counties.

Senator CRAIG. I see.

Adena, I am well aware of your organization and have worked with your organization and taken testimony from you over the years as it relates to public land management issues. You talk about out of the box thinking and coming at a problem in a different way. I was very early on watchful and hopeful that the collaborative process that the Targhee was engaging in would work, because it had all parties at the table, or certainly appeared to. And then it did not work.

Would you again for the record reiterate why you think it broke down? The players that left, was that largely the problem?

Ms. COOK. Well, yes, it was partly a situation where key players did leave, specifically Dr. Shands, whose ideas had kind of held things together.

But one of the crucial things that happened just as Dr. Shands died and just as the supervisor's position was changing hands, was that preservationist groups filed a lawsuit on the way grizzly bears were being managed. And that lawsuit was settled by the Forest Service with the understanding——

Senator CRAIG. Out of court, right?

Ms. COOK. Yeah, it was—the lawsuit was settled.

Senator CRAIG. Yes.

Ms. COOK. With the understanding that the road density would be brought way, way down in the bear management unit. Now this was right during when the plan was going on and——

Senator CRAIG. Was this not also a group that had been a participant at the table?

Ms. COOK. Yes, yes. So here we had this extra thing that was going on outside the public process and the Forest Service agreed that all these roads would be taken out while the process was just sort of underway. Well, this broke down the developing consensus, as far as I was concerned. And in fact, those of us who really cared had to push hard to make the Forest adhere to the NEPA process and the new plan revision as opposed to just going out there and closing the roads right then and there. And we were successful in doing that.

The new supervisor, Jerry Reese, did decide that the roads would not be closed right then and there, they would be—the question would be addressed as a part of the forest plan. But the damage had taken place at that point as far as the developing consensus.

Senator CRAIG. I see my time is up. Senator Hawkins and Commissioner Christiansen, let me thank you both very much for your testimony and I appreciate you being here. Thank you.

Mrs. CHENOWETH. The Chair recognizes Senator Crapo.

Senator CRAPO. Thank you very much, Madam Chairman.

Commissioner Christiansen, I want to start with you, so I will go from the other end there. You indicated that you have had a dramatic reduction in the 25 percent funds that the county has received. And if I read your testimony correctly, the reduction has been from a $213,000 level in 1991 to a $48,000 level today.

Mr. CHRISTIANSEN. Right.

Senator CRAPO. So if I understand you correctly, you are talking about more than a 75 percent reduction in funds.

Mr. CHRISTIANSEN. Yes, I will say in fact that is just from 1991. In the late 1980s we were taking in upwards of $400,000 a year.

Senator CRAPO. Four hundred thousand?

Mr. CHRISTIANSEN. That was the peak of the salvage operation on the Targhee. Of course, we realized that could not last forever.

Senator CRAPO. Right, that was an unusual circumstance.

Mr. CHRISTIANSEN. Yes, it was an unusual thing, but we still maintain our forest should generate more than eight million board feet a year.

Senator CRAPO. Right. You believe though that the $48,000 level is not the proper sustainable level?

Mr. CHRISTIANSEN. I might say that probably close to $40,000 out of this comes out of cabin lease sites, which has been that way forever.

Senator CRAPO. So only about $8,000 comes from grazing a timber?

Mr. CHRISTIANSEN. From grazing and timber harvest.

Senator CRAPO. Is the county in the process of seeking to get approval of—I do not know what the right word is, but of submitting its RS-2477 roads to the Federal Government for approval and acceptance? Is the county doing that?

Mr. CHRISTIANSEN. Yes, we are recording our RS-2477 roads and——

Senator CRAPO. How is that process proceeding?

Mr. CHRISTIANSEN. How is it, you say?

Senator CRAPO. In other words, I have heard——

Mr. CHRISTIANSEN. It is a slow process.

Senator CRAPO. That was my question. I have heard that there is a feeling that there is not much progress being made in resolving the RS-2477 road issues.

Mr. CHRISTIANSEN. No.

Senator CRAPO. Is that your experience in the county?

Mr. CHRISTIANSEN. That has been our experience. We do not agree on the methods of the Forest Service and the county commissioners do not agree on the wording of the RS-2477 roads.

Senator CRAPO. All right, thank you.

Adena, I am going to move to you because I know my time is going to turn to the yellow light here pretty quick. I was very interested in the testimony you provided, both your written and oral testimony, about Dr. Shands and the effort to find consensus. And as I am sure you know, that is something that I would hope to see us try to focus on and recreate.

One of the questions that I have with regard to the off-road vehicle usage issue and one of the issues that has been brought to me the most often is the question of leaving roads or leaving trails and just going cross country where there are no trails. Can you address your perspective? And I assume you are speaking on behalf of your association, is that correct?

Ms. COOK. Excuse me?

Senator CRAPO. Are you speaking on behalf——

Ms. COOK. Yes, I am, yes.

Senator CRAPO. Would you tell me whether there is a position with regard to how the forest roads ought to be managed on the issue of off-road vehicle usage in terms of leaving the trails and leaving the roads for cross country usage.

Ms. COOK. Right. In general, we adhere to tread lightly, which means to stay on established routes and to not cause off-trail damage. And in fact, under the current rules, any time the off-trail damage does occur, the Forest does have a right to close those routes down.

Now we urge our members to adhere to these tread lightly rules, but a lack of flexibility occurs when you only designate those routes that can be open and everything else is closed. In order to close a route or a trail or anything else, you should have a good reason, just like there is a good reason to stay on established routes.

Senator CRAPO. But you are not disagreeing with the policy that established routes should be kept to by those who are using off-road vehicles?

Ms. COOK. I am sorry, I could not hear, we are getting an echo here.

Senator CRAPO. I understand. You are not disagreeing with the tread lightly policy.

Ms. COOK. Oh, absolutely not. And people need to take care of the land as they go out and enjoy and use it, no matter what their form of transportation.

Senator CRAPO. I see my time is about up. I have got a lot more questions, but we will get to them later on. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Senator.

The Chair recognizes Congressman Simpson.

Mr. SIMPSON. Thank you, Madam Chairman.

Mr. Gerber, you mentioned during your testimony that there were three reasons given for the road closures—one was grizzly bear habitat, the other was elk habitat and the third one was the erosion; and that the grizzly bear seem to be doing fine coming back, reaching the possibility of delisting; the elk habitat seems to be fine, record numbers of elk according to the Idaho Fish & Game; erosion does not seem to be a problem. You said that the pressure for these road closures does not seem to be coming from us, that it is potentially coming from someone else. Would you care to speculate on that? Are there other species, are there other things out there that I am not aware of that is going on that would force the Forest Service into this?

Mr. GERBER. I am not aware of any other species. If I was going to speculate, I would say it is maybe an internal thing between the Forest Service and the U.S. Fish & Wildlife Service, almost a mindset these days that you have to protect everything, almost to the exclusion of human beings.

Mr. SIMPSON. Do you think that there is a mindset in the Forest Service that the only way to protect habitat is to keep people off? I remember that years ago the debate occurred on whether the Alaskan pipeline would destroy the caribou herds, and now you find pictures of them, that is where they care to spend their winters, is next to the Alaskan pipeline. Is that the kind of science we are using here?

Mr. GERBER. It seems to be. Unfortunately it just looks really like there is almost—when you look at these pictures down here, it looks like a big billboard that says "human beings stay out, you are not welcome here."

Mr. SIMPSON. Adena, is it possible to alter the prescribed road density policy for the forest plan to increase public access and also protect and maintain the habitat for the bear management units?

Ms. COOK. Well, we believe that there is. However, to do so would require a forest plan amendment and we have thus far been unsuccessful in persuading anyone that that needs to happen. Procedurally, however, the decisions on the forest plan appeals have not yet been resolved. The final decisions have not come down from the Washington office. So procedurally, I do not see how they could start a revision process until those questions are cleared up. It has been about a year and a half and I am not sure why a decision on those appeals has not been rendered yet. But that is an interesting question.

Mr. SIMPSON. Is the concern if they were to open the forest plan again that we would lose some things that we currently have in the current forest plan—it might go in the wrong direction, from your point of view?

Ms. COOK. That is always possible because—although I will say that I do not think the whole thing has to go back to the drawing board and we do not have—we have already made a lot of progress.

I think there is just some fine tuning that has to be done and the densities and the questions need to be made on a more site specific basis. I just think they were made on too broad a basis. So I think there is some fine tuning, I do not think you have to go back to square one.

Mr. SIMPSON. Commissioner Christiansen, Senator Crapo mentioned the 2477 roads. How has the road closures affected your process in developing those 2477 roads or declaring those 2477 roads? Has it made it more difficult?

Mr. CHRISTIANSEN. How they have affected the process of the RS-2477 roads?

Mr. SIMPSON. Uh-huh.

Mr. CHRISTIANSEN. Well, really not that bad except that there is a couple of roads that are within this grizzly bear recovery zone that is probably going to be controversial, mainly over there on the Centennials, but it does not look like or sound like in the Clark County end of the Centennials that—that is going along pretty fine and hopefully it does not affect those.

Mr. SIMPSON. In this plan, if you declare a 2477 road and it is accepted, does that affect the road density or does it mean they just close other roads?

Mr. CHRISTIANSEN. Well, I assume in the grizzly bear management units, we are going to have to include it in the density, although we should not have to.

Mr. SIMPSON. Do you have an answer to that, Mr. Gerber?

Mr. GERBER. I am pretty sure that it would be included within the road density standard. You could check with Jerry Reese when he gets up here, but I believe that would be how they interpret it.

Mr. SIMPSON. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Congressman.

I want to turn my attention to Senator Hawkins. I know that when you first approached us about bringing the Committee in, you were very, very concerned about the local economies and how they would be impacted based on these decisions on road policies.

For the record, would you explain what your thinking was, your concern about the local economies in your district?

Mr. HAWKINS. Congresswoman Chenoweth, for the most part, we are faced with funding many of the things that people expect from government in this area from basically a couple of sources—property tax predominantly is an issue, and when you up end and essentially terminate an economy that was once based on the resource industries, you typically remove a lot of property tax base from the rolls and that causes a shift. And when that shift occurs, it essentially means that the local residents then are faced with funding the same things with less base to spread it on.

The symptoms of that are everywhere. We just recently put the finishing touches on a new school in Teton basin, took 20 years to pass a bond to get that school built finally. And frankly, when that bond passed, it impacted a smaller base, to the extent that many farmers were very adversely impacted by that.

From a broader sense, Congressman Simpson got out of the legislature just in time because we are now facing the specter of the Department of Fish & Game having the biggest budget problem that I can remember. I have been in the legislature 15 years and this

is as bad as it has been. And frankly, I believe when you close roads, there are many people who want access to hunt and fish that essentially begin to say this is not the way I want to do it, I cannot walk, I will not walk, I cannot expect my young children to walk——

[Audience comment.]

Mrs. CHENOWETH. Will the gentleman yield? I would appreciate very much that the audience not interrupt the testimony.

Mr. HAWKINS. I am one that believes that the budget problems of the Department of Fish & Game now face at least are affected by the policies that we are making on public lands, and I think that there is some resistance now and we have seen that in the tag and license sales, we are seeing a flattening of those purchases. I believe that is part of the mix, not all of the mix.

So those are the things that I am concerned about.

Mrs. CHENOWETH. Very well.

Mr. Gerber, I wonder if we could throw the first overhead back up on the screen there. You showed us that in the southwest corner there, there is virtually almost no sightings at all.

Mr. GERBER. Yes.

Mrs. CHENOWETH. Could you point out and describe for the record where the roads are that they are using the tank traps in your counties?

Mr. GERBER. Okay. This is the Targhee portion of the Plateau Bear Management Unit, this whole thing is about 455,000 acres and about 164 out here. These are the roads out here that were tank trapped. And you can see there were no black—for that ten year period, there were no female grizzly bear that were in there.

Mrs. CHENOWETH. For the record, so we can get it on the record—I know what your background is, but those who read the Congressional Record do not. Can you give us your background?

Mr. GERBER. I am a forester, I worked for the Forest Service for 30 years, mostly in timber management and forest planning. I retired in 1994.

Mrs. CHENOWETH. Mr. Gerber, based on your background, can you see the logic in this at all? And as a county commissioner, were you consulted ahead of time with regards to the impact on the county that it might have?

Mr. GERBER. I have to say that I can see no logic for what I see out there on the ground from a biological standpoint or a common sense standpoint.

And we certainly had no input into any of these road closures ahead of time.

Mrs. CHENOWETH. And is it not true that under Idaho law, roads that are under the county jurisdiction, you have been granted by the state sole jurisdiction over the roads and the activity on those roads, right?

Mr. GERBER. I am sorry, I am not quite following.

Mrs. CHENOWETH. Under Idaho law, you have been granted the authority as a county commissioner and the jurisdiction——

Mr. GERBER. Yeah.

Mrs. CHENOWETH. [continuing] to handle activity on roads under county jurisdiction, which would include RS-2477 roadways.

Mr. GERBER. Right, under state law, county commissioners do have total control over the RS-2477 roads and I have to correct you, I am not a county commissioner, I am a public consultant, public land advisor to the county commissioners.

Mrs. CHENOWETH. All right. I see my time is up, but let me ask Mr. Christiansen very quickly, were you consulted ahead of time as a county commissioner with regard to the activity that took place?

Mr. CHRISTIANSEN. Excuse me?

Mrs. CHENOWETH. As a county commissioner, were you consulted ahead of time with regards to the activity that you see here in the pictures?

Mr. CHRISTIANSEN. We were not.

Mrs. CHENOWETH. Thank you very much.

I want to thank this panel very much for your outstanding testimony. I know we all wish we had more time with you and we will look forward to reviewing your entire testimony. And as I said earlier, if you have additional comments that you would like to enter into the record, you have ten days to do so. Thank you very much.

And now I would like to recognize the second panel as this panel leaves.

[Applause.]

Mrs. CHENOWETH. I would like to call to the panel Mr. Marv Hoyt, representative of the Greater Yellowstone Coalition, Idaho Falls, Idaho; Mr. Bill Shurtleff, County Commissioner and Chairman of the Bonneville County Board of Directors, Idaho Falls, Idaho; Mr. Gerald Jeppesen, Madison County Commissioner, Rexburg, Idaho and Mr. Brett Mackert, Commander, Fremont County Search and Rescue, St. Anthony, Idaho.

Gentlemen, you have all heard me explain about the lights and what they mean—the green light will be on for four and a half minutes, the yellow light for 30 seconds and the red light means stop your testimony. And also, as you know, you have received a copy of the Committee Rules and we will be swearing you under the oath. So I wonder if you might stand and raise your hand to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. The Chair recognizes Mr. Hoyt for his testimony.

STATEMENT OF MARV HOYT, THE GREATER YELLOWSTONE COALITION, IDAHO FALLS, IDAHO

Mr. HOYT. Thank you, Madam Chairman.

We know that the ostensible reason for this hearing was the Forest's use of tank traps to discourage the illegal use of closed roads. GYC readily concedes that tank traps may not be the best way to keep the scofflaws off the roads. In fact, back in 1994, when the Forest had the money and the staff, GYC and other conservation organizations proposed that the Targhee rip and reseed those same roads. If our proposal had been implemented back then, it would have made the use of tank traps unnecessary this last year.

Unfortunately, the Blue Ribbon Coalition, loggers, folks on the Idaho Congressional delegation and county commissioners, all came out in opposition to this proposal. We knew then and we know now that gates have not prevented the illegal use of roads. We also

know that most of the same people who claim to be concerned about tank traps are the very ones who did not want the roads reclaimed.

Now, some five years later, the Forest has limited funds to effectively close these roads; therefore, the use of tank traps. We would like to offer a solution.

If tank traps are the real issue, then we would be more than happy to work with the delegation, the Forest Service and other interested parties to seek funding necessary to obliterate and permanently put these roads to bed.

As far as scars and aesthetics go, I know that is a concern for some folks, it is for us too, and if you want to look at scars, look at the hundreds of thousands of acres that have been clear cut and the thousands of miles of roads that you can see from outer space on the Targhee—that is a scar that will not go way for perhaps centuries.

Access management is more than just tank traps and grizzly bears, it is about more than that, it is about protecting of a variety and array of public resources—water quality, fisheries, wildlife, soils and so forth. GYC believes that the Targhee National Forest took some very positive steps in terms of access management in the revised forest plan. The most important step was setting road density standards for the various management prescriptions. We also believe that the elimination of indiscriminate and highly damaging summer time cross country motorized travel across part of the forest was a significant improvement.

We also think that eliminating the use of ghost roads was an improvement, and finally the new signing system for the roads, open roads and open trails is an improvement.

These elements should eventually solve the problems caused by the widespread and illegal use of ghost roads.

As for grizzly bear, some have said that the Plateau is not good grizzly bear habitat, bears do not use it. I will read from a February 4, 1999 memo from an Interagency Grizzly Bear Team committee member, which says, "I think that if the Forest Service can get their planned road reductions implemented, the change will go a long way to improving the BMU for grizzly bears. With the road reductions, I think most bear biologists would consider the BMU good grizzly bear habitat. Without the reduction, it is still bear habitat and grizzly bears do use it. With fewer roads and less human impacts, habitat effectiveness in this unit can only increase. If the population is increasing and expanding, in time, grizzly bears will occupy secure habitats available to them. Remember also that the landscape is dynamic. Unforeseen changes within the greater Yellowstone area may increase the relative importance of the Plateau BMU."

There were 169 grizzly bear sightings on the Targhee reported to the Targhee between 1985 and 1997 and this does not include the grizzly bear sightings, which were numerous this past year, as we all know. There were also 44 grizzly bear sightings in 1997 alone, within one mile of the Targhee border inside Yellowstone National Park, in the Plateau Bear Management Unit.

We think that the Forest Service has made some long-overdue changes in travel management. We also believe that modifying or abandoning these would be a bad idea.

So far, the American public has spoken convincingly in this matter. This is not just a local issue. There have been 5,171 comments received by the Forest Service as of February 11. Of those, 98.6 percent prefer closing roads, 95 percent of the Idahoans have said close the roads. Idahoans who make up .06 percent of the population of the U.S. make up 15 percent of those commenting on this forest plan and are in favor of closing roads. I think those are some significant numbers and I think that the delegation needs to understand and the folks in this room, that this is a national forest, we all have a right to say and speak about it as we wish. We all have feelings about it and I think that many Idahoans and the American public are in favor of road closures to protect these resources.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Hoyt.

[Applause.]

Mrs. CHENOWETH. Thank you very much, Mr. Hoyt. I wonder if you might provide for the Committee copies of the surveys that you quoted in your testimony.

Mr. HOYT. I would be more than happy to, Madam Chairwoman.

Mrs. CHENOWETH. Thank you very much.

The Chair now recognizes Mr. Bill Shurtleff.

[The prepared statement of Mr. Hoyt may be found at the end of the hearing.]

STATEMENT OF BILL SHURTLEFF, COMMISSION CHAIRMAN, BONNEVILLE COUNTY BOARD OF DIRECTORS, IDAHO FALLS, IDAHO

Mr. SHURTLEFF. Madam Chairman, Senator Craig, Senator Crapo, Representative Simpson, members of the panel and guests, my name is Bill Shurtleff and I am the owner and manager of Call Forest Products. I also fill the position of Bonneville County Commissioner. However, today my testimony will be based upon my 29 years of experience as a timber resource user.

Let me begin by telling you that during the 1970s and the 1980s, as the Forest Service was constructing many of the roads we are now discussing, the constant mantra was that their roads were the number one asset of the Forest. These were the roads that would allow them to manage the forest into the future. These were the roads that would allow them to fight fires, thin trees, make inspections, open for recreation and even perhaps allow some harvesting of trees, if needed.

I cannot tell you how many times I have been taken to the woodshed by a sale administrator because a logging machine had damaged a road shoulder or surface. We were also shut down if dust reached a certain level which would cause a loss of road surfaces. All of this was enforced in order to preserve and maintain the number one asset of the Forest—the road.

Now all of this has been reversed. I am certain others will talk about the process that the Forest Service went through in order to implement their new policy, but I would like to talk about what the long-term effect will be. By closing these roads in a manner that

will virtually stop all travel for long periods of time, these roads will deteriorate to a point of uselessness. The only two means that the Forest Service has at its disposal to repair these roads is hard money, which I am sure you are aware there is very little of, or the selling of timber where the road construction or repair is tied to the sale.

In the Targhee, this is very unlikely to take place. The very small sale volume that is available on the Targhee will not economically carry much road construction or maintenance.

It is my opinion that this entire process will basically close off large portions of the forest to any management. What will return is the same forest we faced in the 1950s, a forest of lodge pole pine, old and diseased, dying and then finally burning. We know this because we have seen it happen before. And let me insert that I think that the Targhee right now is basically in extremely good condition, it is primarily a young, vibrant forest, based upon what we have done in the past. The strange thing to me is that I thought the action we took in the 1970s and 1980s was specifically meant to avoid this happening again.

My opinion is that roads could be closed in such a manner as to allow inspection travel, minor maintenance travel and still accomplish the objective of X number of miles of road per acre. This would not stop all road deterioration, but perhaps it could reduce it to the point that the road could be reclaimed at some need in the future.

I know our topic today is road closure, but I cannot let this opportunity pass without commenting on what I believe to be the underlying design to close the entire Targhee National Forest to any type of commercial harvesting. It is my opinion that this is an objective of the present forest plan by the manner in which it is being carried out. I will say no more on this subject, but would love to discuss this topic further at your convenience.

In closing, I want to thank you for the opportunity to appear before you today. I have great respect for the job you are both performing—all four of you, I should say. I have some feeling for the difficulty involved.

I thank you very much.

Mrs. CHENOWETH. Thank you, Commissioner.

[Applause.]

Mrs. CHENOWETH. The Chair now recognizes Madison County Commissioner Gerald Jeppesen.

[The prepared statement of Mr. Shurtleff may be found at the end of the hearing.]

STATEMENT OF GERALD JEPPESEN, MADISON COUNTY COMMISSIONER, REXBURG, IDAHO

Mr. JEPPESEN. Thank you, Madam Chairman and members of the Committee. It is an honor for me to be here to talk to you today. I represent the fourth generation of a farm community and farm family that live in close proximity to the Targhee Forest and have recreated and used those resources through the last four generations to build homes and to recreate and do all the things that people in this area enjoy doing in the forest.

In the very beginnings of the forest plan, I was a member of the citizens committee and did follow that process as a member of the Soil & Water Conservation District in Madison County, and then later represented Madison County Commission on that same council. I do concur with what the conclusion was.

We went through that process and everybody seemed to agree and it was a very workable process. But things seemed to change with the changing of the road density in the bear management units. Everyone on that committee had agreed to a certain number of roads and then we were told we could not do that because of an agreement with Fish & Wildlife Service, and then the next thing we knew was when the open road plan came out, the same agreement that we had agreed to on the bear management unit, the primary one, was asserted to all the other areas of the forest. That was very, very disturbing to us because that was never mentioned until that final plan did come before us as county commissioners or as residents.

At that point, we became very involved in the 2477 process and before you, you have a map of Madison County's assertions. What we have done is we have taken the roads that are recognized by the Forest Service on their plan, those are in yellow. The ones that are in purple are the ones that are designated by our county and the county commission as designated 2477s and those that do overlap have kind of a yellow-purple color. So if you would like to review that with me later, I would be glad to go over that map with you.

We did submit this to the Forest Service, they did come out with their second DIS on open roads. We found quite a bit of confusion on their maps. They have designated some of our roads that were designated as 2477s as closed, others were listed for decommission and we were very upset by the prospects of that. I do have in your file though a letter from Jerry Reese that did come forward after the plan was submitted and said that no action would be taken on those roads without consultation with county commissioners in Madison County, and we do agree with that proposed approach on these roads. We believe that no designation can be made on them until some kind of an agreement is made between the county commissioners and the Forest Service on those roads. We have also asked that those roads be eliminated from the forest plan process because we do believe that counties do have the authority over those roads and they should not be included in the forest plan to begin with because those are county roads.

One of the great diversities of this is two years ago, the Forest Service approached us to actually take over ownership of many of the roads we have listed as 2477s. We did at that time take over approximately eight to ten miles of those roads, we have maintained those for the last two years, but because of paperwork with the Forest Service we have not received title for those, so there is no way for the state to pay us for those roads, for the upkeep that we have been doing on them.

We believe that roads, if maintained properly, do not have any effect upon the environment or upon streams or anything in the area, and we have been doing our part to maintain those roads.

We are very concerned about closure of ghost roads. Most of those roads are a quarter of a mile to half a mile in length. The primary use of these roads is for the public to get off the main road to camp and enjoy the surroundings of the forest without having someone drive through camp every 15 or 20 minutes. Most of the local residents have used these camping sites for many years with little or no effect on the forest. Closure of these roads would force campers into organized campgrounds that are already crowded or force them to camp on both sides of the roads that are heavily trafficked. This in turn will force the public out of the forest putting undue pressure on private landowners.

This is not the forest experience that most of us have grown up with and we would ask for your support in this investigation to help make these roads be open because they do provide a valuable part of the culture and nature of Madison County and the surrounding areas.

Thank you very much.

Mrs. CHENOWETH. Thank you, Commissioner.

[Applause.]

Mrs. CHENOWETH. And now we will hear from Commander Brett Mackert of the Fremont County Search and Rescue.

[The prepared statement of Mr. Jeppesen may be found at the end of the hearing.]

STATEMENT OF BRETT MACKERT, COMMANDER, FREMONT COUNTY SEARCH AND RESCUE, ST. ANTHONY, IDAHO

Mr. MACKERT. Thank you, Madam Chairman and fellow supporters.

This summer—first of all, I bring to you a story of how I was exposed to this road closure issue. I work at a correctional facility in the state of Idaho and in that correctional facility, we take youth to the forest and we do service projects for the Forest. Our service project chosen for the day was to scout areas to put trees, a very worthy project, I would say, a very worthy project, to go in and actually put trees into the forest. That is the idea of forest management.

When we get on site that morning, we have to go through a locked green gate, as all of you are probably aware of what they look like. There was no traffic behind that gate or there had been none. We drive down the road for about a mile and a half to two miles, we come to another locked green gate. Still no traffic on the road, still none. Immediately behind the second locked green gate is where the tank trap started—one, two, three. Evidently they did not feel like the gates was working in that area. They were, they were working very well. There was absolutely no way anyone could get around the gates where they were located.

Not only were there tank traps, there were large rocks rolled onto the road and then I would think that the thing that appalled me more than anything else at that point was a tree, a single tree, broken off about 15 feet in the air, 10 to 12 inches in diameter, toppled in amongst these tank traps. For someone who is supposed to manage the forest and take care of the trees, it appalled me. I said little about it, you know, at that point, the damage had already been done.

I was called to Island Park to look at another situation. I was asked to go and look at the Flat Rock Road in Island Park, a popular road in the summer time for people who ride four-wheelers. It is a flat area, there is no hills, the road is just entirely flat. On that road, the tank traps started and approximately every 75 yards there was another one and another one and another one. Well we had walked down the road a short distance and my young son, who is seven years old, he says to me, he says, "Dad, what does the sign say?" And there a sign next to a tree said the following, in essence it was this is a forest test plot, damage to this area is something to the nature of imprisonment in law, enforceable by the Forest Supervisor. Piled at the base of this sign is the branches off the tree where the excavator had scraped them off approximately 15 feet in the air.

That day, we walked past 14 tank traps. We did not go to the end of the road, that was as far as we made it, was 14 of them. Fifty trees had the bark and branches scraped off of one side of them, six trees were busted off and tipped over and 14 tank traps. I am sorry, that is significant, that is not taking care of the resource, that is destruction of a resource.

One of the three reasons that Mr. Gerber spoke of was erosion. I wonder how those 14 tank traps that we walked past are going to look come spring time, and where that dirt and that erosion is going to head to. It is a sad, sad thing in this world that we can destroy this and say it is for the betterment of the forest. There has got to be a better method—there has to be.

Mrs. CHENOWETH. Thank you, Mr. Mackert.

[Applause.]

Mrs. CHENOWETH. The Chair recognizes Senator Crapo for questioning.

Senator CRAPO. Thank you, Madam Chairman.

Marv, I would like to direct my first few questions to you. It seems to me that one of the issues with regard to the tank traps is whether the gates actually work, and if I understood your testimony, you do not believe the gates do work to keep the traffic off the roads.

Mr. HOYT. That is correct. I think that from my own personal experience they do not work; for many people I have talked to, they do not work; and from a project called the Road Scholar Project where a group of young folks monitored those gate closures and the effectiveness of them over a two year period on the bear management units and found—and I do not have the exact percentage, but a high percentage, well over 50 percent, were not effective at all. Partially effective, there was a percentage and so forth. So no, it is not only my opinion and my thought, it is—I think it is pretty well substantiated.

Senator CRAPO. What did you think of the suggestion by Mr. Shurtleff that—I think it was Mr. Shurtleff—that—I hate to characterize other people's testimony for them, but I think what he was saying is that he thought we could find a way to monitor it effectively, but that we should keep the roads available for potential future use, just stop their usage now.

Is that fair, Mr. Shurtleff, as a restatement?

Mr. SHURTLEFF. [Nods head.]

Senator CRAPO. What do you think of that idea both in terms of if it could be achieved, would that be an acceptable solution, and do you think it could be achieved?

Mr. HOYT. I think that it could be an acceptable solution. Keep in mind that the areas where most of those roads go were lodge pole clear cuts, it is going to be 60, 80, 100 years from now before those trees are available for harvest. And I think the other thing to keep in mind is that since the road closures have not been effective and unless there is a significant increase in the Forest Service's budget for law enforcement to make sure that the roads stay close and those closures are effective, it simply will not meet the requirements of the biological opinion.

Senator CRAPO. What is the road density now in the Targhee and what is the level of road density which is acceptable from your point of view for proper management?

Mr. HOYT. Well, I think that each of the management prescriptions, each has its own road density. In grizzly bears, it is .06 miles per square mile, I believe. In the core areas, it is 0 miles per square mile. For elk, it is other densities. So each area of the forest—there is not a blanket prescription that covers the entire forest. And all of those were calculated to protect not just grizzly bear and elk, but water quality, cutthroat trout spawning and so forth. And I think that they are a key component and a key element of the forest plan. And for folks to say that we could change that without doing a significant plan amendment or without involving the public or taking a lot of time, are simply fooling theirselves. If the entire forest plan is based on road density standards, which it is, to protect those resources, we would be looking at a significant amount of time, significant amount of money and I do not think that the outcome would be any different than what we are looking at today. And I do not think the American people or the people of Idaho or the Forest Service or anybody else is really interested in jumping back into that after spending the last eight years doing that.

Senator CRAPO. You know, one of the things that I think is a core issue that a lot of these other issues relate to is the question of whether the forest is open except when designated closed or closed except when designated open. I think that gets to sort of what I think Senator Craig referenced as the culture of our usage of the forest historically here in this area. I know that is my cultural experience here. And I come to it from an approach of supporting open unless designated closed, but supporting reasonable management for making sure that we close those areas that need to be adequately protected.

You gave some numbers in your testimony about the support for closing the roads.

Mr. HOYT. Yes.

Senator CRAPO. Were those numbers directed at supporting an open versus closed—excuse me, a closed unless designated open policy or were they a tabulation of those who supported one or another version of closing roads?

Mr. HOYT. I believe that virtually—I would say that over 90 percent, maybe 98 percent of the figure that I gave you favor road closures and each of those, what they say is—and I think you have

seen some of these postcards with comments that have come in on, they say keep the ghost roads closed, keep the road density standards and keep the signed open, otherwise closed part of the forest plan. And I think that the important thing to remember on that particular issue is it directly relates to the issue of road density standards.

In the past, for many people, virtually anybody that has spent any time on our national forests, when you see a road closed sign, it is almost always full of holes, laying face down in the mud with motorized tracks beyond it. And that is why it is important to have it signed open. People are not going to tear those signs down then, you will have plenty of people that will try to violate that, but it will be a blatant violation, and I think it is the way to prevent those signs from being torn down.

Senator CRAPO. Thank you.

Mrs. CHENOWETH. The Chair recognizes Congressman Simpson.

Mr. SIMPSON. Thank you.

Marv, let me ask you, do you agree with the statements that were made that the grizzly bear were doing fine and coming back and that the elk herds were doing—are doing fine?

Mr. HOYT. I think since the Forest Service began better enforcement on some of its road closures and so forth, that the elk populations have increased. That is a layman's observation and I would certainly defer to Fish & Game, and I think that anybody that really wants to get at the answer to that question ought to be talking to the biologists that work for Fish & Game in this region. They are the only ones that I believe can answer that clearly and effectively and accurately.

Mr. SIMPSON. I will ask the Forest Service and those people and I will ask those individuals at the proper time too.

If it is true that they are coming back, then what are we protecting, if—by going in and doing the tank traps? I mean apparently the gates, even though some people were going around them, were doing the job they were intended to do.

Mr. HOYT. Again, I cannot answer specifically, I am not a biologist, all I can say is that the gate closures have helped that problem. However, I believe it was prior to 1990 or so, and I am probably not exactly accurate on that, there used to be—actually it was prior to that, back in the 1970s, that area had I think a 30 or so day any elk season. That was cut down to a five day spike only hunt in the 1980s because of the amount of roads and habitat alteration. I think over time the elk numbers have come back. I do not know the exact figures.

For grizzly bears, I think that the Interagency Grizzly Bear Team that I quoted from the memo stated it correctly, grizzly bears do not—will use the BMU if the roads are effectively closed. And that is the issue, it is not just closed, not just gated, but effectively closed. And they have used it more often in the last few years, notwithstanding the ancient research that Mr. Gerber's slide was based on. There is much, much more recent data that shows the exact opposite. So again, I would defer to biologists to answer that question.

Mr. SIMPSON. Let me ask just a general question and any of you might want to answer it, if you can. It is a rather naive question

on my part, I guess. It seems like environmental questions are the ones that seem to divide us the most, are the most politically sensitive that we get, as we have out here, people on both sides of the issue very emotional about it. I think an overwhelming majority of people, whichever side of the issue you are on here about closing these roads, agree with saving grizzly bear habitat, elk habitat, stopping erosion in the forest and so forth. Most people do not want clear cuts. There are people on both sides, there are people on one side who feel that any human being in a forest is an intrusion and should not be there. There are people on the other side who feel that any clear cut tree was meant to cut. But an overwhelming majority of people are environmentally sensitive people that want to take care of our national forests. How do we resolve this problem that seems to divide us so much politically?

Mr. HOYT. You know, if I had the answer to that, man, I would be a millionaire consultant. There is not an easy answer to that question. I think a lot of people look at things differently and that is the problem. I think that the Forest Service has actually made a pretty good attempt. There were, by some calculations as many as 3,300 miles of open roads or roads that were built on the Targhee and were there ten years ago. There are now, if this forest plan and this travel plan, which we hope to see implemented, there will be about 1,600 and some miles of roads, about half. To me, that seems to be striking a balance. And I think that is what we are really talking about, is balance. We are not in favor of closing all the roads or all the trails. We would like to see a balance, a balance that effectively promotes wildlife protections, allows those of us who like and prefer non-motorized muscle powered recreation to be able to do that without having to walk or run into a motorized vehicle, but also allowing the folks that like motorized vehicles to have their place in the forest too. I cannot imagine with 2,200 miles of open roads and trails still open that people say there is no access. That is enough to stretch from Chicago to Seattle. That is how many will be left open after this travel plan is implemented. It is not denying anybody access, just maybe not to a specific place and every place by motor.

Mr. SIMPSON. Anybody else care to——

[Applause.]

Mr. JEPPESEN. Really quickly, from the standpoint base as a farmer and a land manager, we would like to see the forest managed. What we see happening is everything ceasing to exist and no management at all happening. There has to be a mix here where there is good management of the forest. That has to be done in many, many different ways. There has to be some grazing and there has to be some forest cutting and there has to be recreation. All those things are important components of the forest and they have to be there or we go back to that philosophy that the only way to manage something is for nobody to be there at all. I do not think we can live with that kind of explanation in this time and age.

Mr. SIMPSON. Thank you.

[Applause.]

Mrs. CHENOWETH. The Chair recognizes Senator Craig.

Senator CRAIG. I notice that Commissioner Shurtleff was wanting to respond. Go ahead and respond and then I will ask my questions.

Mr. SHURTLEFF. Thank you, Madam Chairman, Senator Craig.

What I wanted to respond to is I want to kind of preface the fact we say everybody is for grizzly bear habitat and want to preserve that, and I do too. But I want to specifically make sure it is habitat before I try to preserve it. I do not want to just preserve it because it is a piece of ground.

[Applause.]

Mr. SHURTLEFF. The other thing that I wanted to respond to there was we talk about the amount of roads that we will be able to use will be cut in half. And I have no problem with that, to be very honest with you. What I want to make sure that the other half that we block off are still available to us, because let us go back to the original reason we built these roads in the first place. We built these because the Targhee was a dead, dying forest and we had to do something about it to revive it and bring it back into operation. If we wipe out half those roads, we will be exactly in the same place somewhere down the road because we will have half the amount of roads. What I am saying is that if we need to block them off for certain periods of time, let us keep them blocked off to where they can be reopened, they can be revitalized if needed at some point in the operation. To block them off now, they are gone.

Senator CRAIG. Thank you.

[Applause.]

Mrs. CHENOWETH. The Chair really does appreciate—and I would like to stop the time for the Senator, your applause, but the fact is that we must conduct this hearing and be finished by 5 p.m. So I would ask from this point in time on that you restrain from applauding. Thank you very much.

Now we will start the clock again.

Senator CRAIG. Thank you, Madam Chairman. I have always said as I have chaired committees applause is not recorded for the record. And we do appreciate it, but it will eat into time and I think the testimony and the questions that go into the record are more important.

Mr. Hoyt, a couple of questions of you. I have I guess in the course of the last 17 years attended over 200 hearings on resource management. Almost all of them have been polarized with conflict. I am very concerned about that. I have not been at all excited about the conflict in the end. I do not know how to express it otherwise. I have seen communities divided, I have seen anger result in physical violence.

And it largely began when we decided that we would start managing our resources from the top down. We would decide national schemes, force them into local or regional areas with little domestic or local input. I understand why that happened, it was to build a greater environmental ethic than existed at the time. I think that this country has come a long way in a positive sense in the last 20 years in the growth of a positive environmental ethic. I think it is reflected in this room today. I think it is reflected from both sides.

There is no question what we think about our environment today. Everybody wants to be an environmentalist. I do not know of a politician this year who ran on an anti-environmental platform. Everybody is for clean air and clean water and quality habitat for wildlife. But the conflict still goes on. It is people versus no people in some instances.

I have just completed two and a half years of hearings with everybody at the table including every environmental group that wanted to come, to try to find a way around the conflict, to look at new decision-making processes that would result in less conflict. We have examined one that seems to work a bit, it is called the community collaborative process, with all parties at the table equally represented.

That is why I watched the Targhee so closely. It seemed to be working for a time until a group spun off and filed a lawsuit. I do not recall now who that group was. Were you involved in that?

Mr. HOYT. That lawsuit was filed by the Idaho Conservation League, the Greater Yellowstone Coalition and the Wilderness Society and a variety of other groups, several of whom were participating in——

Senator CRAIG. But not at the table?

Mr. HOYT. No, that is incorrect.

Senator CRAIG. Did those environmental groups have representation at the table of negotiation?

Mr. HOYT. Absolutely. Lynn Kincannon, who you well know, I believe——

Senator CRAIG. Yeah, I know her well.

Mr. HOYT. [continuing] worked for the Idaho Conservation League and was attending those meetings until she was threatened.

Senator CRAIG. Threatened?

Mr. HOYT. Yes.

Senator CRAIG. I see.

Mr. HOYT. She said that she was threatened and intimidated and that happened in about 1994 or 1995 and she said she would not go back.

Senator CRAIG. Okay. Well, the reason I asked that question—because obviously it broke down for some reason. A lawsuit was filed, the Forest Service would not fight it, they negotiated it out of court, settled it and we have the conflict we have today based on road density, I do believe.

Mr. HOYT. That lawsuit only applied to the Plateau Bear Management Unit on the Targhee, it did not apply to the entire forest.

Senator CRAIG. That is correct. But it did apply to the road density in that area, did it not?

Mr. HOYT. It applied the road density standards that the science said were needed to protect grizzly bears and the reason the Targhee and the Forest Service settled in court—not out of court—they settled that——

Senator CRAIG. It was in court?

Mr. HOYT. It was settled in court. That lawsuit is still valid and can be re-activated at any time.

Senator CRAIG. Oh, I know it is, that is why the Forest Service is making the decisions it is making, I understand.

Mr. HOYT. But that lawsuit, the decision was—their solicitors, their biologists looked at it and realized that they had in fact ignored the Endangered Species Act, and to be in compliance with that law, they felt that they had no recourse.

Senator CRAIG. Where is the science of road density? Who determines what is the right density?

Mr. HOYT. That is based on research by various grizzly bear biologists that has taken place for many years. Some of those are parts—part of that research has been conducted in Idaho and around the west, and Idaho scientists have been involved with that.

Senator CRAIG. Okay. Well, the reason I bring this point up is because the negotiations failed or at least certain groups felt it was failing and they spun away and filed a lawsuit.

I am trying to craft a law that would allow full representation at the table and once a community collaborative process was decided, while people could spin out and file in court who think they could win a better position in court, it would hopefully result in less conflict. And in areas where it has been effectively used, it appears less conflict is occurring. Somehow, we have got to get there and bring local communities of interest back into the process.

So I just want to make that statement for the record because I was hopeful it would work here. It has not worked, largely because the formal structure did not exist and certain groups were not willing to play within the range of that structure, Madam Chairman.

Thank you.

Mrs. CHENOWETH. Thank you, Senator.

Mr. Mackert, you—did you wish to comment to that?

Mr. MACKERT. You know, we have been around Fremont County for years taking care of the people in Fremont County that get lost. For years and years we have done this, I have been involved in this since I was 18 years old and I am now 39. I have been the commander of our rescue unit for seven years. And when I asked our people how many roads were being breached, they come up with five—five.

We have the authority to open those gates and go and help find people. Inevitably what we find as soon as we open the gate is trees that are tipped over, nature taking its course to reclaim the road. And most of the time that stops us. The destruction that has went on in this forest is—I just cannot bring words to describe it, it is sad.

I pose the question to you, if you have a flat tire, do you send your car to the crusher to fix it? If the gate did not work, move the gate a little bit or put a little bit more of a barricade around the gate. Do not do the destruction to the forest that was done, please. It is sad.

Mrs. CHENOWETH. Thank you, Mr. Mackert.

[Applause.]

Mrs. CHENOWETH. Sorry, no applause, please.

I would ask that all signs be held down, as I did at the beginning of the hearing, so those behind you can see. Thank you very much.

I would like to ask Mr. Shurtleff what would you consider to be the reasonable timber sale level for the Targhee considering growth rates, in a forest that is predominantly lodge pole pine with very

little Doug fir or whatever other species in it? What would you consider to be the reasonable timber sale level and the volume estimates?

Mr. SHURTLEFF. From my experience, Madam Chairman, it would be somewhere around 20 million board feet I think this Forest Service could handle, but let me tell you, I am not too concerned about the level that we start as long as we are on an approach. What concerns me most of all is the fact that now that we have established an annual sale quantity of approximately eight million feet, of which my understanding is they will only accomplish about half of that if they are lucky. That means they are going to actually sell about four million feet. Of that four million feet, it will be predominantly Doug fir. My opinion is that what they are doing basically is driving those who have situated themselves to be lodge pole pines—and to be honest with you, we thought we were basically a conservation type outfit. In other words, we stuck around and were going to try and stay here so that we could help preserve, because we do think it takes some tree thinning, some harvesting to make a forest survive. What I am concerned about is the fact that now the plan that they have in place is going to be predominantly Doug fir, so therefore, lodge pole pine users or people who can use that and put a product to it will all be gone when the Doug fir runs out because 20 years ago, we thought that Doug fir was basically gone out of the Targhee. So that is my big concern, is the way they are interpreting and using the plan is basically going to take all the resource users out of the business. Then at some point in time when they say well gosh, we could sell some lodge pole pine now, they will say but there is nobody here to buy it.

Mrs. CHENOWETH. Thank you, Mr. Shurtleff.

I wanted to ask Mr. Hoyt. I have reviewed the testimony of Mr. John Burns and also of Steve Mealey, and we will be hearing from them on the next panel, but I am going to let you have a peek at their testimony in my question, because Mr. Burns says that the elk herd has grown from 800 to 4,000, and as you know, even Secretary of Interior Bruce Babbitt and many other people have testified too and stated that the grizzly bear population is growing, to the point now where the grizzly bear may even be delisted. And what we are hearing now from Fish & Wildlife Service and so forth is that it may take more money and more space for the grizzly bear. So we have a growing population of grizzly bear that is expanding out. What happens when it expands clear into areas such as this? I mean, it is not impossible to think that could happen. Do we just move the people out?

Mr. HOYT. Well, I guess my answer to that is that the grizzly bear has been here long before people and probably may well be here long after people have lived in this area. It just so happens for the last 100 or so years, we have managed to kill most of them off. I think that I would certainly hope that the director and one of the commissioners who may speak from Fish & Game do not refute the last eight years of what their staff biologists have been saying about grizzly bears and about elk on the Targhee National Forest. That would certainly be a shame and it would certainly cause me to question whether those are political statements or

whether they are reflecting the views of those dedicated wildlife biologists that work for that agency.

Mrs. CHENOWETH. Mr. Hoyt, as the grizzly bear population expands, as their sightings expand, is it the vision of the Greater Yellowstone Coalition to be able to close the roads wherever the grizzly bear population expands?

Mr. HOYT. No, that has never been our position. Right now, while we do not believe the sort of boundaries of the recovery area are probably adequate to sustain grizzly population, a recovered grizzly population, frankly we do not have a recovered grizzly population and currently there is no intent on anybody's part that I know of, except for some who believe that the U.N. is flying around in black helicopters trying to do this sort of thing, that that would ever take place.

Mrs. CHENOWETH. Thank you, Mr. Hoyt.

I want to thank this panel for their outstanding testimony. I think we are just about on time and we will call the next panel. I will call Mr. Steve Mealey, Director of Idaho Fish & Game, accompanied by Mr. Jeff Siddoway, Idaho Fish & Game Commission. Mr. Siddoway is from Terreton, Idaho, Mr. Mealey from Boise, Idaho. Mr. Mealey is also accompanied by Mr. Fred Wood, Idaho Fish & Game Commission from Burley, Idaho.

Also, the second member of the panel is Mr. John Burns, former Targhee National Forest Supervisor, now residing in Carmen, Idaho.

We would ask that the hearing room come to order please. I would ask that the panel, anyone who is going to be giving a statement for the record, please stand and raise your hand to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. The Chair now recognizes Mr. Mealey.

STATEMENT OF STEPHEN P. MEALEY, DIRECTOR, IDAHO FISH AND GAME, BOISE, IDAHO

Mr. MEALEY. Madam Chair, I am very pleased to be here. I am Steve Mealey, Director, Idaho Department of Fish and Game and pleased to be here with Commissioners Burns and Siddoway.

I want to begin my statement very briefly, and the longer statement is submitted for the record, but just a brief summary.

I would like to clarify, first of all, the road status that would result from implementation of the proposed action inside the grizzly bear management units and outside those units.

Accompanying my testimony are some pie charts that show those numbers, but simply, they show that inside the bear management units, some 38 percent of roads are left open and 62 percent are decommissioned or have some motorized restrictions. I want to also make clear that Fish and Game was not a part of the consultation process and had no jurisdiction in the decision.

Outside the BMUs, the situation is reversed, with 65 percent of the roads remaining open and 35 percent decommissioned or restricted.

The Fish and Game Department worked with the Targhee Forest in developing travel management planning outside the BMUs. We developed criteria that were necessary to meet department goals

for hunting and fishing opportunity for the sports men and women of the state. Elk and cutthroat, that is Yellowstone cutthroat, were the key species of concern. Let me speak about each briefly.

Yellowstone cutthroat have been petitioned for listing under the Endangered Species Act, as I am sure you know. Some road closures on the Targhee were implemented to address Yellowstone cutthroat needs, especially those related to 303d listed streams related to sedimentation and other impacts to Yellowstone cutthroat. Maintaining and improving habitat is essential to keep the species off the list and retaining state control over management.

Let me turn briefly to elk, and I have a map attached to my testimony that will illustrate this. For the Island Park Zone, which makes up a number of elk management units, big game management units, our post-season elk population goal is for some 1,800 cow elk, some 575 bull elk and up to 350 adult bulls. We also would like to have a 35 bull per 100 cow ratio and some 22 adult bulls per 100 cows in this area.

The elk hunting goal is to provide as much general season hunting as possible and minimize the use of restrictive controlled hunting. Our purpose is to maximize hunter freedom and to maximize hunter opportunity.

Currently our elk population goals in the area are being met. I also want to say that our hunting opportunity goals are not. And the reason for that is that we simply have more controlled hunting opportunities than we would like. Basically there are two strategies available to the department and the commission to deal with this.

As elk hunting demand increases, we only have two strategies to respond. We can either meet our elk population goals through restricted hunting opportunity through controlled hunts with minimal travel restrictions, or we can provide general hunting opportunity with some restricted access. Based on some extensive public input, the Commission, with the Department's recommendation, has chosen the option which maximizes general hunting opportunity, minimizes controlled hunts and provides that through some limited access management. And as I said, outside the bear management units, that has resulted in about two-thirds of the roads remaining open.

If there are questions that relate to the logic for why these are needed to provide for quality herds, that is appropriate ratios of bulls to cows, I will be happy to address that in a question, but I will not burden you with the details of that, it is in my testimony right now.

Again, I want to repeat the situation for us with elk. Generally the public has told us that they prefer general hunting opportunity on the Targhee National Forest with some travel restrictions as opposed to more controlled hunts, the loss of general hunting opportunity and fewer travel restrictions. We are about to engage in our annual series of public hearings before our 1999 big game seasons and if our assumption is not the case, then folks need to come to these meetings and let us know. I certainly urge strong public participation in the process so we can make, in our final recommendations to the Commission, those that best reflect the feelings of our strongest constituents, those people who hunt and fish.

Let me close by saying that we have recently revised our elk and deer plans for this area and we will also soon be inviting Forest Service planners to sit down with us to make sure that our earlier planning criteria remain valid.

I will be very happy to answer any questions.

Mrs. CHENOWETH. Thank you, Director Mealey.

The Chair now recognizes Mr. John Burns.

[The prepared statement of Mr. Mealey may be found at the end of the hearing.]

STATEMENT OF JOHN BURNS, FORMER TARGHEE NATIONAL FOREST SUPERVISOR, CARMEN, IDAHO

Mr. BURNS. Madam Chairman, Congressman, Senators, thank you for the opportunity to speak today.

I have been a member of the Idaho Fish and Game Commission since 1996. Prior to that, I retired as supervisor of the Salmon Forest in 1994. From 1980 to 1989, I was supervisor of the Targhee. The Targhee Land Management Plan was developed and implemented during that period.

My purpose today is to provide some historical perspective which may be of value to the Subcommittee and you as you examine the question of roads and wildlife on the Targhee. Indeed, those very questions were central to us as we developed the original Targhee Land Management Plan and implemented the salvage program in the 1980s.

By 1980, an epidemic of pine bark beetle had killed several hundred thousand acres of lodge pole in the Island Park and surrounding plateau areas. Those who did not see the forest as it was then, now have a very difficult time imagining the devastation that was present at that time. Lodgepole is particularly adapted to regeneration. The tree has cones which remain closed until the tree dies and heat causes the cones to open, releasing the seed. This combination of factors, vast insects killed pine stands and the reproductive characteristics of the tree, led us to devise a strategy to reforest most of the Island Park and plateau area. It would also salvage most of the useable wood. At the same time, road construction and logging disturbance would be held to a minimum on the 1.8 million acre forest.

Our plan was intended to replicate the effect of natural fire, but without the damaging effects of wildfire. The trees were cut in large blocks, clear cuts, removing the logs and letting the sun dry out the cones on the scattered slash and the treetops.

Two other major considerations—much of the area in question was classified as grizzly bear habitat under the Yellowstone guidelines. We received a section 7 finding of "no jeopardy" from the U.S. Fish & Wildlife Service due to the fact that the salvage program would focus mostly in Situation II habitat and in non-grizzly habitat. In other words, that area of the Targhee, the plateau country and most of Island Park, were actually considered incapable of supporting a resident grizzly population.

Concurrently, the Targhee was involved in shifting sheep grazing to avoid sheep/bear incidents. Typically grizzlies would move out of the park in early fall and take sheep prior to winter hibernation. Also, an intensive campaign was launched to eliminate bear

attractants such as open dumps which were associated with the human population in Island Park. In addition, improved cleanup of highway killed deer, elk and moose was accomplished. The net effect, of course, was that the major elements of food for grizzlies in that locality—livestock, garbage and road kills—was significantly reduced or eliminated. If bear use and sightings have since declined, it should not surprise anyone.

The second additional factor shaping the salvage program was elk. Most of the Island Park and plateau area was not prime elk habitat. The Douglas fir breaks on the sides of the buttes and plateaus was considered good habitat, but the lodgepole country had little undergrowth and little surface water and was not. Elk typically migrated across the area to their winter range in the junipers and sandhills country west of St. Anthony in just a matter of a few days.

The principal concern relating to elk was increased vulnerability to hunter harvest as a result of more roads and less hiding cover. This question was examined in great detail considering such things as the acreage to be treated each year, the road miles to be built and the speed of reforestation and tree growth. Our analyses indicated that the planned program would not adversely affect the elk population goals, but we did recognize that hunting limitations might be necessary in order to achieve other goals.

A major additional benefit was realized as much of the acreage that was cut actually grew back in species other than lodgepole—aspen, for example, and other shrubs and herbaceous vegetation. This helped the wildlife.

In any case, it soon became obvious that hiding cover was rapidly reestablishing itself in the treated areas. The new stands were capable of concealing an elk quite quickly and they now provide very challenging hunting. They are dense and thick and it is hard to hunt.

The bitter lesson of ignoring habitat management now faces the Idaho Fish and Game Commission in the Clearwater country of northern Idaho. What was once the finest elk herd in Idaho has crashed due in large part to predators and the inexorable decline in habitat capacity for big game when the forest closes in with maturity. Unfortunately, the need for active forest management is all too often ignored or even denigrated until disaster—be it insects, fire or declining big game herds—faces us. We need to keep in mind that we have to manage the forests for the type of future desired.

Thank you.

[The prepared statement of Mr. Burns may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Mr. Burns.

The Chair recognizes Mr. Simpson for the first line of questioning.

Mr. SIMPSON. Thank you, Madam Chairman.

Mr. Mealey, I have got the Fish and Wildlife guys here now. It has been mentioned that the grizzly bear habitat or the grizzly bear population is increasing, is on the increase, and that the elk population is on the increase. Is that accurate or inaccurate?

Mr. MEALEY. Senator, I am sorry that I did not hear.

Mr. SIMPSON. Mr. Mealey, it has been mentioned that——

Mr. MEALEY. Congressman—excuse me.

Mr. SIMPSON. [continuing] the grizzly bear are on the increase and that the elk population are on the increase. Is that accurate or inaccurate?

Mr. MEALEY. That is accurate.

Mr. SIMPSON. If those are in fact on the increase and we are closing roads in order to protect their habitat, is that not sort of evidence that the road closures before the gatings were in fact being effective and that the tank traps were not necessary?

Mr. MEALEY. Madam Chair, Congressman, let me separate that question into two pieces.

Mr. SIMPSON. Okay.

Mr. MEALEY. Because you have asked me the question that I said I would defer until you asked me a question. It is clear that the elk herd in this part of the world has expanded from a handful of elk in the 1930s to approximately 4,000 now. And you can tell by my response I am referring to an area that is larger now than the Island Park Zone. This herd expanded in the presence of a lot of human activity, including road construction, timber harvest, livestock grazing and lots and lots of activities, including general hunting.

So it is fairly easy to say, goodness, there is no problem. But in fact, there is a very serious problem. And that is that unrestricted access resulted in harvest of the bull segment of the herd to the extent that in the late 1970s, hunters were so effective that they were literally killing all the spike bulls.

So the question was not so much the total number of elk as the quality and the composition of the herd. And without getting too detailed here, you do recall that I mentioned some parameters for the herd that included wanting some 25 adult bulls per 100 cows. The reason for that is to assure that breeding occurs at the appropriate time in the season and adult bulls will do that in September, the first time that the cows cycle, assuring that calves are born around the first of June and obtain a weight that allows them to get through the winter. If you lose that segment of the herd and breeding occurs by the younger segment, sometimes the cows do not bear until late June, as a result of late breeding. That has implications for calf survival.

So what was important was that we restrict the harvest so that we could retain a good quality of herd composition. So it is more than just having 4,000 elk, it is having the right kind of elk. And that is why I mentioned the herd objective.

Now there were two ways that we could obtain the proper herd objective; either through controlled hunting with relatively liberal road access management, or the other option that I mentioned was general hunting opportunity with some route restrictions. We opted for the latter course and the proposed Targhee plan does include that set of criteria, in order that we could maximize hunting opportunity and freedom for our sportsmen.

Mr. SIMPSON. Thank you.

Mr. MEALEY. You did ask me about grizzly bears and I gave too long an answer to the first one, but I have an idea someone is going to ask me that question as well.

Mrs. CHENOWETH. Thank you, Mr. Simpson.

Without objection, I would like to ask for unanimous consent to ask Mr. Siddoway, before I call on Senator Craig, if you have comments. I know that you were here accompanying Mr. Mealey, but if you have comments, I and the rest of the panel would love to hear from you, Mr. Siddoway.

STATEMENT OF JEFF SIDDOWAY, IDAHO FISH AND GAME COMMISSION, TERRETON, IDAHO

Mr. SIDDOWAY. Thank you, Madam Chair. My comments will be brief.

I tried to get a hold of Doug Crandall, who was setting up this panel, and he and I never did actually connect. I wanted to know if I should provide written testimony and he said no, do not worry about it, you will just be accompanying Director Mealey. But then since you swore us in and put us under threat of perjury, I have been sitting over here real concerned about how I could confess having sex with a grizzly bear. So it is all about sex and if I say something that someone challenges, they cannot throw me in jail.

[Laughter.]

Mr. SIDDOWAY. I do have quite a history with the Targhee Forest. I grew up in St. Anthony, just north of here. A large segment of the elk winter range for the Island Park or the Sand Creek herd includes our private land. I do not mean to be repetitious of what John Burns said, but the elk do migrate from Harriman State Park—or did migrate from Harriman State Park and from Yellowstone Park to the Big Junipers where they had a sanctuary. A lot of that was just because of the way the hunting seasons were structured and they would make that run in about a 24-hour time. There was not a lot of cover left up on the forest and the hunting became an absolute nightmare. When we would be tending our sheep out there on the junipers, towards the fall, the hunters would come in and it was just party hunting, shooting the animals out of the backs of pickups and runs, and it was just a nightmare. And they did pretty well eliminate all of the bulls in the herd and that is what caused the restrictions.

I guess as far as the Department comes from and as far as Jeff Siddoway, the old redneck sheep herder that used the Targhee for managing sheep and recreation and breaking colts, versus what is Fish and Game, there are probably two different answers. But since I am accompanying Director Mealey and here as a commissioner, we can control the quality and the quantity of this herd two ways—we can either have a restrictive access or we can have a restrictive hunting season. And the Fish and Game obligation is to give as much opportunity while protecting the habitat as we can. And pretty well, that has boiled down to try to give the longest seasons. Since 1991, we have been in a spike only. That caused a lot of hunters to move out of the area, about 60 percent of the hunters left the area because of the spike only. That put us into the controlled hunts for the big bulls.

Since then—I did not call any politicians, but I did call our regional supervisor and got several sheets of paper over the last few days in preparation for this—we do have our objective management that the whole department, all the biologists, put together and goes through it. It states specific numbers of animals for specific units

and areas. Our Island Park area, we have an objective of 1,500 cows, 575 bulls I believe, and 300 of those mature bulls. Currently we have about 975 bulls, almost 50 percent more. We have about 500 plus mature bulls and we have I think around 2,200 mature cows. So we are well above our objectives right now.

The object here is to give more hunter opportunity in the future. We will be going out to our scoping meetings, as was mentioned here, this month and hopefully we can give that opportunity.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Siddoway, Commissioner, for that very interesting testimony.

Senator Craig.

Senator CRAIG. Do not worry about your oath and your personal activities.

[Laughter.]

Senator CRAIG. We took care of that yesterday.

Mr. Burns, you said something that I think is tremendously valuable to repeat. And I say so because there are a good many people in this audience that are now defending a Targhee that is not a Targhee that was.

As a young person, I camped with my parents in the Targhee that was and I know why you made the decisions you made and the Targhee was logged, it was a climax forest and it died. It died very dramatically. It was sitting there waiting for a big burn, but somebody like you got in in front of it and stopped it.

What would have happened to the Targhee that was if changes had not been made and the Yellowstone fire in 1988 had come up against it?

Mr. BURNS. Senator, my view is that a tremendous amount of the Island Park country would have burned in one of the three runs that the Yellowstone fires made to the westward, when we had the dramatic wind shifts that would suddenly reverse the situation.

Senator CRAIG. In fact, it did break into the forest.

Mr. BURNS. Oh, yes, in places. But what we found was that the young growth—it was relatively easy to control the fire because the younger trees would not burn with that intensity of the mixed dead and dying older timber. So we fortunately had the best of all worlds in controlling that fire situation. Frankly, the Targhee was the only forest in the Yellowstone complex where that fire season was actually managed and controlled.

Senator CRAIG. And that is the rest of the story. And I appreciate you saying that because I am very frustrated at this moment by people who think that they are defending something that is static.

I appreciate the need for road closure because the roads that are there now were placed there to change the character of the climax forest you described. And everybody knew it would not last, that once those dead and dying trees were taken out, it was going to be over with, or at least a large portion of it would be. And that is true and there has been mill closures in the area simply because there was no supply left. Nobody really—everybody was concerned about the loss of jobs, but they understood the supply was gone.

I guess my frustration today is that obliterating roads versus closing roads and making sure they are kept closed for some future management use, does not make a lot of sense.

Director Mealey, what I cannot understand, and I know you have been intimately involved in this because I first got to know you when you were known as a biologist, a bear biologist, a grizzly bear biologist, and not a—well, I guess then it was the Boise Forest and now Idaho Fish and Game. But you were very much involved in putting a plan together to manage bear in the Yellowstone and in the Yellowstone region. Did you ever believe that the amount of road closure that is now being recommended in current forest plans was necessary?

Mr. MEALEY. Senator Craig, the short——

Senator CRAIG. Maybe I ought to reword that, road closure existed, it was recommended and it happened. Road closure versus what is currently going on today in the ratio of roads and the road density—did you ever envision that in your initial studies as a necessary tool?

Mr. MEALEY. Senator, let me answer that in the context of the grizzly bear management guidelines, of which Mr. Hoyt notes that I am somewhat dated now because I did leave Yellowstone some years ago, but I was the author of the guidelines that as I understand is still a part of the forest plan.

Senator CRAIG. I believe those are still the operating rules, are they not?

Mr. MEALEY. Yes, sir. Now I need to answer the question in the context of those management guidelines. And let me say that, for those that may not know, there were three management—actually five management situations in them. Of course, the I being an area where the bear is the primary use and habitat centers and components make the area necessary for its needs and survival. Management Situation II is an area where habitat components are present but population centers do not generally exist. Well, given that stratification system, the Plateau Bear Management Unit was classified as a Situation II area. So in a Management Situation II area, and I will not go through the details of those directions, but in a Management Situation II, if push comes to shove, by definition, the grizzly is accommodated but not to the extent that it excludes other uses. And if the area is so important that the bear requires that consideration, then the area should be reclassified from II to I. Now that is what the guidelines still say.

So in the construction of those guidelines, you asked me a question and I will answer it directly. In Management Situation II, no, I did not, as author and as we discussed those, anticipate road densities that we currently see. Now again, that was related to the first question, I think, and that is what is the habitat quality of the Plateau Unit. And I think that might have been what Congressman Simpson was getting at, that the Plateau Unit has relatively low habitat quality.

Senator CRAIG. In fact, when you talk about the Plateau Unit, was there not a discussion in time that it might be considered for being taken out of the mix because it just did not work?

Mr. MEALEY. No, Senator, I do not recall that, but I do know and much of my life was related to this question, and that is that years ago in my thesis and later others have documented the relatively low habitat quality of that area, and it has to do with the fact that the soils are rhyolitic, relatively infertile and porous, not normally

accumulations of sedimentary soil that make it rich. And as a result, the vegetation is lodge pole pine and pine grass and low huckleberry, with the exception of some micro-sites that are quite rich, but they are widely dispersed. As a result, habitat quality is not high and inherently does not have a high quality for bears to live there.

Recognizing that, it was designated a Situation II. We always recognized the Plateau Unit as uncertain in terms of its overall quality and when we constructed the recovery requirements; that is, the standards for recovery, we identified that there would be 16 or 18 bear management units where bears could be on a six-year average, and we did that mostly because of the uncertainty of the Henry's Lake and the Plateau Bear Management Unit. But the short answer, I did not anticipate densities that low there, simply because it was not assumed that bears would be there in that density.

Mrs. CHENOWETH. Thank you.

Senator Crapo.

Senator CRAPO. Thank you, Madam Chairman.

Mr. Mealey, I was going to ask you to follow up on the bear part of Representative Simpson's question, but I think you may have just done that. Do you want to add anything to that answer?

Mr. MEALEY. I do want to say something about uncertainty. There is no question about the fact that we all want a recovered population. I do recall telling Chuck Lodell, when he was still the state supervisor, that I frankly disagreed with the anticipated road standards in the Plateau Unit, and I did so because they did not appear to be consistent with the direction for the unit on the Situation II area in the Plateau.

Now when I say they did not appear to be necessary, let me tell you why I said that. And this is not a rhetorical issue, it is a structured, logical issue. If something is necessary, it is necessary to meet the requirements for recovery, which were the four recovery standards, and that is that there would be at least 15 females with cubs a year on a six year average, that there would be a target number mortality of no more than 8.8 per year, that there would be a female mortality per year of less than 2.6, and that there would be bears, females and young, documented in 16 of the 18 bear management units on a running average. Now the point is that at that point all those criteria had been met with the exception of the female mortality. And it was unclear to me why those standards were necessary in light of its classification. If it was changed to I, then I can certainly agree that it would be. The biology has not supported it being moved.

Now the habitat effectiveness standard that is currently being tested there assumes that with lower human activity, perhaps bears will occupy the area to a greater extent than they currently do, and I think that is probably a reasonable hypothesis to test and I will be interested to see the outcome. That is the current Interagency Grizzly Bear Committee's position, to do that test and that is what is going on.

Senator CRAPO. Thank you. I have no further questions, Madam Chairman.

Mrs. CHENOWETH. Thank you, Senator.

I wanted to continue along that line of questioning, so I am going to interrupt your drink of water. I wonder if we might throw Mr. Gerber's first slide up on the screen again, and while we are doing that, I want to re-ask a question or a statement that was touched upon. The Yellowstone grizzly bear management guidelines, are they widely used today, and who are they used by?

Mr. MEALEY. Madam Chairman, it is my understanding, and I have been out of the Forest Service for some time and my information gets rapidly dated, but I do understand that the guidelines are still a part of the Targhee Forest plan. So I guess in terms of their use, they are certainly still a part of the forest planning process, is my understanding.

Mrs. CHENOWETH. And you authored those?

Mr. MEALEY. Yes, ma'am, I did.

Mrs. CHENOWETH. And did you author them as part of a research project for your masters, or what? How did this happen?

Mr. MEALEY. Well, not directly. I was the first graduate student for the Interagency Study Team after the Craigheads left the park and my thesis, which I finished in 1975, was grizzly bear food habits in the Yellowstone ecosystem, which I completed, and that reflected some understanding of habitat quality and food habits. And based on that work then, I as a wildlife biologist on the Shoshone Forest in 1977 and 1979 then finally completed the guidelines based on that information that was available at the time, and I think it is still fairly recognized as reasonably valid.

Mrs. CHENOWETH. Director Mealey, what I would like you to do is to point out to us on the map where the Plateau Unit is and then explain for the record what constitutes good grizzly bear habitat and what kind of habitat you find there.

Mr. MEALEY. Well, the Plateau Unit is the area denoted in red, and I might point out that when I refer to that as a relatively infertile area, it refers to the fact that the Yellowstone caldera is here, of course, and that great eruption resulted in the dispersal of what is referred to as rhyolitic soil, pumicy, sandy soil that resulted in a plateau inside the park, and that extends out on that large outflow. So what you have—when I referred to it in my thesis, and I think the current research still recognizes that that is inherently low-productivity, it is not rich soil, it is porous, the water goes right through. So you get vegetation that is a cold desert, if you will, plants that do not require a lot of water live there. And so it is inherently low productivity compared to a high quality area which might be Hayden Valley, for example, in the Park, which was an old lake bed that has hugely deep deposited sediments that are very rich in all forms of life, which is where the highest concentrations of grizzlies occur, of course. Any species is going to be where the food is, where the table is set closely.

Out on the Pittstone Plateau, it is probably one of the—and this map accurately shows sightings—grizzlies avoid the area because it is not a pleasant place to be if you are looking for food and you are a bear. The habitat quality is somewhat better as you go west, but not significantly better.

Now the supposition is, and I think the data that I looked at showed that there has been one sighting in the last six years in

the area on the Plateau Unit on the Targhee and I believe that was 1994 for a female with cubs.

The thing that was interesting to me when I was doing my work in the park was that even though the roads were present on the Targhee in great numbers, you still did not see bears in the park in the same ecosystem where there were no roads. So I was convinced at that time that it was probably more a function of the inherent productivity of the habitat than it was the presence of roads. The current test, however, is that perhaps road density is a deterrent and that is the logic for the test and that is currently ongoing with the supposition that reduced roads could make the area somewhat more attractive. I think there would be some inherent limitations on the extent to which it would be attractive.

Mrs. CHENOWETH. If Siddoway is not grazing sheep up there and the bears are not able to feed on the sheep, what other natural food substance does the bear look for that is not present there?

Mr. MEALEY. Well there are micro-sites that—when I say a micro-site, I mean a relatively small place that in many places provide very rich arrays of foods, they are just widely distributed. So if the density in other parts of the park become great, bears can be forced to the margin and this is a place where they could well go, and that has already been acknowledged by Mr. Hoyt and others today, and that is a reasonable point. But there are some places, Robinson Creek and others, that have some fairly rich foods, but they are widely distributed and they are not highly abundant. So in that sense there are some foods that could be available.

Mrs. CHENOWETH. Are white pine—is white bark pine a food source for the bear?

Mr. MEALEY. They are very important, white bark pine is not as abundant in this part of the area as it is in other parts of the park.

Mrs. CHENOWETH. So can one conclude that even if we close all the roads in that area, because of the natural habitat or lack of habitat, it will not increase the bear density?

Mr. MEALEY. I think the supposition is that question should be tested. One of the things—and I want to go back to what I said earlier, when we constructed the criteria for recovery, we said there is 18 bear management units and it says that 16 of them should be occupied on a running six-year average. The reason for that, it recognized the uncertainty about the Plateau and the Henry's Lake BMUs. We were not certain, and so we left some slack in the system and I think that that is yet to be resolved. Right now, we recognize that bears may not occur there and biology and ecology are very uncertain things. It is clear that as populations expand, this is a place where they could go. There are probably real limitations on how many can be there.

Mrs. CHENOWETH. Is it wrong to conclude, Director Mealey, when you say they could go, that they would likely be passing through, or is this a place where they would settle? I mean, you have just testified to the fact that it does not yield a food source.

Mr. MEALEY. Right. Well, Madam Chair, it is my personal belief from a biological-ecological standpoint, that it is certainly true that the area currently lacks distinct population centers. I do not believe that it ever will have population centers, just because of the inher-

ent limitations of the habitat. I do not think there are many ecologists that disagree, I certainly spoke with Mark Harrelson and others, who—Tom Puchler and others, who are very knowledgeable—feel that the area's quality as grizzly habitat could be enhanced with reduced presence of humans and I think that that is a reasonable question to ask and a reasonable thing to test. But my sense is that the likelihood of that occurring is quite low and that is a function of the ceiling set by the inherent quality of the area.

Mrs. CHENOWETH. Thank you very much, Director Mealey, and I thank my colleagues for their indulgence, my light has been on for quite some time.

I want to thank this panel for your very fine testimony. I do want you to know that we have other questions that we would like to submit to you and we will do so in writing right away and would appreciate your response at your earliest convenience.

And again, I do want to say should you wish to add any remarks to your testimony, you may do so within ten days. Thank you.

I would like to call on the next panel. We will hear from the Honorable Lenore Barrett, who will be accompanied by the Honorable JoAnn Wood, both Representatives in the Idaho State Legislature; Mr. Craig Gehrke, Regional Director, Idaho Wilderness Society from Boise; Mr. Bill Ingot, Rancher from Island Park, Idaho; and Mr. Roy Moulton, former County Attorney, Driggs, Idaho.

[Pause.]

Mrs. CHENOWETH. The hearing will come to order, please, and I would like to ask the panel members to please stand and raise your hand to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. I would like to first state that Representative JoAnn Wood also was—initially had contacted us about this situation and so I would like to open this panel by asking Representative Wood if she has any comments.

STATEMENT OF HON. JOANN WOOD, IDAHO STATE REPRESENTATIVE

Ms. WOOD. Thank you, Madam Chairman.

I am Representative JoAnn Wood, District 26 encompassing four Idaho counties, and I do wish to acknowledge my Senators and my Representative and thank you for being here to hear our testimony.

I am presently the Vice Chairman of the Idaho House Transportation Committee and an Executive Board member of the MHTA, Multi-State Highway Transportation Agreement, for 11 of our western states of the United States.

I am here to testify on behalf of the people of District 26 who would not be in attendance here to give testimony, but who have contacted me requesting that I do something in their behalf to protest the actions of the Forest Service in the Targhee National Forest surrounding our communities.

In 1993, our state grappled with the preemptive actions of the Federal Government in regards to the inherent rights of passage upon the land of her citizens that is guaranteed under the revised statute 2477, codified as 43 United States Code 932. May I read the legislative intent of House Bill 388?

"Section 1, Statement of Legislative Intent. The State of Idaho recognizes that existing Federal land rights of way are extremely important to all Idaho citizens. Two-thirds of Idaho's land is under control of the Federal Government and access to such Federal lands is integral to public use. The Idaho State Legislature recognizes the necessity for establishing a procedure for identifying and confirming the existence of previously established Federal rights of way to protect those rights previously granted to and vested in the citizens of Idaho."

The citizens of Idaho's concerns were also addressed in 1993 by the Idaho Senate in Senate Bill 1108. To emphasize just how important these rights are to the Idahoans who are enclosed by the federally managed lands, we sent a memorial to Congress, House Joint Memorial 10, and may I quote from that, Madam Chair?

"We as memorialists, the House of Representatives and the Senate of the State of Idaho, assembled in the Second Regular Session of the 54th Idaho Legislature, do hereby respectfully represent that whereas on January 22, 1998, U.S. Forest Service Chief, Michael Dombeck, proposed a major overhaul of the forest road system, including a proposal to halt all road construction in wilderness areas of national forests; and whereas, forest roads are an integral part of maintaining forest health, and as well as integral part of its socio-economic base that would short-change rural counties of millions in revenue for having Federal forests within their boundaries; and whereas, a road moratorium would preempt all state and local laws and regulations; now, therefore, be it resolved by the members of the Second Regular Session of the 54th Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Congress of the United States is urged to recognize state and county rights of way under Revised Statute 2477 and take appropriate action to invalidate the proposed policy changes for forest wilderness areas; and be it further resolved that the Congress of the United States be urged to do all within its statutory authority to deny funding for the implementation of the proposed policy change by administrative fiat."

And Madam Chairman, this is really the information that I would like to submit to you in the attachments to my testimony, if I might; and tell you that we feel that the Federal Government has ignored the specific requirements for cooperative consultations with the local and state government officials required in the NEPA process; we feel that they have not considered both the state government and her citizens in preparing a forest management plan that puts the main consideration of the planning and management of unsubstantiated threatened or endangered species of animals that is not compatible with the habitat, let alone the culture and economic wellbeing of Idaho's people that are occupants of the adjacent communities, farms and ranches.

We spent considerable time, the State of Idaho did, in with 11 western states in trying to influence the ISTEA reauthorization T-21, to help us be able to afford to maintain our roads to the national forests and parks and scenic byways. That state tax money that went into those roads is really important for us. We feel like the Federal Government stepped up to that and did offer to help us in that we are a very low population state and we have many,

many miles of road to maintain. We do not want to be shut off from that, Madam Chairman. Our people do not want to be shut out from passage across these lands and to be able to live and enjoy the lands that they love here.

So we are asking you with my testimony here that you might again take into consideration the preparations that the state has made and the petitions that we have made to the Congress to take into account our concerns in the State of Idaho.

Mrs. CHENOWETH. I just want to say for the record how much I appreciate and I know all of us do, the Idaho delegation, your leadership on this issue. And without objection, all of your documents will be entered as a part of the record, and I thank you so much.

[Applause.]

Mrs. CHENOWETH. The Chair now recognizes Lenore Barrett.

[The prepared statement of Ms. Wood may be found at the end of the hearing.]

STATEMENT OF HON. LENORE BARRETT, IDAHO STATE REPRESENTATIVE

Ms. BARRETT. I am Lenore Barrett, Idaho State Representative for Legislative District 26, Custer, Lemhi, Clark and Jefferson Counties.

Here it is, Madam Chairman. Yesterday's Statesman, "Feds Ban Road Building on Forest Lands, the first step to closing off forest lands."

[Applause.]

Mrs. CHENOWETH. Okay, now we are even, please no more applause.

Ms. BARRETT. Add to that the decommissioning of roads that is currently going on in areas other than just the Targhee, incidentally, but you add that and you have got a runaway train that is not going to stop until it crashes into the station. So where does that leave us? We can jump off the train and not hang around the station, I guess.

Madam Chairman, I do thank you and the distinguished Committee for allowing us to speak here today. And I did just point out that the road closure is not new, it is merely being accomplished on a larger, more accelerated scale.

In the Post Register, Madam Chairman, you were quoted as wanting to know what the U.S. Forest Service thinking was behind their road decommissioning activity. The answer is simple—when roads are gone, people are gone except for the elitist few who boot up for a walk on the wild side of nature.

[Applause.]

Ms. BARRETT. The question is not why do they do it, but why are they allowed to do it. The Federal Government claims sovereignty over a third of the United States, most of that being in the west. The equal footing doctrine says that public lands automatically become state lands upon statehood and the Federal Government does not have the constitutional right to require forfeiture of land as a condition of statehood. Ergo, the underlying issue in road decommission is jurisdiction. In the organic act that created the Forest Service, we read "The state wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its ju-

risdiction.'' Federal land managers do not possess police powers unless it is obtained from the state through specific legislation. In Idaho, no such legislation exists.

Thus, the county has jurisdiction over the roads. Idaho Code 31-805, 40-107, 42-048 and 40-604. Not only does the Federal Government habitually violate state sovereignty, it does not even subscribe to its own Federal statutes, including but not limited to, Organic Act, Administrative Procedure Act, Americans with Disabilities Act, Sustained Yield Act, General Mining Law of 1872, RS-2477, Endangered Species Act, National Environmental Policy Act, Forest Management Act, et cetera, et cetera—and also the Federal Ethics Code.

Clinton's budget proposes spending $359 million, a 28 percent increase over current spending, to maintain and close forest roads aimed at protecting grizzly bear habitat. Idaho does not support this. Idaho opposes grizzly reintroduction and the decommission of existing roads. Idaho opposition is a legislative policy statement recorded in House Joint Memorials 2 and 6 and House Joint Memorial 10. And Mr. Speaker, now Mr. Congressman, was co-sponsor with Representative Wood and myself on House Joint Memorial 10.

Most of the Federal schemes designed to depopulate the west, such as wolves, grizzlies, Federal reserved water rights, wilderness designation, ad nauseam are formalized under the Endangered Species Act. Why does Congress allow us to suffer at the hands of this unconstitutional Frankenstein's monster. The ESA is not pursuant to the Constitution and it is a flagrant violation of the 10th Amendment. It is technically invalid and should be repealed.

So what is the thinking behind closing forest roads? Listen to the following: ''Fifty years ago, environmentalist Aldo Leopold wrote his seminal work, A Sand Country Almanac. In it, Leopold spoke of his personal land ethic and the need for land managers to extend their own ecological conscience to resource decisions. In 50 years, we will not be remembered for the resources we developed, we will be thankful for those we maintained and restored for future generations. Thanks for your hard work. Mike Dombeck, Chief''

Madam Chairman, mankind cannot exist without access to and productive use of our God-given natural resources. Man must produce or die. If we do not produce, there will be no future generations.

Thank you.

[Applause.]

Mrs. CHENOWETH. Thank you very much, Representative Barrett.

The Chair recognizes Mr. Craig Gehrke for testimony.

[The prepared statement of Ms. Barrett may be found at the end of the hearing.]

STATEMENT OF CRAIG GEHRKE, REGIONAL DIRECTOR, IDAHO WILDERNESS SOCIETY, BOISE, IDAHO

Mr. GEHRKE. Thank you, Madam Chairman, for this opportunity to testify regarding the draft environmental impact statement for the motorized road and travel plan for the Targhee Forest. The Wilderness Society has been involved for a very long time in management issues on the Targhee and other forests within the Greater Yellowstone Ecosystem.

We support the efforts of the Targhee Forest to develop a plan for motorized road and trail travel. The growing off-road and off-highway vehicle use is having an impact on natural resources on the Targhee and the Forest Service is to be commended for taking this issue on and trying to put together a plan to deal with those impacts. While we do not support the preferred alternative, we do support several concepts within that preferred alternative and we will be making recommendations during this comment period of what we would like to see improved in the draft alternative.

The issue of motorized travel management on the Targhee often gets characterized as grizzly bears versus everything else. I do not believe that is a correct characterization. We believe that the Forest Service does need to take steps on the Targhee to enhance and recover the grizzly bear and comply with a biological opinion issued by the Fish & Wildlife Service, but motorized travel issues go far beyond just grizzly bears.

The final EIS for the revised Targhee travel plan was clear in its assessment that off-road vehicle use and roads are among the primary causes of impacts to soils, to water quality and to aquatic habitats on the Targhee. And my written statement has several citations in the final environmental impact statement. Management of roads and motorized trails is not only about grizzly bears, but also about clean water, about fish, elk and other forest resources.

The Wilderness Society supports the initiative by the Forest Service, as set forth by this travel plan, to eliminate indiscriminate cross-country use across parts of the Targhee National Forest. Again, as the final EIS for the forest plan made clear, this type of use is causing damage to soil, it is causing water quality and fish and wildlife habitat impacts. Taking actions to address this type of use is a significant step forward to better protect the resources on the Targhee.

We also support the efforts to reverse the long-standing system of signing trails or roads as open or closed to motorized use. By only signing closed trails, the Forest Service was inadvertently providing an incentive to tearing down or vandalizing such signs with the offenders later claiming that they did not know about the closure. Signing trails as open would remove the incentive to remove those signs. My experience as a Forest Service employee years ago included replacing many bullet-riddled signs and finding them thrown off in the ditch and putting them back up again.

I think what is important to keep in mind here while we talk about this travel plan is that several of the actions that are proposed here were determined through the Targhee forest plan, not necessarily this travel plan. We believe that some of the actions like the road density standards can only be addressed by going back and amending or revising the Targhee forest plan, not this draft travel plan.

Furthermore, as I mentioned earlier, the Forest Service is under an obligation to reduce road densities in the grizzly bear management units in order to comply with the biological opinion issued by the U.S. Fish & Wildlife Service on their revised forest plan. If we stop those efforts, we are going to have to go back and get a new biological opinion and basically open up the forest planning process again.

The conservation groups were part of the 1994 court action on the grizzly management on the Targhee and are not going to tolerate very much of a delay in getting these road density standards in place. The 1994 court settlement between the Forest Service and the conservation groups resulted in a commitment from the agency that it would address the deficiencies in the prior forest plan relating to the Plateau, Madison and Bechler–Teton bear management units. Later, the Forest Service decided to take those deficiencies and rectify them through the forest revision process rather than to address each management unit separately.

We believe that the proposed road and trail travel plan for the Targhee National Forest is a step forward in addressing some of the resource impacts that are being caused by off-road and off-highway vehicle use on the forest. Further actions beyond those proposed in the draft travel plan, such as specific actions to reduce impacts to Yellowstone cutthroat trout and its habitat, should be incorporated in the final travel plan.

I did want to make a point to reiterate a point Marv Hoyt mentioned regarding the Plateau Bear Management Unit, that again a document from the Interagency Grizzly Bear Team dated 1999 says that there is still bear habitat in the Plateau Bear Management Unit and the bears do use it. His statement was that with fewer roads and less human impacts, habitat effectiveness in this unit can only increase.

I would urge the Committee to very carefully look at this, this is not ten years old like the information we were seeing on the screen a little bit ago, this is from 1999, this is talking about people who are managing the bears today, with on-the-ground conditions today and bears are on the ground today, not in 1977, not in 1987—1999.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Gehrke.

[Applause.]

Mrs. CHENOWETH. The Chair now recognizes Mr.—the Chair will interrupt the hearing to say once more please no applause. We are going to have to ask security to ask you to leave if you continue this. I do not want to have to do that. Thank you very much.

The Chair now recognizes Mr. Bill Ingot.

[The prepared statement of Mr. Gehrke may be found at the end of the hearing.]

STATEMENT OF BILL INGOT, RANCHER, ISLAND PARK, IDAHO

Mr. INGOT. I do not have a speech written up. I never got my letter from you until a couple of days ago. I am a rancher in Island Park and I also own a lodge up there. My dad came there in 1898, so I have just about been there that long myself—I might not look like it, but I have.

[Laughter.]

Mr. INGOT. I have seen the roads go from trails up there before, then they logged the country, then we had the roads up there and it has went on like that for 25 years since they have logged up there. Now all at once this year before they done their plan, EPA, they come in and started dozing the road up. I was probably the first one to know about it because it happened on a weekday, I

seen the person who was going up to flag the roads. I asked them what they were doing and they said they were going up to flag some more roads to be closed. I said you have got them all closed now, you know, the Meadow Creek Road there. And they said no, we are going to close some more.

Well, immediately when I found out what they was closing, I went down to Jerry Reese—they was closing one right into my ranch and I own 1,600 acres of land there, to our south fence. So I went down to Jerry and I says they are going to close this road, and Jerry says where is this at. Well, he showed me on the map and I said I can't tell on the map, but I can tell you where it is at. He said I do not know which one it means, but anyway, I finally got through to Jerry, he said okay, I will take care of that, there will not be a problem. I have got to finish this story before I go on with the rest of the deal.

But anyway, that night when I come back, my neighbor up there, they had went up and closed a road to what they call Garner Canyon. They had the road closed up the mountain, we have used that for 50 years, we pull our sheep gear up there, but they closed another road that takes off to the left and goes over about a mile to a head gate out of a creek and there is a widow up there, so she could not get up to her head gate.

So I called Jerry again. They had already closed that road, so he had to come back down after he got the tractor out of a mudhole up on what they call Two Top up there. I went up to get a picture of that, they had the cat buried and had another cat in there to get it out, pull it out. I did not get a picture of it, I was too late. But anyway, they went up to re-open that road.

Well, it was stuff like that. Then I went up to see what they were doing, and I could not believe it. I mean, I have been there all my life, and the damage they done up there now, it will be 100 years—well, we will never be around to see it unless somebody lets me take a cat and go up there and smooth them out again, but it is ridiculous the way they done this.

Some of these roads are 50 yards long, they made a dike 15 feet high, but you can drive out around it if you wanted to. I mean there was no planning in it at all and yet it cost the taxpayers about $300,000 to do this. We are broke anyway, the Forest Service is broke.

But like I said, as far as the bear management, they need all these road closures for the bear. I have been there since day one on the bear, since the grizzly bear came into Island Park, when they quit feeding them in Yellowstone. They fed them there for 100 years, then they took the bear off of the garbage and sent him out onto the public. Well, when he come out in the public, he did not have anything to eat, so he started on cattle, sheep, people or whatever he wants to eat. He is the boss, I guarantee you.

And I had my sheep, I run my sheep on Two Top for 65 years. Well, a bear got into my sheep up there, took the range away from me, moved me to another allotment. That was supposed to be counted permanent and now I understand that there is nothing permanent any more.

I did not think that yellow light would ever go on, but anyway, I just do not like the way they closed the roads, I do not think

there is any sense of it. As far as the bear needing that much density, he comes right to our lodge, he comes on our porch, he crosses the road right by our house, he has been around there the last 20 years. And the elk population, we have got a bigger elk population than we ever had in the history of Idaho.

When my dad come to the country in 1898, there was not an elk in the country and now we have got over 4,000 head. We winter a lot of them out on the Jeff Siddoway range, there is land out there we winter the elk on. But we are at about capacity of all the elk we can winter. So as far as that goes, I have no idea why they want all these roads closed for the grizzly bear, because the grizzly bear is going to go where he wants to go. And we have got enough population to pretty well back up anything, I am sure. They cannot count every bear and they have already got the population way above where it was to start with that they wanted.

The red light is on. Thank you.

Mrs. CHENOWETH. Thank you, Mr. Ingot.

The Chair recognizes Mr. Moulton for testimony.

STATEMENT OF ROY MOULTON, FORMER COUNTY ATTORNEY, DRIGGS, IDAHO

Mr. MOULTON. Thank you, Ms. Chairman, Honorable Senators Craig and Crapo and Congressman Simpson. I truly appreciate you being here and indulging us in this opportunity to speak with you today. I think it shows us a lot about your commitment to Idaho and we appreciate you being here.

I am sorry that you have to do this every day and I am not sure what motivates you, but I appreciate the effort you put out on our behalf.

I was interested earlier in your statement, Senator Craig, when you said that despite all of our efforts, there seems to be a lot of acrimony when it comes to this business of making public land management decisions that we can all live with. And I think you even focused a question to Mr. Hoyt to see what he thought about how that could be resolved. I happen to have an opinion about that, not that I expect that if it is a good one anybody will give me any money like Mr. Hoyt thought.

But I can remember when we first started studying the impact of NEPA and specifically this phenomenon of what I will refer to as a private attorney general or the standing of individuals to sue about land management decisions. It was quite a phenomenon and we discussed the implications of that in public land law in school. We even speculated about where it would go and whether it would be wise and if it would create a flood of litigation.

I think history has now told us that that phenomenon, that little part of this arguably laudable legislation, is something that as a nation we need to go back and look at. I think this business of if I do not like the decision, I am going to take my ball and go home or I am going to go to court, more accurately, actually increases the potential for acrimony greater than any other thing we could have going on in our system.

Now I think historically, the left wing of the environmental community was quickest to get funded and quickest to see the biggest advantage of not in the public process but through the courts. Now,

after—you know, a lot of us farmers are a little slow to learn, but we finally have started to learn that if we are going to have influence, we had better get our war chest and our lawyers. CUFF got its act together finally and we were able to stop some of the behavior that we are here—at least temporarily that we are here in this hearing about.

I do not think that answer is right either. What we have effectively done is abdicated a legislative and executive process to the judiciary. It is expensive, it is time consuming, it breeds acrimony and I have to question, as a citizen, as long as we have it whether we are going to be making informed decisions.

If we go back to the objective of NEPA, it was that we would make informed, science-based decisions about our public land use. Now I participated, for all of my adult life, in these kind of hearings. I have never seen my interests, and I think I have been there with a majority of community voicing similar interests—I have never seen in this last 15-20 years, those interests recognized in the management decisions that were ultimately made. If I can, I want to real quick give you an example.

Recently I have proposed on behalf of a client an exchange. I think it could be defended—and I see the yellow light is on, so I do not have time to tell you all the details, but I think it could be defended as one of probably the few best exchanges that could ever be proposed to the Forest Service. The client wants to take the land that he would get in exchange, take it out of the public domain, manage it for elk habitat, put a permanent easement on it so that he could increase the public values; and the land that he is proposing to give, trade into the public domain, is land on the Fall River that has been identified by the environmental communities as having extremely high public value for winter range and so forth.

Recently I wrote a letter suggesting that exchange and I got a letter back from the Forest Service basically saying well, we might do it, but be advised it will be two to three years at a minimum. Now having been a little more involved than what I am able to tell you here, I honestly believe that even though the Forest Service would like to recommend that exchange, they are so gun shy about exchanges because of the whipping they have taken in the legal—in the courts, once they have recommended exchanges or land use decisions, whatever they are, that I think they are so gun shy, they do not even dare participate or be part of an exchange that would probably be in the interest of all sides.

So I really think—and this is the substance of my testimony, that we really need to go back to NEPA and visit this notion that people should have influence in the public process, vis-a-vis the courts. I think that was a dangerous thing to do in the first place and I do not think it is something that serves either side of the debate even now. And it is terribly expensive.

Thank you.

[The prepared statement of Mr. Moulton may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Moulton.

I want to say that the delegation unanimously feels that our first responsibility is to be here to listen and so because we have two more panels, we are going to forego asking oral questions unless

one of you have a burning desire to ask a question. We will submit our questions in writing.

And the second thing I want you to know, Mr. Moulton, I think I can speak for my colleagues, is yes we do sit through hearings, but it is wholly different to be here in Rexburg, Idaho and being able to listen to all of you. Thank you very much for your time.

I will recognize the next panel as they come up. Mr. Brent Robson, Teton County Commissioner, Driggs, Idaho; Ms. Jan Brown, Executive Director, Henry's Fork Foundation, Ashton, Idaho and Mr. Eric Thomas, Recreationist, St. Anthony, Idaho.

[Pause.]

Mrs. CHENOWETH. The Committee will come to order please.

Ms. Brown, Mr. Robson, I wonder if you might stand and raise your hand to the square, and Mr. Thomas, will you join us and raise your hand to the square please.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you. The Chair recognizes Mr. Robson for testimony.

STATEMENT OF BRENT ROBSON, TETON COUNTY COMMISSIONER, DRIGGS, IDAHO

Mr. ROBSON. Thank you, Madam Chairman, Senator Craig, Senator Crapo, Representative Simpson. I consider it an honor to be here today. It hurts me to be here; the sun is shining outside and it hurts me to sit on a hard bench for a long time too, but I appreciate your indulgence and your willingness to come and listen to us.

I have be a county commissioner in Teton County for—I am working on my third term, so as you can see, I may have a mental deficiency. I appreciate the opportunity to speak here. I want to tell you just a few things about a personal encounter that I had with a tank trap but before I do that, I want to tell you a little bit about where I come from.

My grandfather came to Teton Basin when he was 16 years old on a train from New York, without any accompaniment. He came out and homesteaded there in Teton Valley. My other grandfather operated a fishing lodge on the Teton River for many years; in fact, was honored by the California legislature in a resolution into his activities in being a person that worked well with people.

I had the opportunity when I was a little guy growing up of spending some time with both of those great men. They taught me an ethic and something from a personal encounter that you can only gain from being there. I had the opportunity of being there with them in this national forest that we are talking about. We spent a lot of time out there walking those woods, learning how to hunt, how to fish, how to trap, how to enjoy the outdoors. One of the most outstanding things I remember from those two men was both of their reverence for the land and the importance that I had as a little guy growing up to learn how it was important to them to take care of that land that they used—and I want to emphasize that they used.

I had an unfortunate experience while traveling on the Targhee Forest of encountering a tank trap in the winter on a snowmobile. I suffered an injury to my back and have since then had considerable discomfort as a direct result of that injury. I was out there

doing what I like to do in the winter time and that is ride a snowmobile. I was not aware of the condition that I was about to come on and encountered it and suffered the consequence.

I think I learned from that incident the importance and responsibility that I had as a person to take what action that I could to influence any process that would allow an obstruction like that on the public domain that might be injurious to the traveling public.

I do not want to elaborate any more on that situation, it was important to me, it affected me and had some basis in my actions as an elected official, as a county commissioner, in trying to influence the Forest Service to stop the obliteration in Teton County, to sit down with us and see if we might be able to come to a more reasonable way that we could carry out road closures without doing such an unsightly and unsafe and destructive process to our national forests. And that is what prompted us as a county commission to attempt to bring the Forest Service to the table with us to discuss this problem before it continued to occur in Teton County. We were able to do that, had some meetings with them and it has brought us to this position that we are today. We are waiting to further meet with the Forest Service to see if we might be able to go out and come to a better resolution of how we could deal with our little part of the problem on the Driggs District of the Targhee National Forest.

Thank you.

[The prepared statement of Mr. Robson may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you. I would like to ask the members here—I would like to go out of order and just—with unanimous consent—and just ask you for the record specifically if you can just tell us maybe in 30 seconds, what was your encounter and what was the consequences you referred to.

Mr. ROBSON. Boy, that is a fast one, 30 seconds.

I was on a snowmobile outing and ran into a tank trap that had been constructed, to my best knowledge, about three years ago. It was much smaller than those tank traps that have been constructed of late. However, it was devastating to me. I just basically ran into it, it threw me up into the air and off the machine. I lit on the ground and had a broken back as a result of it.

Mrs. CHENOWETH. Where did the break occur, in the lower back, the upper back?

Mr. ROBSON. Yes, in the lower back.

Mrs. CHENOWETH. Thank you.

Mr. ROBSON. Sure.

Mrs. CHENOWETH. The Chair now recognizes Ms. Brown.

STATEMENT OF JANICE BROWN, EXECUTIVE DIRECTOR, HENRY'S FORK FOUNDATION, ASHTON, IDAHO

Ms. BROWN. Thank you, Madam Chairman, Senator Craig, Senator Crapo, Congressman Simpson, all staff.

It is wonderful that you are here on a bright sunny day rather than the blizzards we have been having lately. I appreciate your coming and spending all this time.

The Henry's Fork Foundation—and I am the Executive Director—the Henry's Fork Foundation is a non-profit organization

based in Ashton. I personally am a resident of Island Park and have lived there 16 years as a full time resident and for 10 of those years as a business owner. The Henry's Fork Foundation's mission is to understand, restore and protect the fishery, wildlife and unique aesthetic qualities of the Henry's Fork Basin. That includes some 3,000 miles of streams, of rivers, of irrigation canals throughout 1.7 million acres in the Henry's Fork Basin. That includes Madison, Teton, Fremont Counties and of course half of that, or the headwaters anyway, are in the Targhee Forest. So it is very important—and I am going to basically use my time to talk about the importance of the headwater streams.

Interestingly, if you look at the EIS on the Targhee, there are identified 4,248 stream crossings in the road system, so we are talking about those crossings as being the most vulnerable part of the road system to erosion and then to immediate sedimentation into the streams. The most conservative, or you might say the most encouraging alternative allows for 1,260 of those road crossings to be obliterated or removed through culvert removal or other means of stabilization. And so even if we had the best situation, we would be looking at still several thousand stream crossings that are to remain. It is our primary concern about watershed health.

Let me quote from a report that goes back to 1966, a noted forester and research hydrologist named Walt Megahan was up on the Moose Creek Plateau and wrote these words: "I had only a few hours observation on the Moose Creek Plateau; however, these were enough to provide some distinct observations that are worthy of mention. I felt that many of the soils and subsoils that were encountered along the roads on the Moose Creek Plateau are among the most erodible I have seen in the [Intermountain] Region. This is to be expected, considering the nature of many of the parent materials described earlier in this report.

"Wherever erosion hazards in the area are high due to steeper slopes developed by road construction, increased runoff due to road construction, et cetera, the actual erosion rates are high. The roads appeared to be causing most of the damage; there appeared to be little problem on the existing clearcut areas."

Indeed, if you look back at the report, the DEIS talks in terms of 85-90 percent of all the sediment in streams on the Targhee are from roads, not the clearcuts themselves. I will go back to the quote:

"Presently, the eroded material is being carried down to intermittent stream channels and being deposited. Flows in these channels could carry this material downstream and possibly to the perennial streams. An unusual climatic event or increased flows due to timber cutting or both could cause such flows. It is even possible that such flows occur commonly on a yearly basis.

Actually, the nature of the country on the Moose Creek Plateau is such that roads could be fitted to the terrain quite effectively and thereby reduce much of their impact. This has not been done for the most part on the existing roads."

So I think it is very important to recognize that whether or not we had the money or the engineering capability or whatever to build this large road system over the 25 years on the Targhee, that we know we still have problems. I am not saying they are exten-

sive, but we have enough road crossings, you know, stream crossings that we need to be concerned.

Our three recommendations are as follows, to the Forest Service:

1. To properly inventory those roads that require stabilization or obliteration. That means let us take a careful look, not just at road miles but those places where we are most vulnerable to erosion problems.

2. To implement adequate stream monitoring. Right now, the Forest Service has very little money to do proper stream monitoring so we know what progress we can make.

3. To provide adequate funding for the enforcement of travel restrictions. I might mention that, yes, it is probably a small minority of people who do go around gates and violate road closures, but until we are able to apprehend them and basically give them a consequence, we will not be able to get the message out that going by these gates and going on closed roads is illegal. And we need to basically punish those as an example to others. It is just like any other types of law enforcement in this country, let us make sure that those who violate the law receive a consequence.

Thank you.

Mrs. CHENOWETH. Thank you, Ms. Brown, for that very constructive testimony.

The Chair now recognizes Mr. Thomas.

[The prepared statement of Ms. Brown may be found at the end of the hearing.]

STATEMENT OF ERIC THOMAS, RECREATIONIST, ST. ANTHONY, IDAHO

Mr. THOMAS. Thank you, Madam Chairman.

I am a lifetime Fremont County resident, I was born there and raised there. Except for the two years I spent in Boise going to school, I have been there my whole life.

I am a volunteer for the local search and rescue unit, I was past commander for two years. I camp, I hunt, I fish, I own and operate a Honda ATV, I drive a modified four wheel drive GMC pickup.

One of my most favorite activities is to drive in the backroads of the forest and the desert. Seventeen years ago, I was hit by a car while riding my bicycle on a rural road between St. Anthony and Parker. The accident left me with a severed spinal cord and confined to a wheelchair as a quadriplegic for the remainder of my life.

I have a few concerns on the road obliteration as a search and rescue volunteer and as a sportsman and as an outdoor enthusiast, but what concerns me the most is the handicap access to the public lands. Three years ago, I took my younger brother hunting, it was his first year of being able to hunt deer. We went up to Island Park and around the Red Rock Road there is a dirt road that went off there to the west. We went back towards the foothills. My little brother harvested his first deer back there and I was really saddened to find out that that road has been tank trapped and that I will not be able to take my youngest brother to the same spot to hunt.

Most of the tank traps that I have encountered, I do not see a way for handicap access. They talk about the forest, being able to still enjoy it, you may have to walk or ride a horse or a snow ma-

chine. I do not do any of them. I have a hard time seeing what the Forest Service, the people who made the choices to tank trap the roads, had in mind for the handicapped individuals. I guess if you are not in a wheelchair, you do not really think about it too much. Even the building here, whoever set it up, luckily we had three strong gentlemen that carried me up the stairs so that I could give my testimony today.

I am not a handicapped access activist. I would not expect wheelchair accessible trails throughout the wilderness areas. I would like to be able to experience the public lands though the same as everyone else. I am not against closing roads, I just do not believe that obliterating the roads is the answer.

I live in Fremont County because of the diversity of the outdoor activities available there and I really enjoy the people who live there. That is part of the reason I went into search and rescue, so that I could help people in need. I would hate to see the forest access restricted to the main highways. Backroads are the only way that people like me can independently experience the whole forest.

In closing, these tank traps and the way that they are talking of closing the roads, I am afraid that before it is all said and done and when my children are my age, the forest will be restricted only to the main byways.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Thomas, and I cannot help but comment that while your spinal cord injury impaired your ability to use your arms and legs, it certainly did not affect your courage and your perseverance and you are an example to all of us. Thank you very much for being here today.

We will excuse this panel now unless any of the members have any particular questions. Do you?

Senator CRAIG. I do. Just one, and I will be very brief.

Jan, I am struggling with the very thing you are struggling with about existing roads and sedimentation and erosion coming from existing roads versus obliteration or changing those road structures, and the ability to treat those existing roads lightly, seedings and that type of thing.

What I saw was tremendously disturbing and what I also saw was that they did not come right in behind it and smooth it out and seed it and prepare it in a way that it would stop the erosion. I can appreciate the need to take out some roads, I can also appreciate the need once a road stabilizes in place, to close it for certain reasons and leave it alone, or to at least try to rehab it in a way that it would create a low maintenance environment and create minimal erosion.

Has there been any discussion about doing that instead of what appears to be a very disturbing activity now?

Ms. BROWN. Our organization—Madam Chairman, Senator Craig, our organization has not been involved in a detailed study, but you know, we would like to be. I think everyone recognizes that the Forest Service is limited on resources right now, but I think it is the kind of project that could actually build the kind of community effort that Senator Crapo would like to see and that is an identification of those areas that are the most serious, maybe some

of these tank traps on some steep slopes are causing problems, I am not saying they are not.

Senator CRAIG. Yes.

Ms. BROWN. But let us identify those that will be effective in closures, let us identify those in meadows perhaps that are not going to do any good, and let us be precise about it and then go about rehabilitating those roads that simply are not going to be needed for future timber sales. We should be doing this in a very methodological—whatever—situation. Let us be ordered about it.

[Laughter.]

Senator CRAIG. Well, thank you. That is what frustrates me too because I know they have spent a lot of money doing what they are doing.

Ms. BROWN. Thank you.

Senator CRAIG. Thank you.

Mrs. CHENOWETH. Mr. Crapo, do you have any questions?

Senator CRAPO. No.

Mrs. CHENOWETH. Mr. Simpson, do you have any questions?

Mr. SIMPSON. No.

Mrs. CHENOWETH. I thank the panel very much for your testimony and for your time, and you do have ten days to supplement your testimony should you wish.

The Chair will call forth the last panel. Mr. Robert Ruesink, who is the Snake River Basin Office Supervisor for the U.S. Fish & Wildlife Service in Idaho. He will be accompanied by Mr. Michael Donahoo, Eastern Idaho Field Supervisor, U.S. Fish & Wildlife Service in Pocatello. We will also hear from Mr. Jack Blackwell, Regional Forester, Ogden, Utah accompanied by Mr. Jerry Reese, Forest Supervisor, Targhee National Forest.

Now that you have gotten yourselves seated, would you please stand and raise your hand to the square.

[Witnesses sworn.]

Mrs. CHENOWETH. Thank you. I will call first on Mr. Ruesink.

STATEMENT OF ROBERT RUESINK, SNAKE RIVER BASIN OFFICE SUPERVISOR, U.S. FISH & WILDLIFE SERVICE, IDAHO ACCOMPANIED BY MICHAEL DONAHOO, EASTERN IDAHO FIELD SUPERVISOR, U.S. FISH & WILDLIFE SERVICE, POCATELLO, IDAHO

Mr. RUESINK. Thank you, Madam Chairman, for the opportunity to participate in this oversight hearing on Targhee National Forest road closures. My name is Robert Ruesink, I am Supervisor of the U.S. Fish & Wildlife Service's Snake River Basin Office in Boise, Idaho.

In that capacity, I signed a biological opinion dated March 31, 1997, which addressed the effects of the Targhee National Forest plan revision, including the site specific travel plan, on the grizzly bear, listed as a threatened species under authority of the Endangered Species Act. That biological opinion represented compliance with Section 7 of the Act and associated regulations at 40 CFR 402. It is that opinion and the recommendations contained therein that form the basis of my statement to the Committee today. I would like to submit for the record a complete copy of the biological opin-

ion and a copy of the Interagency Grizzly Bear Committee Task Force Report on grizzly bears and motorized access management.

Mrs. CHENOWETH. Without objection, so ordered.

Mr. RUESINK. The U.S. Fish & Wildlife Service has been working with the Forest Service during this forest plan revision as required under Section 7(a)(1) and 7(a)(2) of the Endangered Species Act. Those sections of the Act specify the responsibilities of all Federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of endangered and threatened species and also to ensure that any action that they authorize, fund or carry out is not likely to jeopardize the continued existence of any endangered or threatened species.

In developing the alternatives, the Forest Service held many public and agency meetings and the Fish & Wildlife Service was a participant in many of those and helped to provide input regarding effects of different alternatives and some of the considerations on listed species on the Targhee.

Formal consultation was initiated in November of 1996. The biological opinion addressed only the potential effects of the revision on the grizzly bear. Other species were considered, such as the bald eagle, peregrine falcon, Ute Ladies' tresses, which is a native orchid, and the gray wolf, and it was determined that the revision and the travel plan would not affect those species.

The Targhee National Forest forms part of the Greater Yellowstone Ecosystem, one of six grizzly bear recovery areas, and contains three bear management units, two of those have been further subdivided—Henry's Lake 1 and 2, Plateau 1 and 2 and Bechler-Teton.

I will skip over several references and documents to past consultations and get right to the heart of the matter in this consultation.

In the forest plan revision, the Forest Service defined the goals and objectives in grizzly bear habitat as follows:

1. Habitat conditions will be sufficient to sustain a recovered population of grizzly bears.

2. Allow for unhindered movement of bears (continuity with Yellowstone National Park and adjacent bear management units).The four objectives to support those goals were:

1. Meet recovery criteria in the grizzly bear recovery plan.

2. Implement guidelines developed by the Interagency Grizzly Bear Committee.

3. Provide safe, secure sites for relocation of nuisance bears.

4. And implement the road density standards in the BMUs within three years of signing the Record of Decision.

The environmental baseline that the Fish & Wildlife Service considered in preparing this biological opinion noted that it had changed considerably since the 1985 forest plan was prepared. Management activities, including timber harvest and road construction, reduced vegetative cover, lowered food values and created a vast road network. We believe that those baseline conditions increased the risk of direct mortality to grizzly bears because of the high road densities; increased the risk of habituation of grizzly bears to human activities along the roads; displaced grizzly bears from critical and important feeding sites, (i.e. spring and fall

ranges); led to increased habitat fragmentation and the loss of habitat needed for security.

I will move quickly to the biological opinion and some of the recommendations in that opinion.

We recommended that the Targhee implement and complete an open and total motorized route management program for roads and trails on the forest by the end of calendar year 1999 that would contribute to the conservation, survival and recovery of the grizzly bear in the Greater Yellowstone Ecosystem.

One of the key points of that route management program was to have in place standards which set open motorized route standards not to exceed .6 miles per square mile and not more than a total route density of one mile per square mile. And those are consistent with Interagency Grizzly Bear Committee access management guidelines.

I see that my time is up. Just two more points very quickly if I may, Madam Chairman.

Roads constructed or reconstructed for timber sale purposes should be single purpose roads according to the IGBC guidelines. New roads or road reconstruction should be of minimum design specifications and placed on the landscape to reduce costs and facilitate reclamation of the roads after the timber sale is completed.

In summary, the Fish & Wildlife Service believes that the Targhee National Forest plan revision if implemented as proposed will provide habitat necessary for grizzly bear recovery in the Greater Yellowstone Ecosystem. It is an essential part of the conservation strategy currently under development, which is designed to be the management guidance for a delisted population of grizzly bears in the Greater Yellowstone Ecosystem.

Thank you.

Mrs. CHENOWETH. Thank you, Mr. Ruesink.

The Chair now recognizes Mr. Blackwell.

[The prepared statement of Mr. Ruesink may be found at end of hearing.]

STATEMENT OF JACK BLACKWELL, REGIONAL FORESTER, OGDEN, UTAH ACCOMPANIED BY JERRY REESE, FOREST SUPERVISOR, TARGHEE NATIONAL FOREST

Mr. BLACKWELL. Madam Chairman, Senator Craig, Congressman Simpson, thank you for the opportunity to be here today. I am accompanied by Jerry Reese, Forest Supervisor of the Targhee Forest.

The Targhee Forest personnel have worked hard on a travel management plan for the entire forest based on their revised forest plan. The extensive forest road system, constructed primarily to harvest timber, has served its purpose and is larger than what is feasible to safely maintain and what we can afford today. Poorly located and maintained roads reduce water quality, fish and wildlife habitat and soil stability.

Some key points regarding the Targhee travel management planning process. First, the revised forest plan.

The Forest Service completed the revised forest plan in April 1997 after seven years of hard work and with extensive public involvement. The revision addressed the extensive road system the

Targhee built in the 1970s and 1980s, much of which has served its purpose and is no longer needed for timber harvest. Therefore, the issue became how much of the road system should be maintained for other uses.

Because the public identified access as a major issue, the Forest Service developed a specific travel plan to accompany each of the seven alternatives considered in the revised forest plan EIS. The revised forest plan established motorized road and trail density standards for each management prescription area and also designated areas open for cross country motorized use.

Balancing motorized access and other key resource concerns, particularly wildlife and fish, was the major focus for the revision of the Targhee Forest plan. To reach that balance, the Forest Service addressed these four concerns:

1. The need to develop a comprehensive grizzly bear habitat management strategy in response to the settlement of a 1994 lawsuit regarding roading and logging in the grizzly bear recovery area.
2. The need to meet the Idaho Department of Fish and Game elk vulnerability goals that we heard earlier.
3. The need to improve water quality to reduce the likelihood the Yellowstone Cutthroat trout would be listed as an endangered species.
4. The desire to produce a travel management plan to provide a reasonable mix of motorized and non-motorized recreation opportunities while meeting the habitat needs of grizzly bear, elk and other species.

Next, I would like to discuss the remand decision.

The Forest Supervisor signed the Record of Decision for the travel plan, implementing direction for the revised forest plan on August 15, 1997. Citizens for a User Friendly Forest and the Blue Ribbon Coalition appealed the decision and the deciding officer partially remanded the decision to the Forest Supervisor in January 1998.

The remand directed the Forest Supervisor:

to keep the revised forest plan direction, including road density and cross country motorized use standards, that guide the travel plan;

to implement the winter travel plan;

to prepare a new analysis of roads and trails open to summer motorized access;

to address RS-2477 assertions made by several counties; and finally to get more public involvement and analyze the site-specific effects of individual roads and trails.

After working with the counties on the RS-2477 issue and reviewing all comments regarding specific roads and trails, the Forest Supervisor released a new travel plan DEIS in late November 1998. The supervisor analyzed four alternative networks of roads and trails open to summer motorized use. The Forest also held public meetings and the comment period is open until March 5. I expect that final EIS on the travel plan to be done in June 1999.

Now I would like to mention briefly the relation of road closures to the biological opinion on the revised forest plan.

Effective road closures in the grizzly bear recovery area relate directly to the forest plan biological opinion provided by the Fish & Wildlife Service. This requires the Forest Supervisor to achieve the revised forest plan road density standards within the grizzly bear recovery area by the end of calendar year 1999.

I want to point out though that these revised plan standards were developed jointly, and this is not something that the Fish & Wildlife Service forced down the throats of the U.S. Forest Service. We worked collaboratively together on these.

In the remand of the travel plan, the Forest Supervisor had the opportunity to issue an interim closure order in the BMUs to comply with the density standards in the revised forest plan and the time frames established by the biological opinion, and did so on March 24, 1998. Last summer, forest personnel began to close roads within the BMUs to comply with the biological opinion. The work was completed quicker than we thought it would take.

Finally, I would like to mention briefly the method of road closure.

Much of the controversy which developed this past year relates to the method the Forest used to close the roads in the bear management units. In most cases, the Forest used large earth berms, the most effective way of closing roads to meet grizzly bear habitat standards. However, some forest users have told us the berms also limit other recreation activities. Snowmobilers in particular have expressed concern that these berms could affect their safety.

To address these concerns, forest personnel have worked extensively this fall and winter with the Idaho Snowmachine Association and local snowmachine organizations to provide signing and other information to alert snowmobilers. As a result, forest personnel have modified some berms in key snowmobile areas in the Situation III area next Macks Inn, while still meeting the objective of restricting summer motorized access. Outside the BMUs, the Forest has more options on how to close roads and we will continue to work with interested citizens to address the least disruptive ways to close roads.

Madam Chairman, that concludes my statement.

[The prepared statement of Mr. Blackwell may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Mr. Blackwell.

The Chair recognizes Senator Craig for questions.

Senator CRAIG. Mr. Ruesink, I have spent as much time as I could studying the science of road density and where you all get your figures and therefore make your determinations as to what is the preferred road density per square mile. Could you briefly walk us through the science of road density and how we arrive at that as a tool to determine the viability of a unit for, in this case, grizzly bear habitat?

Mr. RUESINK. Senator Craig, in responding to that, I would like to state right up front that unlike Director Mealey, I have not done research on grizzly bears and certainly do not consider myself an expert on grizzly bear biology. This forces me to rely on information that is provided by researchers and that is reviewed and analyzed by the Interagency Grizzly Bear Committee and then accepted by that group, which includes representatives from the Forest Service,

Park Service, the State fish and game agencies, Fish & Wildlife Service, Bureau of Land Management, as the best science available.

Mr. Donahoo, who is with me, is the person that has done most of the work in preparing this biological opinion. He may be able to give you a better answer than I, but I am not able to address that point.

Senator CRAIG. If he could, I would appreciate it, thank you.

Mr. DONAHOO. Thank you.

In answer to your question of where do we come—I believe your question is where do we come up with the .6 mile per square mile and the one mile——

Senator CRAIG. That is correct.

Mr. DONAHOO. [continuing] per square mile total densities.

This is based on information that has been obtained from biologists, as Mr. Ruesink pointed out. It has been modified somewhat and applied to the situation here on the Targhee Forest in order to address the specific needs and habitat requirements of the grizzly bear on this particular forest. And that was developed jointly with the Forest Service biologists to come up with those densities.

Senator CRAIG. Yeah. I understand how you got to where you got or how you come up with it. I guess what I have tried to find out over the last couple of years is where has the science been done, how were the studies laid out, how did we determine that a certain volume of roads created certain activity among certain wildlife populations. And I will be honest with you, it looks like we have made some interesting guesses because I have not really found the science.

Mr. DONAHOO. Biology sometimes appears to be guesses, just because of the biological nature of the animals that we deal with. The thing I would say here is that there have been studies done throughout the Yellowstone Ecosystem, throughout the Cabinet-Yack Ecosystem and I have quite an extensive library, if you will, of references that I would be glad to share with you. I really would not want to foist that off on you, quite frankly, but——

Senator CRAIG. No, I would not want you to either. But I guess what my concern is and my red light is on and I will quit—because of the character of the law, we are almost subject to the science of the biologist, period, end of statement. There is very little challenge, very little ability to modify, and certain groups have found that out and if you do attempt to modify it, boom, you have got a lawsuit on your hands. And therefore, U.S. Fish & Wildlife Service and Forest Service and in this instance I think it is quite clear, err on the side of no conflict or err on the side of not arriving at a conflict environment where the ultimate test of the science could occur. You just simply err on the side of a biologist's opinion, no matter what the conflict is and then you work the conflict out in rooms like this. That is terribly frustrating to those of us who seek public policy that create stability instead of instability.

I guess that is my frustration. I have tried to find out how you got to those decisions and now I find out that if there is any risk—or at least I am being told if there is any risk of reopening the plan, that somebody may threaten the listing of bull trout. I call that blackmail.

Again, does the science, or do you believe the science of the current road density, as is now being implemented in the plan, solve the problem that you believe may exist as it relates to the Yellowstone Cutthroat? Is the U.S. Fish & Wildlife Service in that position now?

Mr. DONAHOO. Sir, it is only one part of the problem, as has been expressed before. Road densities, road standards are not the only aspect that we need to address with any given species. And as has been pointed out with the grizzly bear as well, road density standards are not the only problem.

Senator CRAIG. I appreciate that.

Mr. DONAHOO. There are such other things as cover, et cetera. The same types of issues can and probably will be addressed with respect to the Yellowstone Cutthroat trout. I have a prepared statement concerning the status of the Yellowstone Cutthroat trout and the actions that are being taken by Idaho Fish and Game, the Forest Service, Bureau of Land Management and others, to address potential issues with the petition of——

Senator CRAIG. Do you have the statement with you?

Mr. DONAHOO. I do, sir.

Senator CRAIG. If you would submit that for the record, I would enjoy reading it. Thank you.

Mr. DONAHOO. I would be glad to, thank you.

Mrs. CHENOWETH. Thank you, Senator. Senator Crapo.

[The information referred to may be found at the end of the hearing.]

Senator CRAPO. Thank you, Madam Chairman.

Mr. Blackwell, I will address this question to you, but I would encourage you to refer the questions I have to whoever has the information that I am asking for, if you feel there is someone there who has a closer feel for this.

One of the issues that has come up in the hearing today that I do not think has been answered and I suppose we will need more time than even in this hearing to answer it, is whether the gates really work and if so, how well. I do not think anybody has said they are 100 percent effective, but it seems to me that there has been some question raised as to whether they are largely effective or whether they are largely ineffective. Do you have an opinion on that, and is there any objective information that you have to support your approach to this?

Mr. BLACKWELL. Well, generally, we think they have had their problems and several things, a predator project report, our own monitoring and so forth and monitoring trips with other folks have found tracks around gates, you know, those kinds of things.

Senator CRAPO. Can I interject here just for a second? I do not want to stop your full answer, but one of the questions I have had even with regard to the tank traps is can people not just drive around the tank traps?

Mr. BLACKWELL. I might just mention how they were sort of put together on the ground. What our folks tried to do was go to—well, maybe I will go back just a little bit and talk about the whole thing because I think it is kind of important to understand. The basic option in the Interagency Grizzly Bear Access Management Report to

meet the total motorized access route density standard of one mile per square mile is basically to obliterate the road.

Senator CRAPO. Right.

Mr. BLACKWELL. And reclaim it. That is pretty expensive and a lot of these roads have been in place for awhile and the cut and fill slopes are fairly stable and we did not think that was probably totally necessary. So we worked with Fish & Wildlife Service and others and generally tried to just deal with the terminus of the road. And our folks would generally go in and try and find a point where they could make an effective closure and then kind of work back out to the terminus. Some have very few, because they got a good place, so to speak, to make the closure; some have quite a few.

Senator CRAPO. So when you said that you felt—back to the question on gates, when you felt the gates were not as effective as possible, do you have any idea as to how effective that is? Are they stopping half the traffic or 90 percent of the traffic?

Mr. BLACKWELL. I cannot give you a percentage number but what they did when they went on the ground to design these is actually looked for evidence that the gates were being violated and that sort of thing, and tried to find the places where they were being violated and to shut those off. And we found an awful lot of that.

Senator CRAPO. I see my time is about up and I have a number of questions which I will submit for the record, but one I wanted to ask here, which is really core to the issue for me. And again, Mr. Blackwell, you may choose yourself or ask someone else to follow up on this, but the real core question to me here is whether we should have the forest closed unless designated open, or open unless designated closed. Is there a rationale that you could explain as to why it is that you have selected the approach of closed unless designated open?

Mr. BLACKWELL. There is not an easy answer, it has been tried both ways in many parts of the country. I think the first round of forest planning, you saw national forests all over the country doing it either way.

The consensus seems to be that most of us would prefer open unless posted closed. That is not working very well, for some of the reasons you heard today—the signs get torn down, disappear and then it does not work.

It is hard on us to have to propose that and we do it with great reluctance. And I am not sure the final chapter is written yet, but that is where it seems to be heading, Senator.

Senator CRAPO. Madam Chairman, may I ask unanimous consent to ask one follow-up question on that?

Mrs. CHENOWETH. Without objection, so ordered.

Senator CRAPO. It seems to me that your answer is consistent with what I have been hearing and that is that the rationale for changing to a closed unless designated open system is based on the inability to enforce the other system. Jan Brown has suggested that we need additional resources into enforcement.

If we went to a system that was sort of like it is for hunting areas, if you are going to go hunting, you have to know what is open and what is closed and when—if that type of a system were in place so that we did not have to worry about whether the signs

were up or not and so forth, but people were required to know what is open and what is closed, and if we had adequate enforcement, do you feel that that would be a better way to approach the issue rather than closing the forest unless it is designated open?

Mr. BLACKWELL. Yes, I do.

Senator CRAPO. Thank you.

Mrs. CHENOWETH. The Chair recognizes Mr. Simpson for questions.

Mr. SIMPSON. Thank you, Madam Chairman.

Mr. Blackwell, I get very concerned when I start reading in the paper about activities that create such hostility on both sides of the issue that you start, for lack of a better term, finding bombs on the outside of Forest Service buildings and those kinds of things. I think we have created an environment that is totally unacceptable, that we have got to change somehow. I know that is a concern to you and it is a concern to every Forest Service employee.

What sort of public input did you receive before you did this and did you adequately inform the public, in your opinion, before you did this of what you were going to do when you did the tank traps and, in retrospect, how would you have done it differently?

Mr. BLACKWELL. Congressman, can I ask Forest Supervisor Reese to answer that?

Mr. SIMPSON. Sure.

Mr. REESE. Well, actually, we have been at this for quite awhile, as has been mentioned. We have been working through the forest plan for a number of years, we actually produced maps for every alternative in the forest plan and went through a number of public meetings on that. We have identified in the forest plan EIS even the number of miles that we would probably obliterate if given alternatives were selected; that sort of thing.

When the remand decision came down, we sent out news releases detailing how we were going to deal with the remand, work our way through that, through the new EIS, issue the closure orders, that sort of thing. And we felt like we had provided information of the direction we were going. Perhaps we could have spent more time right about that time and in very great detail said what obliteration means, that sort of thing, maybe we did not do enough of that.

The only other thing I could say is trying to find some way to both be effective, be somewhat cost-effective in how you do it, and achieve the objectives in the time frame. You know, it is kind of a conundrum.

Mr. SIMPSON. Well, just to follow up on that. Did you inform the local officials that you were going to do this? Because I understand some of the problem that is created here is the distrust that the local officials have, that they are hearing one thing from, particularly you, they were meeting with you at one time, and you were telling them one thing when exactly the opposite was happening out in the forest.

Mr. REESE. Well, I am not sure what you are referring to there. I tried to be upfront with everyone.

Mr. SIMPSON. Did you inform the local officials that this was going to go on, beforehand?

Mr. REESE. Well, I know the Fremont County officials were involved with this when we were doing the bidders tours and so forth to set up the contracts. We notified Teton County in advance. So I think so.

Mr. SIMPSON. I guess one of my great concerns is that the public—I like to consider myself a fairly informed individual, I read several different newspapers and obviously having been the Speaker of the House, I get news releases all the time. The first time I heard about this was when local officials started to call me and say do you know what they are doing in the Targhee Forest. And started to send me pictures and actually took me out there to show me what was going on. I had no knowledge of it beforehand, the Forest Service did not seem to go out of their way to try to inform people that they were going to do any of this, and obviously it does not take a scientist to figure out that this was going to be relatively controversial.

Mr. REESE. Well, I think we have recognized that basically through the forest plan process and we have had a number of public meetings, various ways of notifying the public through that process, and maybe we misread this tail end thing, but I think we made a major effort through the whole thing to keep people involved, and some stay involved and some do not. But you know, I do not know how much—we tried anyway, I will say we did our best.

Mr. SIMPSON. Well, let me just suggest that we try better in the future and maybe we can avoid some of the controversy at least before we get into it, or at least address some of it.

Mrs. CHENOWETH. Thank you, Mr. Simpson.

I have here some pictures of road number 469 at the Squirrel Creek area. The first picture was taken September 29, 1998 and the same identical location, a picture was taken 10/1/98. And I also have here two pictures of road number 469 at Jackass Loop Road. The upper picture taken September 29 and the lower picture at the same location taken October 1. And without objection, I would like to enter these into the record. I would also like for the other members to view them because what you see there and what you see in the pictures here goes far beyond, Mr. Reese, far beyond what Congress ever intended in terms of what we appropriated money for road closures of ghost roads and in fact, purchaser road credit closure was led by me in the House in cooperation with Senator Craig. This goes far beyond it and it defies common sense.

I want to know, Mr. Reese or Mr. Blackwell, where does the buck stop. Who made this decision to build the tank traps? Who is responsible?

Mr. REESE. I am.

[The material referred to may be found at the end of the hearing.]

Mrs. CHENOWETH. How much money was involved in this project? We have heard figures of $300,000, we have heard figures of $600,000.

Mr. REESE. Originally when we first looked at this, when we thought we would probably be looking at obliterating the roads completely, we estimated it would be about $600,000 for the BMUs or about $1,500 a mile. This entire, the 400 miles that we have

done so far, which is 85 percent of the total, cost about $107,000 and that includes the modifications we made to some of them. And so we were able to do it for about 20 percent of what we originally estimated, by focusing on the terminus, trying to do the minimum amount of disturbance. Even though they are hefty, we tried to minimize actually the amount of disturbance we covered on the ground, and in fact only disturbed a total of about 150 acres in an area of about 450,000 acres.

Mrs. CHENOWETH. Mr. Reese, did you consult with Mr. Blackwell about your decision?

Mr. REESE. About——

Mrs. CHENOWETH. To build tank traps.

Mr. REESE. To do the road obliteration work and——

Mrs. CHENOWETH. No, specifically to build tank traps, did you consult with Mr. Blackwell?

Mr. REESE. We consult—do you want to answer that?

Mr. BLACKWELL. No, go ahead.

[Laughter.]

Mr. REESE. We consulted regularly through this process on what, you know——

Mrs. CHENOWETH. I want to know this, did you consult with Mr. Blackwell about building tank traps——

Mr. REESE. Yes.

Mrs. CHENOWETH. [continuing] and did he authorize this?

Mr. REESE. I——

Mrs. CHENOWETH. Mr. Blackwell, do you care to answer the question?

Mr. BLACKWELL. I concurred with what the Forest was doing and I would like to take a stab to correct the misimpression that tank traps have not been used before. So-called tank traps have been used for a long time. The pictures and the magnitude here in the instance we are talking about today are the greatest magnitude I have ever seen, but I stand behind Mr. Reese in being aware of what was going on here.

Mrs. CHENOWETH. So for the record, your testimony is that you were specifically consulted about the tank trap project and you personally okayed it. Is that your testimony?

Mr. BLACKWELL. My testimony is that I was aware of it in advance, I did not know the specifics, Madam Chairman, of size, but I was consulted in advance and I did know about it.

[Comment from the audience.]

Mrs. CHENOWETH. I would ask that the audience remain quiet until we are finished.

[Comment from the audience.]

Mrs. CHENOWETH. We will have to ask security to ask you to leave, we are just about through with the hearing.

Mr. Reese, why did the Forest Service not do a site-specific NEPA study and an analysis as required by the law before you engaged in building and constructing the tank traps?

Mr. REESE. We believe we did. If you follow the sequence of NEPA documents, the forest plan EIS, the travel plan EIS, the remand decision. In the remand decision, it says—it specifically asked me to consider the appropriateness of a closure order to implement the biological opinion, the density standards in the biologi-

cal opinion, and I did that. And part of implementing the density standards in the biological opinion is to reach those road density standards according to the Interagency Grizzly Bear guidelines by the end of calendar year 1999.

Now we started into this looking at obliterating the entire road prism. We felt we would be very lucky to get half of it done in one summer, and therefore needed at least two field seasons to do it. And so we issued the order, began the work; because of the way we were able to negotiate to do it, we were able to do it much more rapidly and much more economically than we estimated. We are quite a bit farther along than we thought.

So I believe the answer to that question is we did the NEPA, we got the biological opinion and implemented the biological opinion.

Mrs. CHENOWETH. Mr. Reese, did you take into consideration the potential of human harm?

Mr. REESE. Pardon?

Mrs. CHENOWETH. Did you take into consideration the potential of human harm and harm to the wildlife in your analysis and did you publish the analysis before you embarked on the work?

Mr. REESE. Specifically about the tank traps, you mean?

Mrs. CHENOWETH. About the tank traps.

Mr. REESE. Not specifically about the tank traps, but we did in the EIS identify the impacts of obliterating roads and that sort of thing.

Mrs. CHENOWETH. But not involving your decision to build the tank traps?

Mr. REESE. Well, I see that as an implementing decision.

Mrs. CHENOWETH. It is not, it is different. Now what I am asking you is, Mr. Reese—what I am asking you is this: Before you made the decision to build the tank traps, did you analyze the impact on human safety, did you analyze the impact on the environment with regard to erosion and sediment load and did you publish—did you publish that analysis specifically?

Mr. BLACKWELL. Madam Chairman, you are not going to like this, but I do not think it is appropriate for us to answer that since we are in the middle of a lawsuit on the NEPA issue of the closures.

[Applause.]

Mr. BLACKWELL. I just am advised constantly in lawsuits not to get into a public discussion of the merits of a lawsuit when they are active, and where this discussion is going right now is right smack to the merits of that lawsuit.

Mrs. CHENOWETH. Well, Mr. Blackwell, you are not in a public discussion, you are in an official Congressional hearing, but I am aware of your concerns. I do want to say for the record that this was a bad decision, this was never envisioned by Congress. You have gone over the pale, pushed the envelope too far, and I have—I know at least one of you on the panel fairly well and have great respect for you, but this has got to stop. Or we will have to make sure that there is a reaction in the budget.

We cannot see this——

[Audience response.]

Mrs. CHENOWETH. Will the hearing please come to order?

We cannot see this continue.

[Audience response.]

Mrs. CHENOWETH. I think you know how strongly I feel about that. And with that, I want to thank you very much for your testimony.

You have ten days to add to your testimony, should you wish, and we all have a lot more questions we would like to ask you and we will submit them in writing.

Senator CRAIG. Madam Chairman.

Mrs. CHENOWETH. Yes?

Senator CRAIG. There is another piece of information that frustrates me that I would like to see if you could provide for the record. I have traveled the Targhee and I have seen the closed gates and this is a rancher that has built a lot of gates over time and know when gates work and when gates do not work and when gates are violated. And I must be honest with you, I did not see a lot of destruction, I saw very little. I saw some gates that had been poorly maintained, but not torn down, not fences run over and I did not see a lot of tracks around the gates. I got out and walked around them, through the grass. There were not trafficked areas. The roads that I saw beyond the gates did not appear to be heavily or at all trafficked in some instances, and yet we hear that the tank trapping and the road obliteration is a result of needing to stop trafficking activities, as one item, amongst others.

Mr. Hoyt said there was information, new information. I would like to know if studies were done, if there was a person out there on the Targhee that kept those gates maintained and fences built, or if a downed fence, as I know, having been a rancher, invites activity if it is down and not properly maintained.

I must tell you that once you have made that kind of an investment—I do not know how many Powder River gates you have got spread across the Targhee, but a sizable number and wing fences along those gates, but once they are up, proper maintenance is relatively low in cost and maintenance invites discipline on the part of the public. Yes, I have seen signs torn down and signs shot up and because I have seen them in the past and spent all of my life traveling on Forest Service lands here in Idaho, I looked for that specifically because I had been told that was the logic for what you did, or one of the logics. And I must tell you I did not see much of it, if any.

I would like to know the evidence, the research that was done, if it was done; the studies that were made, the surveys that indicated that there was a great violation of that, because Senator Crapo mentioned something very interesting, I can get around those tank traps in a heck of a good four wheel drive vehicle if I want to. My dirt bike can certainly get around them, if I wanted to. But if I knew there was somebody out there enforcing it and there was as strong likelihood that I might get caught, there is less likelihood that I would want to do it.

Those are the kinds of human chemistries that we get involved in as our relationship to the public on these public lands. That is what frustrates me, that we have gone now to a three or four hundred thousand dollar expense, you are going to have to go in, I hope, and seed these tank traps and make them acceptable. After one year of erosion, you will go in and disturb the ground and incur

some more erosion. It is those kinds of things—I saw a job half done when I was up there this fall and that means it has gone through a winter cycle and it is going to have to, in many instances, be redisturbed and reshaped again. That is, you know, a bit frustrating.

But anyway, I am sorry, Madam Chairman, you have been kind to indulge me. I would like to know how you arrived at that decision because I did not see gates torn down and I saw reasonable maintenance, but some that needed more, and I just did not see those smashed down grassy areas and trafficked areas around those gates and I must have viewed at least 10 or 12 gates.

Thank you. You do not need to respond. If you have got the science, information, the studies that indicate that you came to a decision based on needing to do it because it was being accessed, that is what I need to know and I believe the Greater Yellowstone Coalition said they had information in that area. That would help me fill out at least my mind's record of this issue.

Mrs. CHENOWETH. I do want to ask Mr. Crapo or Mr. Simpson if you have any closing comments.

Senator CRAPO. We have a joint question.

Mr. SIMPSON. What is the penalty now if someone goes around a gated road and someone from the Forest Service catches them? And what is the likelihood of it being imposed?

Mr. REESE. It was just increased, I believe in Idaho, and do not quote me but I think it is about $500.

Mr. SIMPSON. How often—any idea how many of those violations have actually been assessed?

Mr. REESE. In an average year, you mean?

Mr. SIMPSON. On the Targhee.

Mr. REESE. Probably about ten. I would agree that enforcement is going to be a key part of the picture because there is nothing that is absolutely effective without enforcement.

Mr. SIMPSON. Just in closing, I would like to say that I do appreciate you coming and answering the questions. We were not trying to grill you, but I was trying—I did want to have some answers to some of the questions.

[Audience comment.]

Mr. SIMPSON. Wait just a minute. I am here to find out information and if you cannot respect that, then why are you here?

[Audience comment.]

Mr. SIMPSON. Well, I am sorry, but we have another thing at 5 p.m., but there is—as the Chairman mentioned earlier, the record will be open for your comments to put in and I guarantee you, I will read those comments.

[Audience comment.]

Mrs. CHENOWETH. Will the hearing please come to order.

Mr. SIMPSON. But I do appreciate you coming. I am not trying to intimidate or threaten or anything else any of you. I did want to find out what is going on because I want to try and reduce the controversy and reduce this animosity between the sides so that we do not end up one day with the type of thing that happened at the Forest Service door in reality.

[Audience comment.]

Mr. SIMPSON. So I appreciate you coming and I appreciate everyone else that testified today. There are people on both sides of this issue that I agree with and I look forward to working with.

Mrs. CHENOWETH. Thank you, Mr. Simpson.

I just want to say in closing that I think that our concerns are that we diminish the controversy. There has been a lot of ill will, there has been a lot of damage out there to the roads and the environment. I think there is a way we do not have to live with this forever and one thing I would like to see is Mr. Blackwell, Mr. Reese, Mr. Ruesink, Mr. Donahoo, if all of you would work with our county commissioners and be very straightforward with them. I do not ever again want to hear about them being told one thing and something else happening.

[Audience disruption.]

Mrs. CHENOWETH. And so if you would please work with our county commissioners.

[Loud audience disruption.]

Mrs. CHENOWETH. If you would please work with our county commissioners to try to restore this. Thank you very much.

[The prepared statement of Jerry Jayne may be found at the end of the hearing.]

Mrs. CHENOWETH. This hearing is adjourned.

[Whereupon, at 5:30 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF HON. STAN HAWKINS, DISTRICT 28, BONNEVILLE, FREMONT & TETON COUNTIES

Congressman Chenoweth, Congressman Simpson and others: Welcome to Eastern Idaho! We are glad you are here.

I'm the State Senator from the 28th legislative district of Idaho. The 28th District and all of eastern Idaho is a diverse area that has for many years been reliant on resource based activities. Farming, ranching, timber and even the INEEL depend on our natural resources. Land, forests, rivers, lakes, underground water, open spaces and wildlife are all part of our heritage and our lives. For generations, our land use practices have preserved this area in a condition that now causes all resources users to activate and mobilize in what has evolved into a constant battle over how our resources should be used. Frankly, I'm amazed at the illogical and the unsupportable claims made by many who would have you believe that we could hand this area to the next generation if we could just keep the current generation from using it.

As local officials who are charged with funding schools, roads and all other public services in a state that is predominantly publicly-owned, we simply must have a reasonable policy of use for natural resources.

Panic management is wrong. Those who complained bitterly about the salvage harvests of our mature trees on the Targhee some years back are the same ones who now fight to keep harvest levels so low that we will likely see a forest in the same over mature condition that required extreme harvest levels to allow utilization of the resource. We are told to count on a new and emerging tourism economy. Those who extol the benefits of tourism are the ones who want to close the roads to our forests and want limits on boat launches on our rivers and want snowmobiles and recreational vehicles banned from public lands and parks. We have people who decry urban sprawl and the lack of controls that allow farm land to be gobbled up. In the next breath, they advocate that water, currently used on farms, should be sent downstream in hopes that fish will benefit.

Frankly, I'm tired of constantly battling to maintain the way of life I have known and my constituents have known. We have tried to use the appropriate avenues to achieve balance. We attend water planning hearings, big game plan hearings, forest plan hearings, forest travel plan hearings and on and on.

We give input. County commissioners, mayors, sheriffs, emergency service providers and all of us testify. We speak for the local interests. We speak as if what we say will make a difference. And, in the end, we are frustrated. The plans and the action are seldom, if ever, reflective of the comments and the wishes of the local interests as expressed by those officials who are repeatedly elected by the majorities they speak for. As local officials, we watch the fog set in. Decision-making is done without accountability—without any concern for the local public interest. Federal land managers blame the state Fish and Game agency for management initiatives. When that doesn't work, we face the specter of one Federal agency threatening judicial interventions against another; that is, the U.S. Fish and Wildlife Service *forces* our decisions. As the fog gets thicker, "budgetary constraints" can be used to excuse any action or inaction. I have heard public land officials say "we can't maintain roads on this tight budget"—and yet it seems like staffing levels are higher than they were when logging, grazing, road building and other activities were at levels that far exceed the level of activity we see today.

Today we are here to talk about road closures. Actually, we are talking about extreme measures being leveled at the topography on roads that were recognized, in some cases, to be open for seasonal use. The measures I'm talking about led to litigation that has resulted in the Forest Service agreeing to at least modify the dangerous and destructive impediments that were constructed. Public notice, public participation and public involvement were not adequately provided for in this decision. Has the law of the land been violated? It's an important question we hope this hearing will answer. For that reason, I say again, "Thank you." Thank you, Representative Chenoweth, for providing this important chance for us to be heard. Thank you, Senator Craig, for already starting legislation that could serve to insure that local concerns are considered in the future.

Our local economy is on the line. Our way of life is on the line.

STATEMENT OF JIM GERBER, PRESIDENT, CUFF

INTRODUCTION

My testimony will address the three reasons the Targhee Forest gave us for closing and obliterating roads on the Forest. These are: (1) protect grizzly bear, (2) pro-

tect elk, and (3) reduce erosion. I will explain why we in CUFF do not believe these are valid reasons for road closures. Please keep in mind, as I discuss them, that the majority of people in eastern Idaho *do not* support road closures, so the pressure to close roads is *not* coming from us. The question is "Where *is* the pressure to close roads coming from?"

GRIZZLY BEAR

The first reason the Forest always gives for closing and obliterating roads is to protect grizzly bear.

I have an overhead transparency of a map to discuss the grizzly bear issue (also Appendix A). The dark blue line is the outline of Yellowstone N.P.; the Targhee Forest is along the lower left boundary of the Park.

The map shows the results of a ten-year radio-telemetry study (1977-1986) in and around Yellowstone N.P. The map is taken from a scientific paper written by Doctors Richard Knight and Dave Mattson, former employees of the Interagency Grizzly Bear Committee and experts on grizzly bear behavior.

Prior to 1977 park biologists radio-collared a number of female grizzly bears in and near the Park and then released them. For the next 10 years biologists flew over the Park and, through the wizardry of radio electronics, located each bear and marked its position on a map with a black mark. At the end of 10 years the scientists produced *this* map. Every bear management unit (BMW) in the Park (there are 18 of them) is covered with black marks, indicating the location of bears. Every BMU, that is, except one. That *one* is the Plateau BMU in the southwest corner of the Park. It is absolutely white. For 10 years, while biologists were flying over the Park locating female collared bears, no bear ever walked out into the Plateau BMU. Congressmen, we are setting 164,000 acres aside for a grizzly bear sanctuary in an area where the bear does not even want to be!!!

The second overlay is a statement taken from the same study. The highlighted portion says "Low densities of telemetry locations in unroaded areas northeast of YNP *and in the Park's southwest corner may be a result of poor habitat condition* . . ." So here we have the premier authority of grizzly bear in YNP saying the Plateau BMU is *poor habitat.*

When you combine this statement with the previous map and add the fact the Plateau BMU is hot, dry habitat with *no water,* you get a clear picture that this area is not good grizzly bear habitat. The question then is "Why are the Targhee Forest and U.S. Fish and Wildlife Service pushing so hard to emphasize grizzly bear here?" We hope your hearing can shed some light on this question.

ELK

The second reason the Forest gives to close roads is to protect elk. But elk are doing well on the Forest, having increased 600 percent since the 1960's. This increase occurred at a time of heavy salvage logging and *associated road building* to harvest millions of beetle-killed trees. This increase in elk, associated with *more roads,* does not tell us roads are a problem for elk on the forest. Again the question is "Why is the Targhee Forest pushing to close roads when the elk population is at an all-time high and "*thriving*" according to the Idaho Fish and Game Department?"

REDUCE EROSION

The third reason to close roads is to reduce erosion. This issue revolves around "ghost" or two-track roads. The theory being that since these roads are not constructed or maintained, they must be adding large quantities of sediment to streams. However, most of these "ghost" roads are located 1/4 mile, or more, from a stream. These roads erode each year, but that sediment runs into the adjacent vegetation and is captured. Little, if any, sediment ever reaches a stream. In fact, the water running off the forest is clean and clear. This *does not tell* us roads are contributing large amount of sediment to streams in our area.

In summary, bears and elk are doing fine and water running off the Targhee is clear. This does not indicate a need for the excessive road closures proposed by the Targhee Forest. Since the impetus to close roads is not coming from us in eastern Idaho, we wonder where it is coming from. We hope your hearing can shed some light on this question.

Thank you and that concludes my comments.

EFFECTS OF ACCESS ON HUMAN-CAUSED MORTALITY OF YELLOWSTONE GRIZZLY BEARS

DAVID J. MATTSON, Interagency Grizzly Bear Study Team, Forestry Sciences Lab, Bozeman, MT 59717

RICHARD R. KNIGHT, Interagency Grizzly Bear Study Team, Forestry Sciences Lab, Bozeman, MT 59717

Mattson, D. J., and R. R. Knight. 1991. Effects of access on human-caused mortality of Yellowstone grizzly bears. U.S.D.I. Natl. Park Serv. Interagency Grizzly Bear Study Team Report 1991B.

Executive Summary: We analyzed grizzly bear mortality data by three 8-year periods (1962-1969, 1975-1982, and 1983-1990) and by association with different levels of human access (major developments, primary roads, secondary roads, and back-country areas). Unit-area mortality rates associated with all levels of access decreased over the 3 time periods. However, there is doubt whether this reduction in mortality is sufficient to insure the population's viability. Yellowstone Park's back-country remains the safest for bears, and areas impacted by secondary roads and major developments, remain the most lethal. Given questions about the grizzly bear population's viability, we cannot afford to increase the area impacted by secondary roads and major developments. It is also likely that the easiest gains in reducing grizzly bear mortality risk, associated with management of attractants, have already been made. Further reductions in grizzly bear mortalities will likely be much more difficult. Minimizing encounters between grizzly bears and humans remains the best option for minimizing mortality risk to Yellowstone grizzly bears.

INTERAGENCY GRIZZLY BEAR STUDY TEAM REPORT: 1991B

STATEMENT OF PURPOSE

Interagency Grizzly Bear Study Team Reports are intended to facilitate the timely transfer of research results and perspectives to management of Yellowstone's grizzly bear population. These reports are also a forum for presenting results that, while not suited for journal publications, are relevant for management. We have made every effort to validate the information presented here and have subjected this report to critical review.

INTRODUCTION

Management of human-caused mortality is key to the Yellowstone grizzly bear population's future viability; and of all the bear cohorts, mortality among adult females is most critical (Knight and Eberhardt 1985). Reduction of bear mortalities is contingent on identifying manipulable or constraining causal factors. Ultimately, management will be optimized by time- and space-specific analysis of mortality risks associated with existing or proposed human activities. This is dependent on assigning realistic time- and space-specific coefficients of mortality risk to various human activities and management regimes.

Several analyses have looked at factors historically influencing mortality risk for Yellowstone grizzly bears. Armed herders attending free-ranging domestic sheep have been clearly identified as a major mortality factor, primarily because sheep are a preferred prey of bears (Mattson 1990) and because the herders are intolerant of any risks posed by bears (Griffel and Basile 1981, Johnson and Griffel 1982, Knight and Judd 1983, Jorgensen 1983). Outfitters operating back-country camps have also been identified as a major risk to bears because edibles associated with their camps attract bears, and the outfitters have often retaliated by shooting the scavenging animal (Hoak et al. 1983). Human-food-conditioning (cf. Herrero 1985:51) increases mortality risk

APPENDIX A

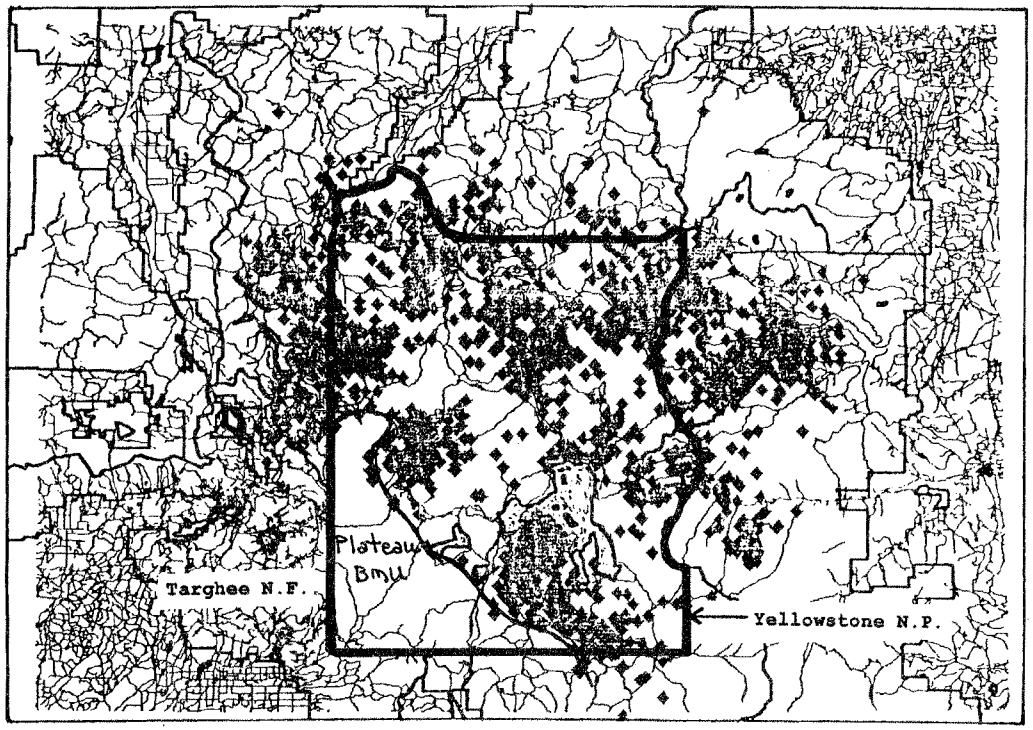


Figure 2. Aerial telemetry locations of radio-collared female grizzly bears in and near Yellowstone National Park, 1977-1986. Roads and trails are denoted by black lines, and administrative boundries by green lines. Scale 1:1135104.

Mortalities were ascribed to strata where they occurred. When a mortality occurred in an area where 2 or more zones of influence overlapped, we prioritized in the following order: developments, primary roads, secondary roads, and back-country. Thus mortalities were assigned to only 1 stratum. We then summarized mortalities by grizzly bear sex- and age-cohort and by specific associated cause (e.g., conflict at outfitter camp, hunter, official management, conflict over domestic sheep) for each broad-scale stratum. We analyzed differences in distribution among these categories, among strata, by the log-likelihood ratio (G) test; we also analyzed distributional differences among major strata, between time periods.

U.S. Geological Survey digital data were used to map roads and trails derived from 15-minute and 7 1/2-minute base maps. We used Yellowstone National Park's GIS and associated hardware for mapping roads and plotting bear radio-telemetry locations.

RESULTS

Densities of roads and trails progressively increase from east-central Yellowstone Park outward (Figure 1). In general, highest road densities occur in private lands that border the National Forests and circumscribe the Yellowstone ecosystem, although road densities are also quite high in the Targhee National Forest to the west of Yellowstone Park.

In general, telemetry locations of adult female grizzly bears (from a 10-year data set, 1977-1986) coincided with areas of lowest road and trail densities in the Yellowstone ecosystem (Figure 2). Low densities of telemetry locations in unroaded areas northeast of Yellowstone Park and in the Park's southwest corner may be a result of poor habitat conditions (i.e., the Pitchstone Plateau and higher elevations of the Beartooth Plateau) and high historical levels of outfitter- and domestic sheep-related bear mortalities in or near these areas (Knight et al. 1984; cf. Craighead et al. 1988).

A polygon defined by the most peripheral grizzly bear mortalities, 1959-1990, (excluding far-distant outliers) included 21,600 km^2 of the 23,300 km^2 known to be occupied by Yellowstone grizzly bears (cf. Craighead et al. 1988; U.S. Fish and Wildl. Serv. 1990)(Figure 3). Road access (i.e., developments and primary and secondary roads) impacted 32.9% of this area (Table 1). Fire-arms were also freely allowed in 58.6% of the area.

Area-specific mortality rates varied considerably among time-periods and strata (Table 1). Distributions of mortalities among strata did not differ between 1975-1982 and 1983-1990 ($df = 4$, $G = 2.54$, $P = 0.64$). However, distributions differed substantially between 1962-1969 and 1975-1990 ($df = 4$, $G = 32.4$, $P < 0.001$). Proportionally less mortality occurred in the Forest Service back-country and proportionally more mortality was associated with primary roads and Yellowstone Park's back-country during the later period. During all time periods, areas around primary developments were most lethal and Yellowstone's back-country least lethal to grizzly bears. The magnitude of this disparity has consistently decreased over the time periods, from 113.3X during 1962-1969 to 11.4X during 1983-1990. During 1983-1990, mortality exceeded (4.3X) that expected ($P < 0.05$) by the proportion of impacted area around developments and was less than expected in both the Forest Service (0.5X) and Yellowstone Park (0.4X) back-country.

Because there were no differences between the 2 later time periods in distribution of mortalities among strata, and because of sample size constraints, we analyzed distributions of mortalities by cohort and cause-of-death for the entire period, 1975-1990. Given our interest in human-caused mortality, we excluded Yellowstone Park's back-country from further analysis because 69% of recorded mortalities were from natural causes. We also excluded primary roads from further analysis because of small sample size ($n = 20$), and because a relatively large portion of associated mortality (7) was also due to natural causes. To increase cell sample sizes causes of mortality were pooled by whether management agencies inflicted the mortality and by whether livestock or other attractants were involved.

We were not able to statistically analyze differences in distribution of human-caused mortalities by cause and stratum because the number of cells with small (< 5) expected frequencies was greater than allowed (Zar

October, 1998 P. R. 12

Outlook for elk season is bright

Rob Thornberry
IH&F

Everything points to a good 1998 elk season.

Elk populations around the state continue to thrive.

Last winter was mild so fewer animals should have been lost to the elements.

And August and September have been dry, which should concentrate the animals and make them easier for hunters to find.

"I think it will be a pretty decent elk year," said Mike Scott, the Salmon Region big game manager for the Idaho Department of Fish and Game.

The main reason for optimism is the high number of elk in most areas.

Recent counts of Tex Creek and Sand Creek revealed record numbers of elk. In the Pocatello Region, Wildlife Manager Carl Anderson said "in most areas, we are pretty close to having as many elk as we can deal with." And in the Salmon Region, elk populations continue to be strong, Scott said.

"Elk are thriving," said Ted Chu, wildlife manager in the Upper Snake Region. "Hunting should reflect that."

In addition to lots of animals, weather conditions seem to be favoring elk hunters. Dry weather should concentrate elk around water, making them easier to find.

Scott said the dry conditions prompt elk to forage more, which also makes them easier to find.

"August was dry which sets up for better harvest," Scott said.

Terry Thomas/IH&F

Elk populations continue to thrive in most eastern Idaho hunting units.

Chu said the recent dry weather will help hunters. But he said cool weather is also needed. "As long as it stays warm, they aren't going to be very far from cool, heavy timber that they are going to be able to get into during the day," he said.

Early reports from the archery season are encouraging. "Archery hunters are seeing lots of animals, lots of nice bulls," Chu said.

STATEMENT OF ADENA COOK, PUBLIC LANDS DIRECTOR, BLUERIBBON COALITION

THINKING IN THE BOX: FOREST PLANNING AND MANAGEMENT ON THE TARGHEE NATIONAL FOREST

INTRODUCTION

"Thinking out of the box" is a popular euphemism for creative problem solving. Tough issues can demand unconventional ways of thinking and processes that reach beyond past methods. Nowhere is this approach more needed than in national forest planning and management.

TARGHEE PLANNING BACKGROUND

When Targhee forest planning began eight years ago, there was promise that the new plan process would attempt new solutions. The supervisor at that time, Jim Caswell, engaged one of the foremost experts in the country on forest planning and public involvement, Dr. Bill Shands, to direct the public involvement part of the plan revision.

I had followed Dr. Shand's work, and attended his lectures on several previous occasions. He favored complete public involvement in every step of the planning process. He wanted to take forest planning "out of the box" and bring it to the people (this was long before the euphemism "thinking out of the box" came in vogue). I admired his thesis. He theorized that if publics were involved through each step of the process, that consensus, or at least comprehension, would result.

Under Dr. Shand's direction, the first couple of years went well with the Citizen's Involvement Group (CIG). Everyone learned much about the Targhee, what decisions had to be made, and why. We knew that it would get more difficult as we got closer to actual on the ground allocations, but many felt that the continuity, relationships, and trust built up over the past two years would help the CIG achieve an unprecedented consensus on many issues.

In 1993, events beyond anyone's control broke this fragile consensus building. Jim Caswell was transferred. Bill Shands passed away. The preservationist direction of the Clinton Administration was gathering steam. The Forest Service was being "reinvented."

Yet much information, hard data, and public input had been gathered over the past three years. These would form the basis of Draft Standards and Guidelines, and Management Prescriptions. The general direction of the future of the Targhee would take shape. Members of the CIG wondered how the next crucial step would proceed.

THE BOX REPLACES CREATIVE PROBLEM SOLVING AND CONSENSUS

They were dismayed when out came the box that they had hoped Bill Shands had banished forever. But he was dead. The Forest Service had been reinvented, and there was a big label "Ecosystem Management" on the box and its management criteria were blatantly preservation oriented.

Locally based solutions and citizen involvement were unimportant. Once the premises from which the box is constructed are accepted, as they are within the Forest Service from the top down, then all answers lie within.

Polarization replaced developing consensus. The public was back where they started from five years ago, though much wiser!

The BlueRibbon Coalition has always been a strong advocate of cooperation with land managers. They are our partners. We work in many ways to assist them in protecting the resource while promoting balanced recreation use and public access. Our success stories in achieving this are many, and we have a long history of success stories on the Targhee.

One of the key elements of this success is constructive give and take. Another is a real dedication to on-the-ground problem solving.

Very little can be achieved by talking at each other with broad brush platitudes like, "The Targhee has several thousand miles of road open under our new plan. Doesn't that sound like a lot? Isn't that enough?" And conversely, "You've closed enough roads already. We don't need any more closures!"

INFLEXIBLE NEW PLAN STIMULATED POLARIZATION

Yet the inflexible standards of the new forest plan stimulated this polarization, and discouraged on-the-ground give and take. Most traditional multiple uses had such standards applied. Motorized recreation and general forest access were especially affected. These inflexible sideboards give very little latitude for on-the-ground solutions. For example, the new forest plan:

- mandated tough road and trail density standards, not only in the Bear Management Units, but throughout the whole forest.

- counted a single track trail where motorized use was allowed as having the same impact on wildlife as a Federal highway.
- imposed a "closed unless posted open" fiat on most summer motorized forest access.

UNWILLINGNESS TO WORK TOWARD LOCAL SOLUTION EMERGES

This inflexibility and unwillingness to work for on-the-ground answers manifested itself in other ways as the process moved forward:

- A multiple use alternative developed by local citizens, included in the draft plan and strongly supported by the surrounding communities, was dropped in the final because, we were told, it failed to sufficiently conform to established parameters.
- A travel plan environmental assessment (EA) and decision was issued shortly after the final forest plan was released. This decision designated open roads and trails on the forest, and decided which would be closed to motorized use. The regional office received 1,276 appeals on this decision. These appeals were upheld because the public was not given an opportunity through a site-specific process to comment on individual roads and trails. Targhee officials were directed by the regional office to go through another Travel Plan NEPA process that afforded the public opportunity to comment on site-specific roads and trails.
- It became apparent to citizens and organizations interested in forest access that the new plan was inflexible and therefore unworkable. Together with local elected officials and members of Idaho's congressional delegation, they urged Supervisor Reese to adjust the plan through an amendment. I attempted to persuade him that addressing access would not constitute a whole new plan revision, but he stated that it would. He refused these requests.
- Supervisor Reese issued a closure order closing the entire forest to cross-country motorized use, effectively implementing that portion of the forest plan in advance of the regional-mandated travel plan process. While this action could be considered reasonable in bear management units, it pre-empted the process for the whole forest.

  It was explained that this action would enable the public to get used to the idea, and demonstrate how "closed unless posted open" would work on the ground. Yet little public information was distributed, and no signs were posted informing the public.

OVER 400 MILES OF ROAD OBLITERATED WITHOUT SITE-SPECIFIC DOCUMENTATION

The cavalier attitude toward public involvement culminated in the obliteration of over 400 miles of road in the bear management units of Fremont County. I realized that additional roads would be closed in this area, and that this closure could proceed in advance of the travel plan process to accommodate the grizzly bear management strategy. Many of the roads in this area were already securely gated.

However. I was appalled at the discovery that these closures would be accomplished by a massive obliteration effort. As BlueRibbon and Citizens for a User Friendly Forest (CUFF) were preparing to file suit over this lapse of NEPA, the bulldozers apparently were urged to go faster.

Supervisor Reese stated that this action was necessary because current closures were not effective, and that he was mandated to reduce the road density in two years. We were unable to engage in a productive dialogue thot would:

- Examine gates site specifically and determine whether they were effective or not. That all of them were being systematically violated is not true.
- Determine what additional means were needed to make them effective.
- Detemmine whether informal routes were essential (like Schoolhouse Draw, site of our October rally) and could be traded for other routes.
- Resolve and address concerns about winter travel safety.
- Determine the impact on the non-motorized recreationist.
- Determine if obliterations were necessary in the developed portions of Island Park, where the closures would not contribute to grizzly bear security.

Teton County passed an emergency ordinance that temporarily stopped the earth moving equipment from completing the obliteration in that County. About 22 roads remained to be obliterated. Because our suit was pending, and because the season was advancing, the forest service agreed to stop the work for the season.

At a Teton County Commissioners' meeting that preceded this decision, Commissioner Brent Robson showed a video demonstrating that several of the roads on the obliteration list had open and unsecured gates. The question was asked, "How could the forest claim trespass if the gates were not secured?"

In the ensuing discussion about securing roads with minimum impact, Ranger Patty Bates estimated that 25 percent of the current closures are effective. The group agreed that closures should be effected by the minimum means, not maximum.**This meeting was not a part of a NEPA process, but it demonstrated that give and take could still occur. This is increasingly rare, however.**

CONCLUSION

Targhee's current management attitude can be characterized by:

- Inflexibility.
- Unwillingness to seek on-the-ground solutions.
- Breakdown in constructive communication.

We do not accept excuses such as, "We're mandated by the Endangered Species Act. We'll get sued if we don't." These scapegoats represent avoidance of problems, not a commitment to solutions.

The Targhee is but one example of how "thinking in the box" constrains land management problem solving. Committed to top-down mandates that come in a box, other national forest units face similar difficulties.

That's why we are here. We need our Members of Congress to help us toward creative solutions, to help us "think out of the box" to plan the management of our public lands.

STATEMENT OF NEAL CHRISTIANSEN, CHAIRMAN, FREMONT COUNTY COMMISSIONERS

Congressmen and Distinguished Guests:

My name is Neal Christiansen and I am Chairman of the County Commissioners in Fremont County. I was elected to office in 1994 and reelected in 1996 and have served continuously for 4 years now. During that time I have worked closely with the Targhee Forest on several issues, including the revised Forest Plan and subsequent Travel Plan.

Prior to becoming a county commissioner I was a logger on the Targhee for years and am currently Vice-President of the Associated Logging Contractors of Idaho, representing some 560 logging contractors. As such I am very familiar with the resource utilization end of forest management.

Fremont County is heavily dominated by Federal land. Between the Targhee Forest and Bureau of Land Management, 60 percent of our county is federally owned, mostly Forest Service land. As a result, Federal land management policies have a large impact on Fremont County and those who use the forest but live elsewhere (tourists and summer home residents). Any effort by the Targhee Forest to reduce resource development or access to the forest can have a big impact on county government.

By way of example, I point to the loss of 25 percent funds in the last 8 years or so. In 1991 Fremont County received $213,000 in 25 percent funds. From then on there was a steady reduction in receipts, culminating in a mere $48,000 in 1998. The revenue is generated through cabin site leases, grazing fees, and timber sales. Since the cabin site fees are fairly stable, the 25 percent receipts fluctuate largely according to timber prices. Therefore almost all of the reduction results from a decline in the amount of timber offered by the Targhee Forest. The Forest seems oblivious to this impact, even though we have pointed out the problem many times.

So it is not surprising that we, the county commissioners, were less than enthusiastic about revision of the Forest Plan. Still, the public involvement process is the only game in town, and we were hopeful that in the enlightened 90's the Forest would keep an open mind. It was not long, however, before we could see the Forest had a different agenda than most of our constituents. The final Forest Plan reduced the allowable timber harvest from 80 million board feet (MMBF) to 8 MMBF, a 90 percent reduction. The new Plan also eliminated 11 livestock allotments. Even worse, when the proposed Travel Plan was announced it closed most of the Forest to summer cross country motorized use, eliminated all "ghost" roads, and proposed to close many roads and motorized trails. We did not know at the time that "closed" meant a series of 8-foot high tank traps, one after another on a road. We were soon to find out.

In June of last year I received a report the Targhee was tearing up roads on the forest. Not wanting to believe the report, I drove to the location and found huge tank traps in several roads, larger than I had ever encountered in my years of logging. There was no advance public discussion of the obliterations in the final EIS of the Forest Plan. The Forest simply began tearing up roads!! When confronted, the Forest indicated the obliterations would soon stop. They gave no indication of what was to come next.

Two months later, in August, I received a bid solicitation for road closure on the Targhee Forest. I received the offer because I am still on the Forest's bidders list. Being curious, I went to the pre-work conference to find out what the work entailed. It was only then I learned of the plan to rip the surface of roads and place tank traps in over 400 miles of roads on the Targhee. Even then I had no idea how pervasive the traps would be. And still there was no public discussion or warning of the obliterations to come.

Soon after the pre-bid meeting a contract was awarded and the work began. It was only then that most people learned of the Forest's plans, and by then it was too late. In a month's time the Forest and contractor flew around the Ashton and Island Park Districts obliterating about 380 miles of road. Many people requested, almost pleaded, with the Forest to stop, but to no avail. Finally, on the 26th of September, as the equipment was about to leave the Ashton R.D. and head to the Teton Basin R.D. I called Brent Robson, county commissioner in Teton County, and warned him of the onslaught was headed his way. Brent immediately placed a weight limit on all roads crossing Teton County roads to the Forest, effectively prohibitinq contractor's equipment from getting to the Forest. At the same time Citizens For A User Friendly Forest and Blue Ribbon Coalition filed suit in Federal court in Boise to stop the work until the parties of the lawsuit had time to address the issues. As a result of these two actions the Forest finally stopped the road obliteration work for the year. We are presently in a stand off until next summer.

We have had unprecedented support from political leaders in our fight against the road closures. Both senators and then congressman, Mike Crapo, wrote letters opposing the closures and met with Forest Supervisor Jerry Reese several times to let Jerry know of their disapproval. All of the state legislators from eastern Idaho signed a letter opposing the closures. The county commissioners of the six counties that touch the Targhee Forest took the unusual step of including an advisory ballot on the May 1996 primary ballot, allowing people to choose between CUFF's alternative and the Forest Service preferred alternative (people supported CUFF Alt. by 78 percent). The people of eastern Idaho filed 1,272 appeals of the first Travel Plan, an exceptional number of appeals. Yet here we are today, back at the same place we were 12 months ago when the first Travel Plan was remanded by the Regional Forester. The Targhee Forest has not learned a thing and is about to repeat the same mistake they made the first time around.

Given all of the public and political opposition to the Targhee Forest's Travel Plan, we do not understand where the pressure is coming from to force these road closures down our throats. We hope your hearing can shed some light on this question.

Thank you. That concludes my comments.

ORDINANCE NO. 98-15

AN ORDINANCE DECLARING AN EMERGENCY; AUTHORIZING THE SHERIFF TO ORDER COUNTY EQUIPMENT AND PERSONNEL TO OPEN PREVIOUSLY EXISTING ACCESS ROADS FOR USE BY EMERGENCY PERSONNEL WHERE NECESSARY TO SAFEGUARD A LIFE; REQUIRING THE ROADS SO OPENED TO BE RE-CLOSED WHEN NO LONGER NEEDED FOR EMERGENCY ACCESS; AND, GIVING THE EFFECTIVE DATE HEREOF.

WHEREAS, a number of access roads into public land have been closed to all traffic by the placement of physical barriers; and

WHEREAS, these same roads are still used by hunters and others accessing such public land by foot; and,

WHEREAS, those using such roads on occasion require emergency life saving personnel and equipment in remote locations necessitating use of the access roads by such emergency personnel and equipment; and

WHEREAS, such roads can not be used by emergency personnel and equipment without the removal of the physical barrier, which barriers may otherwise preclude the timely arrival of lifesaving equipment and personnel, and

WHEREAS, the hunting season is already occurring, and one hunter has already been lost with help delayed in arriving due to a physical barrier,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

1. It is hereby declared to be an emergency to safeguard human life for this ordinance to take effect immediately.

2. The Sheriff of Fremont County, or his designated appointee, is hereby authorized to order the use of Fremont County heavy equipment and operating personnel to open any previously existing access road into public lands, by removing on a temporary basis any physical barrier placed so as to close such a road, where that road is necessary for access by emergency personnel and equipment to safeguard human life.

3. Once such an access road is no longer needed for emergency personnel and equipment, the physical barrier removed to provide access shall be replaced in a similar manner, as much as is possible, and in a timely fashion.

4. This ordinance shall be in full force and effect immediately after its passage.

PASSED THIS 13 DAY OF OCTOBER, 1998.

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO

Grant Chandler
GRANT CHANDLER, CHAIRMAN

ATTEST:

Mickie Funke
MICKIE FUNKE, CLERK

STATEMENT OF BILL SHURTLEFF, COMMISSION CHAIRMAN, BONNEVILLE COUNTY BOARD OF DIRECTORS, IDAHO FALLS, IDAHO

Representative Chenoweth, Representative Simpson, members of the Panel, and guests, my name is Bill K. Shurtleff and I am the owner and manager of Call Forest Products. I, also, fill the position of Bonneville County Commissioner. However, today my testimony will be based upon my twenty-nine (29) years of experience as a timber resource user. Let me begin by telling you that during the 1970s and 1980s, as the Forest Service was constructing many of the roads we are now discussing, the constant mantra was that their roads were the number one asset of the Forest. These were the roads that would allow them to manage the forest into the future. These were the roads that would allow them to fight fires, thin trees, make inspections, and even perhaps allow some harvesting of trees if needed.

I cannot tell you how many times I have been taken to the woodshed by a sale administrator because a logging machine had damaged a road shoulder or surface. We were, also, shut down if dust reached a certain level which would cause the loss of road surfaces. All this was enforced so as to preserve and maintain the number one asset of the Forest Service, the road.

Now, all of this has been reversed. I am certain others will talk about the process that the Forest Service went through in order to implement their new policy, but I would like to talk about what the effect will be. By closing these roads in a manner that virtually stops all travel for long periods of time, these roads will deteriorate to a point of uselessness. The only means that the Forest Service has at its disposal to repair these roads is hard money, which I'm told is in short supply, and the selling of timber where the road construction or repair is tied to the sale.

In the Targhee, this is very unlikely. The very small sale volume that is available on the Targhee will not economically carry much road construction or maintenance.

It is my opinion that their entire process will basically close off large portions of the forest to any management. What will return is the same forest we faced in the 1950s. A forest of lodge pole pine, old and diseased, dying and then finally burning. We know this because we have seen it happen. The strange thing to me is that I thought the action we took in the 1970s and 1980s was specifically to avoid it happening again.

My opinion is that roads could be closed in such a manner as to allow inspection travel, minor maintenance travel, and still accomplish the objective of so many miles of roads per acre. This would not stop all road deterioration, but perhaps it could reduce it to the point that the road could be reclaimed in the future.

I know our topic today is road closure, but I cannot let this opportunity pass without commenting on what I believe is the designed method of closing the entire Targhee National Forest to any type of commercial harvesting. It is my opinion that this is an objective of the present Forest Plan in the manner that it is being carried out. I will say no more on this subject, but would love to discuss it further at your convenience.

In closing, I want to thank you for the opportunity to appear before you today. I have great respect for job you are both performing, and I have some feeling for the difficulty it holds.

Thank you again, and I would be happy to respond to any questions you might have.

STATEMENT OF STEPHEN P. MEALEY, DIRECTOR, IDAHO DEPARTMENT OF FISH AND GAME

Madame Chairman:

I am Steve Mealey, Director, Idaho Department of Fish and Game. I am pleased to be here today with Commissioners Burns, Siddoway and Wood to present Fish and Game's perspective on the Open Road and Motorized Trail Analysis Draft Environmental Impact Statement (DEIS) prepared by the Targhee National Forest.

Let me begin by clarifying the road status that would result from implementation of the Proposed Action inside the Targhee National Forest Grizzly Bear Management Units (BMUs) and outside those units. I have illustrated this by means of pie charts. They show that inside the BMUs 38 percent of the roads are left open and 62 percent are decommissioned or have motorized restrictions. Road management decisions within BMUs reflect completion of the Endangered Species Act consultation process related to grizzly bears prescribed by Federal law, between the U.S. Fish and Wildlife Service and the Forest Service. Fish and Game was not part of this consultation process and had no jurisdiction in the decision.

Outside the BMUs the situation is reversed, with 65 percent of the roads left open and 35 percent decommissioned or restricted. Fish and Game worked with the

Targhee National Forest planning team regarding travel management outside BMUs. In the Targhee Forest planning process, Fish and Game personnel provided the Forest Service planning team with criteria necessary to achieve Department goals for hunting and fishing opportunity and for fish and wildlife populations, as specified in our species management plans. Elk and Yellowstone cutthroat trout are the key species of concern.

While Fish and Game criteria cannot be cited as the sole reason for any particular road restriction, these criteria, along with many other multiple-use considerations, clearly were responsible for many restrictions outside BMUs. I'd like to take a few moments to discuss Department rationale for elk and cutthroat trout road management criteria.

Yellowstone cutthroat trout were regarded as a sensitive species in the forest planning process. They have recently been petitioned for listing under the ESA. Yellowstone cutthroat are an extremely important recreational resource on the Targhee National Forest supporting a world class fishery in the Snake River. Some of the road closures on the Targhee National Forest were implemented to address water quality issues associated with 303d listed streams and to reduce sedimentation and other impacts to Yellowstone cutthroat trout. Maintaining and improving habitat for Yellowstone cutthroat is essential to keeping the species off the endangered species list and retaining state control over their management.

The Commission has adopted hunting and population goals for all elk management zones in Idaho. For example in the Island Park Zone, the post-season elk population goal is 1,200–1,800 cows, 400–575 bulls and 250–350 adult bulls. The plan calls for 30–35 bulls per 100 cows and 18–22 adult bulls per 100 cows. The elk hunting goal is to provide as much general season hunting as possible and minimize the use of restrictive controlled hunts. Under the current spike bull general hunt and controlled hunt permit system for bulls other than spikes, all the elk population goals are being met. The hunting goals are not being met because we have many controlled hunts for bulls. As the demand for elk increases, only two management strategies can meet elk population goals: restricted hunting opportunity through controlled hunts with minimal travel restrictions, or general hunting opportunity with restricted access. Based on extensive public input, the Commission has chosen the option which maximizes general hunting and minimizes controlled hunts, through access management.

The challenge is to maximize general elk hunting in Idaho to preserve freedom of choice for hunters. Access management as proposed in the DEIS for areas outside BMUs is the best alternative for retaining quality elk herds without losing hunting opportunity to controlled hunts. This conclusion is based on numerous studies conducted in several intermountain states over the last 20 years.

In Idaho, Fish and Game elk researchers have investigated the impacts of forest roads on elk. In highly roaded areas of the Clearwater and Coeur d'Alene River drainages, nearly two out of every three bulls were harvested each year during the hunting season. In the more heavily roaded portions of the Island Park zone, nearly 90 percent of the bulls were harvested in a five day season. In contrast, mortality rates in low-road-density areas were half of those in highly roaded areas.

This demonstrates the effectiveness of road management restrictions in reducing bull mortality rates without shortening elk seasons or implementing controlled hunts. Proposed road restrictions outside BMUs provide adequate security for elk and, therefore, provide needed herd quality while retaining general hunting opportunity and avoiding more controlled hunts. Most roads can be open most of the year, providing access for hunters, woodcutters, berry pickers, fishermen, and other users including timber harvest.

The mission of Fish and Game is to preserve, protect, perpetuate and manage all wildlife for the citizens of the state for continued supplies for hunting, fishing and trapping. Our first mandate is to maintain viable wildlife populations. After this obligation is fulfilled, remaining surpluses can be offered for hunting and fishing opportunity. General hunts (as opposed to controlled hunts) provide Idahoans the maximum hunting opportunity with the fewest restrictions.

In 1976, Director Joe Greenley implemented a "bulls only" management strategy which triggered an impressive increase of elk across the state. Record elk numbers resulted from protection of cows. Hunter demand, hunter density, hunter access and use of ATVs, timber harvest and roads all increased as elk numbers increased. The irony is that as we reached record elk numbers, we also discovered a serious problem: our herd quality was suffering—we didn't have enough adult bulls. Unfortunately, on the Targhee National Forest, bull elk became highly vulnerable to hunters as habitat security decreased and access increased. The resulting ratio of bulls to cows reached a low ebb and became biologically and sociologically unacceptable to the hunting public. As I said, we had large elk herds without enough bulls.

By 1991, the health of the Targhee National Forest elk herd reached a point that action was necessary. The Commission faced shortening the existing five-day season, but that was not acceptable to hunters and it would not have helped the situation. Other options included either closing the general season and implementing controlled hunts or retaining the general season but restricting harvest. The Commission chose to restrict harvest by limiting all general hunts to spikes-only. Hunting of bulls other than spikes was limited to controlled hunts. This was an unpopular but necessary action to preserve some general elk hunting while avoiding the extremely restrictive alternative of making all elk hunting controlled hunts. Let me make this point clear: the hunters didn't like the spikes-only season and the Department didn't like it but in the end we all realized there was no other choice.

The result of the spike-only season was a biological success: in just one year, the bull:cow ratio went from less than 20 bulls per 100 cows to over 50 bulls per 100 cows. Equally important, the five-day elk wars became a thing of the past, and some controlled, any-bull hunts are now being offered that provide a highly desirable quality hunting experience, including mature (trophy) bulls. In eight years, we have gone from providing only five days of hunting to now offering 14 days of general spike hunting, 32 days of general archery hunting, and 29 days of general muzzleloader spike and antlerless hunting. It is important to remember that hunters paid a high price for this success: they lost their general season opportunity to hunt bulls other than spikes and this sacrifice resulted in 60 percent of the Island Park hunters leaving the area to hunt elk in other units. Fish and Game wants to correct the remaining declines in ratios of mature bulls to cows that still occurs in some management units in the Targhee National Forest without causing a shift in hunting pressure to other places that could deplete other herds currently in good shape.

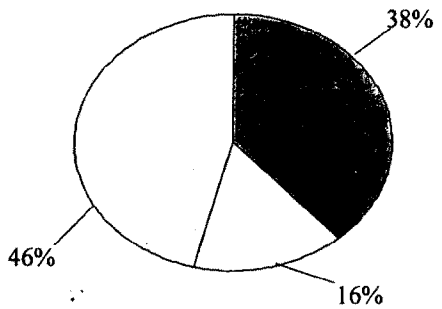
In 1998, after considering a full range of options, the A-B zone tag concept was chosen as the way to do the most to improve elk herds, while retaining the most hunting opportunity. With this strategy, we have approached our management goals for the Targhee National Forest. Future travel management outside BMUs will be important for Fish and Game to continue this progress towards providing more general elk hunting in the Targhee National Forest.

By itself, the big game season setting process is complex and very often emotionally charged. This becomes even more intense when compounded with the issues of access management. We recognize there are many sides to these issues and we need to hear from you. The Department will be conducting our usual series of public hearings before setting the 1999 big game seasons. The public has told us they prefer general hunting opportunity on the Targhee National Forest, with some travel restrictions, as opposed to more controlled hunts, the loss of general hunting opportunity, and fewer travel restrictions. If this isn't the case, folks need to come and tell us. I urge strong public participation in this process so all points of view are considered in the final Department recommendation to the Commission.

Since we have recently revised our elk and deer plans, we will also be inviting Forest Service planners to sit down with us to make certain our earlier planning criteria are still valid.

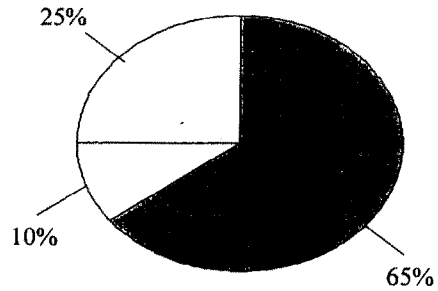
Thank you, Madame Chairman, for this opportunity. I will now stand for any questions you may have.

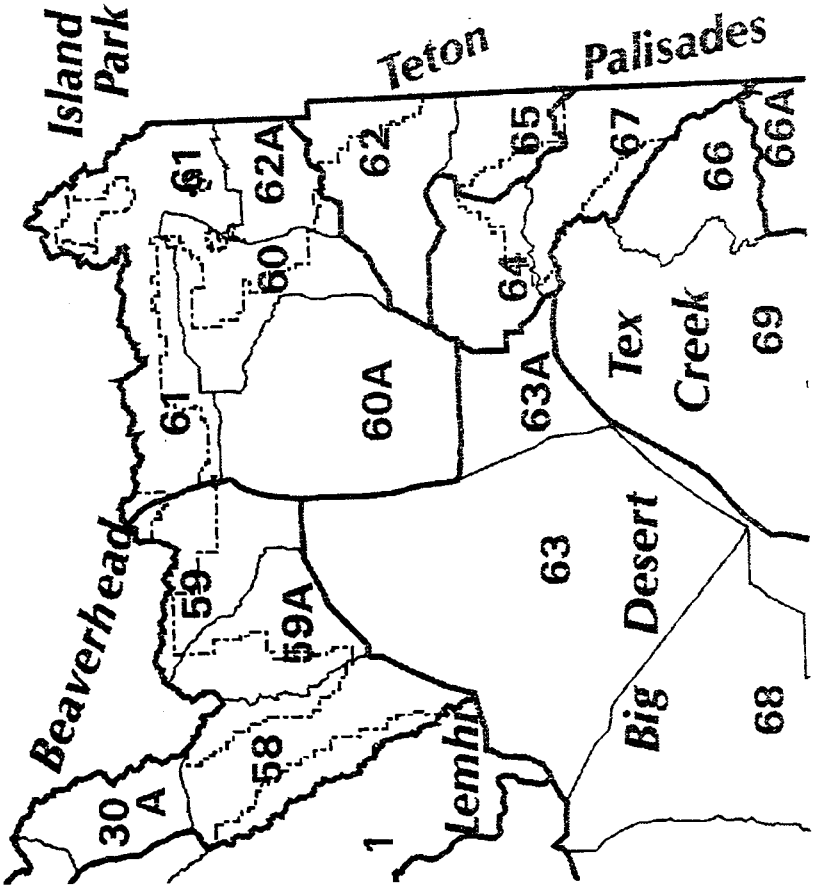
Road Access on the Targhee N.F.



Inside B.M.U.s	Miles	%
Open	363	38%
Restricted	147	16%
Decommissioned	434	46%

Outside B.M.U.s	Miles	%
Open	1309	65%
Restricted	212	10%
Decommissioned	505	25%





Targhee National Forest

STATEMENT OF CRAIG GEHRKE, REGIONAL DIRECTOR, IDAHO OFFICE, THE WILDERNESS SOCIETY

Thank you for this opportunity to testify regarding the draft environmental impact statement for the motorized road and trail travel plan for the Targhee National Forest. The Wilderness Society has been long involved in forest management issues on the Targhee and the other National Forests which comprise the Greater Yellowstone Ecosystem. We are striving to insure that these National Forests and others across the nation are managed primarily for values and resources that are not ordinarily available or protected on private land, including clean water, backcountry recreation, wilderness, wildlife habitat, roadless areas, biological diversity, nature education, and scenic beauty.

The Wilderness Society supports the efforts of the Targhee National Forest to develop a plan for motorized road and trail travel. Growing off-road and off-highway vehicle use is having an impact on the natural resources on the Targhee, and the Forest Service is to be commended for developing a plan which begins to deal with these impacts. While the Society does not support the preferred alternative in the draft environmental impact statement in its entirety, we do support several of the concepts within the draft plan. We will be urging that the Forest Service take steps beyond those outlined in the preferred alternative to better address the complete range of issues involved in travel planning on the National Forests.

The issue of motorized travel management on the Targhee has unfortunately been characterized by many as grizzly bears versus everything else. That is an incorrect characterization. While the Forest Service does need to take certain steps on the Targhee to enhance the recovery of the grizzly bear and comply with a biological opinion issued by the U.S. Fish and Wildlife Service, the motorized travel management issues goes far beyond just grizzly bears.

The final environmental impact statement for the revised Targhee National Forest management plan was clear in its assessment that off-highway vehicle use and roads are among the primary causes of impacts to soils, water quality, and aquatic habitats on the Targhee (FEIS pgs. III-18, III-l9,III-26,III-73, III-75, IV-12 for a few examples). Management of roads and motorized trails is not only about grizzly bears but about clean water, fish, elk, and other forest resources.

The Wilderness Society supports the initiative of the Forest Service, as set forth by the forest management plan, to eliminate indiscriminate cross-country motorized travel across much of the Targhee National Forest. Again, as the final EIS made clear, this type of use damages soils, water quality and fish and wildlife habitat. Taking actions to address cross-country motorized travel is significant step forward to better protect the resources of the Targhee.

The Wilderness Society also supports the Targhee's efforts to essentially reverse the long-standing system for signing trails and roads as open or closed to motorized use. By only signing "closed" trails, the Forest Service was inadvertently providing an incentive for the tearing down or vandalizing of such signs, with the offenders later claiming ignorance of the closure. Signing trails as "open" will remove the incentive to remove the signs and hopefully lead to better travel management.

The restrictions on cross-country motorized travel and the new signing system are components of the Targhee motorized trail and travel plan that The Wilderness Society will support for adoption on other National Forests in Region Four. These types of management actions are much needed, for example, on the Salmon-Challis, Sawtooth, and Boise National Forests.

It is important to keep in mind that these management actions were determined through the Targhee Forest management plan, not the draft travel plan. Changing these actions can only be done through the forest plan amendment process, and not by changes in the draft travel plan. Furthermore, as stated earlier, the Forest Service is under an obligation to reduce road densities in the grizzly bear management units on the Targhee to comply with a biological opinion issued by the U.S. Fish and Wildlife Service for the revised forest plan. To stop these efforts would likely require a new biological opinion from the Fish and Wildlife Service as well as a forest management plan amendment.

Conservation groups will not tolerate significant delays in meeting the road density standards that resulted from the biological opinion for the revised Targhee forest plan. In 1994 a court settlement agreement between the Forest Service and conservation groups resulted in a commitment from the agency that it would address deficiencies in the prior forest management plan relating to management of the Plateau, Madison and Bechler-Teton bear management units. Later, the Forest Service decided to address these deficiencies through the forest plan revision process, rather than address each bear management unit separately.

The preferred alternative in the draft travel plan for the Targhee, while taking positive steps in motorized travel management, does need to be strengthened in several key areas. One critical issue that the draft travel plan does not deal well with is the impact of off-road and off-highway vehicles and road management on the Yellowstone cutthroat trout.

A petition has been filed to list the Yellowstone cutthroat trout under the Endangered Species Act. The Targhee Forest travel plan does not adequately address declining populations of Yellowstone cutthroat trout across the forest, despite numerous references in the final EIS for the forest management plan that off-high vehicle use and roads are the primary causes of impacts to soils, water quality, and aquatic habitats. Stream crossings and roads and motorized trails within aquatic influence zones of Yellowstone cutthroat need to be decommissioned to reverse the declining population trends for the Yellowstone cutthroat.

It is particularly important that the travel plan address impacts to Yellowstone cutthroat trout habitat from motorized use within the South Fork Snake River drainage. The Snake River system is the only major river drainage, outside Yellowstone National Park, that has a relatively healthy Yellowstone cutthroat population. Protecting cutthroat habitat in the tributary streams of the South Fork is critical to the species' long-term survival.

The Forest Service has an opportunity through the Targhee Forest travel plan to demonstrate that, in the case of the Yellowstone cutthroat, it can take the necessary steps to reverse the decline of a species and not wait for the species to be listed under the Endangered Species Act.

The Wilderness Society also urges the draft travel plan to include closures of recommended wilderness areas, such as the Palisades roadless area, to motorized use to protect the wilderness characteristics of these areas as prescribed by the revised forest plan.

The Targhee travel plan should not address RS-2477 claims. In December 1997 the Chief's Office directed Regional Foresters to defer from processing RS-2477 claims except in cases where there is a demonstrated, compelling and immediate need to do so. No such needs have been demonstrated on the Targhee National Forest.

The Targhee travel plan should distinguish between single and two-track OHV trails. To not do so would allow the gradual conversion, through use and deliberate construction, of single-track trails open to motorized use to two-track trails and thus to de facto permanent motorized trails.

The Targhee travel plan should not allow wheeled vehicles on groomed snowmobile trails. Other national forests, like the Boise, Caribou and Clearwater National Forests, do not defined wheeled vehicles as over-the-snow vehicles. Despite the fact that the Targhee Forest management plan found that off-highway vehicle use is one of the leading contributors to soil loss and water quality impacts, the Targhee is proposing to allow wheeled vehicles to use snowmobile routes in late fall and early spring—times when resource damage from rutting and erosion are most likely to occur.

In summary, the proposed motorized road and trail travel plan for the Targhee National Forest is a positive step towards addressing the resource impacts caused by roads and off-road and off-highway vehicles on this forest. Further actions beyond those proposed in the draft travel plan, such as specific actions to reduce impacts to the Yellowstone cutthroat trout and its habitat, will need to be incorporated in the final travel management plan.

STATEMENT OF HON. JAMES R. LYONS, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Madam Chairman, Congressman Smith, Members of the Committee, thank you for the opportunity to appear before you today to discuss the Forest Service's proposed budget for Fiscal Year 2000.

I would like to present a brief overview of our budget request and highlight some of the priorities we've identified in terms of three broad areas. Chief Dombeck will address these and other areas in greater detail. The three areas I want to highlight are; (1) the priorities of the President and the Department of Agriculture in managing the rich natural resources of this nation's forest and range lands; (2) the Forest Service priorities under the leadership of Chief Dombeck to implement the service's Natural Resource Agenda; and (3) the emphasis being placed on the Forest Service to be accountable to Congress and the American people for its performance and use of Federal funds.

Last year when I testified before several committees, including this one, I stated that despite the contentious debates on several Forest Service management issues, Congress and the Administration have more agreement than we do disagreement. Despite the differences regarding budget priorities and several environmental riders which were part of the fiscal year 1999 appropriations debate, we worked together and developed a bill which helped the Forest Service move forward towards improved forest and ecological health and sustainability. I continue to believe we have common interests, and greater agreement than disagreement, although I'm sure we will be involved in tough debate again over this year's budget.

First, a brief overview. This budget proposes an overall increase in discretionary appropriations of 6.5 percent. The budget includes a healthy emphasis on the basic programs necessary for managing the agency's 192 million acres, which include a $30 billion infrastructure, 383,000 miles of road, 74,000 authorized land uses, 23,000 developed recreation sites, and uncounted dispersed recreation sites. In addition, the budget proposes a substantial increase of $37.2 million to enhance the agency's leading role in forest and rangeland research. Finally, the budget proposes major increases in State and Private Forestry programs, which is a key element of the President's initiatives.

President and Department Priorities

Let me turn now to the important priorities of this Administration. As you know, the President has proposed several initiatives in the fiscal year 2000 budget including two that were first initiated as part of the fiscal year 1999 budget. Principally, the President's goal in fiscal year 2000 is to develop Forest Service programs that help assure that all the nation's lands, not just National Forest lands, provide clean water for the taps of faucets, open spaces and expanded recreation opportunities for rural and urban residents alike, and improved sustainability of products, wildlife, and biodiversity on healthy public and private lands.

Thus, the President has proposed the Lands Legacy Initiative, the largest one year investment ever in the preservation of America's lands, and the continuation of the Clean Water Action plan to continue to focus on priority watersheds where protection and improvement programs are so desperately needed.

Madam Chairman, I believe the Lands Legacy Initiative is bold and essential for America as we enter the new millennium. This $1 billion program, which includes $217.6 million in Forest Service funding, will focus on working with states, tribes, local governments, and willing private partners to protect great places, conserve open space for recreation and wildlife, and to preserve forests, farmlands, and coastal areas. Currently, 30 million people live within an hour drive of national forest land. As the President noted in his State of the Union address, 7,000 acres of farmland and open space are lost every day. The number of tracts of forestland of 50 acres or less doubled from 1978 to 1994 as our landscape was carved into smaller pieces. Access to, and the health of, these lands is diminishing as a result of this fragmentation. To address these serious concerns, the President's budget proposes to significantly increase funding of the agency's State and Private Forestry Programs, with an increase of $80 million or 48 percent over fiscal year 1999. With this increase we will focus on promoting the retention of open space and smart growth that will provide conservation opportunities and experiences for many additional millions of Americans.

The Forest Service is the national expert at providing recreation to the public through family oriented recreation such the Sunday drive, weekend camping trip, short family hike, or week long backpack or rafting trips. The Lands Legacy initiative, through emphasis on State and Private Programs and increased Land Acquisitions promotes this type of recreational access as well promoting the availability of clean water, healthy watersheds, and open space. The national forests are the watersheds for more than 902 communities in 33 states. Many millions of additional people depend on water provided from other forested lands. Through emphasis on state and private partnerships, which promote smart growth acquisitions and easements, more Americans will be assured of long term access to public land and the clean water it provides.

The fiscal year 2000 budget contains several additional initiatives that are important to note.

As was proposed last year, the Administration again intends to forward legislation that will stabilize payments to states. I believe it is essential to provide these payments through a process that does not link the output of forest products to the education of our rural school children or the quality of the roads used by their parents. If enacted, the legislation will result in long term predictability of payments that the states and counties of America need.

Other legislative initiatives are important aspects of this budget, including proposals to maximize return to the government for authorized uses of national forest land to improve forest visitor experiences. The President also will propose legislation which requires purchasers who harvest timber and special forest products from national forests, pay fair market value for these products and a greater share of the costs of managing these programs, thus reducing the use of appropriations.

Natural Resource Agenda

The President's initiatives are fully compatible with the aggressive program initiated by Chief Dombeck last March which established the Natural Resource Agenda. I am proud to support this four point program which focuses agency attention on watershed protection and restoration, sustainable forest management, the forest service road system, and the critical recreation program.

This budget strongly supports the Natural Resource Agenda with significant funding increases. Wildlife, grazing, fire, fisheries, and other programs increase by $48.6 million to support watershed health and restoration. Increased funding contained in this budget is essential for restoring and protecting watershed health.

A second element of the agenda promotes sustainable forest management. With proposed budget increases of $113.2 million, programs such as Forest and Rangeland Research, in addition to the State and Private programs I have already mentioned, will engage coalitions among communities, conservationists, industry, and all levels of government to collaborate and integrate management of national forest lands with those practices on state, tribal, local and non-industrial private lands in order to promote long term land health.

Management of the national forest road system is a third component of the Natural Resource Agenda. With a funding increase of $22.6 million, this road system, which is expansive enough to circle the globe more than 15 times, will receive critically needed funds for maintenance.

As you know, Secretary Glickman recently announced a new interim rule for road management. While this issue is very contentious, all of us can agree that the national forest road system is critical to land health and is essential to meet the recreation and livelihood of millions of Americans. Simply put, I strongly support Chief Dombeck in his effort to significantly reduce new road building until we are better able to manage the road system we presently have. The President's budget will provide increased funds for road maintenance and allow the Forest Service to implement road management plans for America's long term access and land health needs.

Lastly, as part of the Natural Resource Agenda, the President's budget continues to provide strong emphasis on recreation. The Forest Service is the largest supplier of recreation in the United States. We are pleased with the emphasis Congress has also shown in promoting recreation. The Recreation Fee Demonstration Program is one such example, and a resounding success. Through this program, we have improved facilities and the visitor's experiences at fee sites. However, I want to emphasize that 95 percent of recreational experiences on the national forests involve use of non-fee dispersed sites. The President's budget continues to emphasize this area of recreational use through appropriated funds. I strongly encourage your continued support of these appropriations in order to continue quality experiences for those who use the forests for highly dispersed activities, and who are either unable to pay for use of these sites, are not close to fee sites, or who desire to recreate in the undeveloped non-fee areas of the national forests.

Also in support of the Natural Resource Agenda, I want to note that the Committee of Scientists, commissioned by the Secretary to review land and resource management planning processes, are soon to release their landmark report. Shortly thereafter the Forest Service will complete preparation of proposed land management planning regulations which will guide future revisions to land management plans. These regulations are long overdue. I am confident when implemented these regulations will result in a long-range planning framework suited to accomplish sound resource management in accordance with environmental laws and the mission of the Forest Service.

Forest Service Accountability

The success of the Natural Resource Agenda and the initiatives proposed by the President are critical to long term health and conservation of the national forests and the nation's state, local, and non-industrial private lands. Effective Forest Service leadership is what will facilitate these long term successes. However, leadership will not be successful if the Forest Service does not aggressively address what can only be described as severe lapses in its financial management and overall performance accountability. As you know, the agency's financial health, decision making,

and overall accountability has been scrutinized and extensively criticized in more than 20 studies initiated by Congress, the Department, and internally.

Let me say, I have no doubt the Forest Service has got the message! Through reorganization and placement of professionals in top leadership positions, the agency has placed the financial management role in a position that assures attention and oversight in equal stature and priority to its natural resources management agenda. While I believe it is important for Congress to actively perform its oversight of the agency's financial condition, I believe it is also important to ask for some degree of patience. The agency's books and records took a decade or more to turn sour. It will take at least the rest of fiscal year 1999 to implement a new general ledger and at least through fiscal year 2000 to receive a clean financial opinion.

Meanwhile, it is clear the Forest Service is taking action to improve. This includes paying detailed attention to management of indirect costs, restructuring the process for charging overhead to permanent and trust funds, and actively working on implementing performance measures consistent with the Results Act, which should ultimately lead to proposals for a revised budget structure that reflects the integrated nature of work it accomplishes on the ground.

Madam Chairman, in my testimony today I have discussed important Presidential initiatives, the Natural Resource Agenda, and progress being made to improve agency accountability in relation to the fiscal year 2000 budget. These three areas represent important areas of change for the Forest Service as we approach the next century. I am confident that with your support we can work together to build a Forest Service program that accomplishes long term land health objectives, delivers clean water, provides quality access, assures diverse recreational opportunities for greater numbers of Americans, and continues providing strong livelihoods for communities for generations to come.

Thank you for the opportunity to address you. I would be pleased to answer any questions you may have.

STATEMENT OF JOHN E. BURNS, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Madam Chairman, members of the Subcommittee: Thank you for the opportunity to speak today. My name is John Burns. I reside in Carmen, Idaho and have been a member of the Idaho Fish & Game Commission since 1996. Following a 33 year career with the U.S. Forest Service I retired as Forest Supervisor of the Salmon National Forest in 1994. From 1980 to 1989 I was Forest Supervisor of the Targhee National Forest. The Targhee Land Management Plan was developed and implemented during that period.

My purpose today is to provide some historical perspective which may be of value to the Subcommittee as you examine the questions of roads and wildlife on the Targhee. Indeed, those very questions were central to us when the Targhee LMP was prepared and we proceeded with the intensive lodgepole pine salvage program in the 1980's.

First, a few words about the forest situation that existed when I was assigned to the Forest.

An epidemic of pine bark beetles had killed several hundred thousand acres of lodgepole in the Island Park and surrounding plateau areas. The percentage of dead or dying trees exceeded 80 percent in many localities, and the epidemic had not run its course. Those who did not see the forest as it was then can now hardly imagine the devastation.

The lodgepole commonly grew in almost pure stands, and typically the trees were of similar size and age. This is a characteristic of lodgepole, which is particularly adapted to regeneration after fire. The tree has cones which remain closed until the tree is killed and heat causes them to open releasing seeds. As a result, fires which do not consume the tops and cones often result in a new forest of lodgepole.

Also, in the Island Park and plateau areas the lodgepole stands do not normally give way to Douglas fir. Forest succession is arrested at the lodgepole seral stage due to a lack of cold air drainage in deep winter. Young Douglas fir are simply freeze dried—desiccated.

This combination of factors—vast insect killed pine stands and the reproductive characteristics of the tree—led us to devise and propose a strategy that would reforest most of the Island Park and plateau area. It would also salvage most of the usable wood in its "shelf life" of ten to fifteen years before the dead trees fell over. At the same time, road construction and logging disturbance would be limited to a relatively small part of the 1.8 million acre Forest.

Aside from the strategy of concentrating activity, we would replicate the effect of natural fire but without the damaging characteristics of wildfire. This would be done by cutting the trees in large blocks or clearcuts, removing the logs and letting the sun dry out the cones in the scattered tops or slash. Then using dozers with brush rakes to pile the slash while simultaneously scarifying the soil surface to expose mineral soil for the seed to germinate.

Two other major considerations were involved. Much of the area in question was classified as grizzly bear habitat under the Yellowstone Guidelines, adopted without modification in the Forest plan. Most of the plateau country was Situation II due to the very scattered and scarce habitat components that support grizzlies. Some Situation III habitat was found in the northwestern part of Island Park, and a block of Situation I lay north and east of Henry's Lake.

An intensive review of the Forest Plan, containing the roading and salvage logging plans, was conducted by the U.S. Fish & Wildlife Service. This resulted in a Section 7 finding of "no jeopardy." In-large part this was due to the fact that the salvage program would focus in Situation II, and that area of the Targhee (the plateau country) was not considered capable of actually supporting resident grizzlies.

Concurrently, the Targhee was involved in shifting sheep grazing out of the Situation I areas to avoid sheep–bear incidents. Typically, grizzlies would move out of the Park in early fall and take sheep prior to winter hibernation. Also, an intensive campaign was launched to eliminate bear attractants such as open dumps, associated with the large human population of Island Park. In addition, improved cleanup of highway killed deer, elk, and moose was accomplished. The net effect, of course, was that the major elements of food for grizzlies in the locality—livestock, garbage, and road kills—was eliminated. If bear use and sightings have since declined it should not be surprising.

The second additional factor shaping the salvage and road program was elk. Most of the Island Park and plateau area was not elk habitat—summer or winter. The breaks of the plateaus and buttes, country dominated by Douglas fir, was good habitat, but the lodgepole country with little undergrowth and little surface water flow was not. Elk typically migrated across the area to their winter range in the Junipers and sandhills country west of St. Anthony quite rapidly, a matter of a few days.

The principal concern relating to elk was increased vulnerability to hunter harvest as a result of more roads and less hiding cover. This question was examined in great detail considering such things as the acreage to be treated each year, the road miles to be built per year, and the speed of reforestation and tree growth. Our analyses indicated that the planned program would not adversely affect the elk population goals, but we did recognize that hunting limitations might be necessary to achieve other non-biological elk objectives such as numbers of mature bulls, etc.

It should be noted that the large proportion of roads built would be closed by gates as soon as salvage activity was completed at the entry point. This was done, and incorporated a special informational signing program as to the reasons and benefits. The road system was designed such that periodic use for thinning and future harvests could be accomplished.

A major additional benefit was realized as the lodgepole stands were treated. As much as 25 percent of the acreage contained not only new pines, but a flush of aspen growth due to the stimulation of dormant aspen clones under the lodgepole canopy. Other shrubby and herbacious species responded vigorously as well and the result was a much more diverse vegetative community. In turn, the wildlife responded and during the 1980 to 1989 period our monitoring found significant increases in populations.

The elk herd wintering west of St. Anthony during that period increased by half, exceeding the target size of the herd. Moose and deer responded in similar fashion.

It soon became obvious that hiding cover was rapidly reestablishing itself in the treated areas. In fact, the new stands of trees quickly were capable of concealing an elk and providing extremely challenging, if not almost impossible, hunting conditions.

I am not informed on current forest analyses, but if the rate of growth in the 1990's approximates that of the 1980's the Island Park and plateau areas contain huge amounts of effective hiding cover as well as greatly improved vegetative diversity and production of desirable species for wildlife food.

I would note that the bitter lesson of ignoring habitat management now faces the Idaho Fish & Game Commission in the Clearwater country in northern Idaho. What was once the finest elk herd in the State has crashed due in large part to predators and the inexorable decline in habitat capacity for big game when forests close in with maturity. Unfortunately, the need for active management is all too often ig-

nored or even denigrated until disaster—be it insects, fire, or declining game herds—faces us.

The Targhee program replaced a dead and dying forest with a new and vigorous vegetative community. It supports an equally vigorous wildlife community and can no doubt do so for several more decades before drastic action is once again required. In the meantime, experience suggests the means to manage the forest on a continuing basis should be carefully maintained and utilized.

The Idaho Fish & Game Department has recently developed a new generation of elk and deer management plans which address all aspects of our herd objectives. I am sure Department personnel would be happy to work with the Federal agencies to evaluate the effects of any specific planned forest management actions in relation to those objectives.

That concludes my comments. I will be happy to respond to any questions you may have. Thank you.

References: I suggest the Subcommittee obtain and examine the following document and detailed large-scale map packet.

The Greater Yellowstone Area An Aggregation of Natl. Park and Natl. Forest Mgt. Plans Coordinated by Targhee National Forest Planning Staff Published 1987

STATEMENT OF JANICE M. BROWN, EXECUTIVE DIRECTOR, HENRY'S FORK FOUNDATION

Honorable Congressman Chenoweth, Committee members and other elected officials.

My name is Janice Brown, and I am testifying on behalf of the Henry's Fork Foundation, a nonprofit conservation organization based in Ashton, Idaho. Our mission is to "understand, restore and protect the unique fishery, wildlife and aesthetic qualities of the Henry's Fork of the Snake River." The Henry's Fork watershed comprises 1.7 million acres in Idaho's Fremont, Teton and Madison counties, plus that portion of Wyoming's Teton County on the west slope of the Tetons and the southeast corner of Yellowstone National Park. According to Idaho's Comprehensive State Water Plan for the Henry's Fork Basin (1992), there are over 3,000 miles of rivers, streams and irrigation canals in this watershed, with almost all originating on National Forest land administered by the Targhee National Forest. Approximately half of the entire basin is publicly owned land, with a full 70 percent in Fremont County where our office is located.

The Henry's Fork Foundation was formed in 1984 by Idaho anglers concerned with the apparent decline of the Henry's Fork wild rainbow trout fishery. Since then the organization has expanded to 1,700 members in 48 states and six countries who support the collaborative, scientific approach for which the Foundation has become known. Our program of integrated research, restoration and stewardship has resulted in a number of habitat improvements within the watershed and increasing trout populations. Our commitment to education and public outreach is reflected in five years of cofacilitating the Henry's Fork Watershed Council in conjunction with the farmers of the Fremont-Madison Irrigation District. We firmly believe that local, participatory forums such as the Watershed Council can constructively involve all citizens, scientists and government agencies while honoring the environmental laws and regulations so necessary to sustainable resource management.

I wish to focus my testimony on the relationship between road access and fisheries, water quality and stream channel morphology within and downstream of the Targhee National Forest. But before our concerns are detailed, it is important to present the larger, historical context of this issue.

Interestingly, prior to 1960 there were relatively few roads on the Forest and the off-road vehicles so common today were not widely available for recreation purposes. Prior to the 1960s, most of the recreation in the Island Park area was focused on fishing and had been so since the late 1800s when the native Yellowstone cutthroat trout was commercially harvested in Henry's Lake and the vicinity. In order to protect the native fish from exploitation, the new Idaho Fish and Game placed their first conservation officer in Island Park near the turn of the century. Rainbow trout were introduced for both commercial and sport fishing, with several entrepreneurs engaged in trout farming using the rich, natural springs so characteristic of the area. In the early 1900s, several fishing clubs were established along the Upper Henry's Fork, and many descendants of the earliest club members are active with the Foundation today. The famous Railroad Ranch—now Harriman State Park—had been purchased as a fishing and hunting reserve by a consortium of investors prior to 1900, including three Guggenheim brothers, and the Harrimans of Union Pacific railroad fame became involved in 1906.

Enlargement of Henry's Lake in 1925 and construction of the Island Park Reservoir in the late 1930s created important irrigation storage for downstream farmers, but also enhanced the Island Park fisheries. A mixing of waters occurs in these reservoirs, combining the nutrient-rich waters running off the Henry's Lake and Centennial mountains with the pure spring waters emerging beneath the volcanic plateaus to the east. The result is a diverse and abundant aquatic insect community, which is a rich food source for trout and accounts for the enormous size of fish in the Island Park area. Although there has been much controversy in recent years about how to best manage these trout populations and the nature of fishing regulations, there is little question that high quality habitat and the connectivity of tributary streams to the main stem rivers is essential to maintain the Henry's Fork status as a world-class trout fishery.

The summer recreational economy in Island Park is directly dependent on these outstanding angling opportunities, as a 1996 study conducted by Weber State University illustrates. Over 300 bait and fly anglers were interviewed throughout Island Park to determine their recreation and expenditure patterns. The study estimated the value of a day's fishing between $200 and $300 per person, and that the average group travels 560 miles each way to Island Park. Previous studies of those using outfitter services indicate even higher expenditures. There has been a marked rise in construction of recreational summer homes in Island Park since 1992, with $151 million invested in home construction in 1998 alone.

Because the rivers and streams of the Targhee National Forest are so vital to the economy and well being of those living and recreating in the Henry's Fork watershed, it is incumbent on the Forest Service to invest more time and money in protecting these valuable resources. We are generally pleased that protection of aquatic influence zones and native fishes received increased attention in the revised Forest Plan, as HFF participated in the public involvement process and submitted comments on the draft plan. However, we are concerned that the issue of access management has focused on human recreational desires and conflicts rather than the essential issue of soil stability and watershed health. Although the Targhee has not experienced the severe landslides and mass movement characteristic of North Idaho and the Cascades, it would be erroneous to assume that there are few erosion problems on the Targhee road system.

In a 1966 report, the well-respected Forest Service research hydrologist Walt Megahan notes his concerns about the road building that was underway to accommodate the huge Moose Creek salvage sale that would support the St. Anthony stud mill for 25 years to come. Although he was asked to estimate changes in water yields that might occur from such widespread clearcutting on the Moose Creek Plateau, he also commented on the evidence he observed of stream sedimentation caused by roads:

> *I had only a few hours observation on the Moose Creek Plateau; however, these were enough to provide some distinct observations that are worthy of mention. I felt that many of the soils and subsoils that were encountered along the roads on the Moose Creek Plateau are among the most erodible I have seen in the [Intermountain] Region. This is to be expected, considering the nature of many of the parent materials described earlier in this report.*
>
> *Wherever erosion hazards in the area are high due to steeper slopes developed by road construction, increased runoff due to road construction etc, the actual erosion rates are high. The roads appeared to be causing most of the damage; there appeared to be little problem on the existing clearcut areas.*
>
> *Presently, the eroded material is being carried down to intermittent stream channels and being deposited. Flows in these channels could carry this material downstream and possibly to the perennial streams. An unusual climatic event or increased flows due to timber cutting or both could cause such flows. It is even possible that such flows occur commonly on a yearly basis.*
>
> *Actually, the nature of the country on the Moose Creek Plateau is such that roads could be fitted to the terrain quite effectively and thereby reduce much of their impact. This has not been done for the most part on the existing roads.*

Evidence of the poor road conditions became apparent following the 1988 fire season when a 17,000-acre "slop-over" from the North Fork Fire burned the upper watershed of Moose and Chick creeks. A northern segment of the Fish Creek Road and the entire Black Canyon loop road were long closed to travel because of the damage caused to roads during spring runoff and thunderstorm events.

With the advent of access management on the Targhee came the welcome prospect of road decommissioning and obliteration to eliminate logging roads no longer needed for accessing timber. It was clear to Fish and Game officials that the reduced forest cover had affected elk hunting opportunity on the Targhee and that grizzly bear habitat was also marginalized. Few had anticipated the boom in off-

road vehicle use that would result in a backlash from those who over the past two decades had become accustomed to using old logging roads and traveling cross-country across public lands. Almost lost in the debate between wildlife habitat needs and demand for access was the lingering problem with road cuts, eroding road beds and poorly maintained stream crossings.

The recent listing petition for Yellowstone cutthroat has brought the issue of road impacts to streams back to the forefront, as has the recent completion of the native trout inventory cooperatively conducted by the Henry's Fork Foundation and Targhee National Forest. Of the 112 streams surveyed on the Dubois, Island Park Ashton and Teton districts of the Targhee, ten streams hold only Yellowstone Cutthroat trout and 23 streams held cutthroat in addition to other salmonid species. These 23 are in danger of losing their cutthroat component given the observed trend for nonnative brook and rainbow to outcompete the native species. The ten streams that hold only cutthroat should be isolated from future timber sales and human access to reduce the risk of sedimentation, with road obliteration a high priority (unless the barrier protecting the population is itself a road crossing).

Because the Foundation's interest lies in restoring watersheds to health wherever possible, we support Alternative 3M- in the DEIS and urge Congress to make funding for the following recommendations among your highest priorities for the U.S. Forest Service budget:

1. *Properly inventory those roads that require stabilization or obliteration.* The Travel Plan DEIS as presented is only an access management plan and does not consider long-term stability of the road system. It does not analyze alternatives of partial or complete obliteration that may be needed in some locations to adequately protect aquatic ecosystems and Yellowstone Cutthroat Trout. Use of gates or tank traps to limit human access do little to resolve erosional problems and may in some cases exacerbate current instability. It appears that the application of scientific expertise to the problem of road erosion has been limited thus far on the Targhee, and we recommend that a greater effort be made. The HFF is also willing to assist in restoration planning and implementation. In addition, the Forest has not satisfactorily distinguished those system roads needed for future timber sales from those roads that should be decommissioned with partial or full obliteration.

2. *Implement an adequate stream monitoring program for those streams most vulnerable to erosion or other human impacts.* Most forests have few resources to engage in long-term monitoring to assess the results of their activities. States are required to keep tabs on stream health according to Section 303(d) of the Clean Water Act, and the Forest Service should assist state officials by monitoring those streams originating on public land. It will be especially important to monitor those streams with Yellowstone cutthroat that may play a role in providing transplants to fishless streams.

3. *Provide adequate funding for enforcement of travel restrictions.* Few of the agreed-upon road closures will ultimately succeed without sufficient enforcement actions that convey the seriousness of access management. It will be critical that those who choose to violate road or area closures be apprehended and held accountable for their illegal actions.

Thank you for the opportunity to testify on behalf of those HFF members who consider an angling experience on the Henry's Fork to be among the most important recreational experiences provided by our National Forest system.

STATEMENT OF JACK A. BLACKWELL, REGIONAL FORESTER, INTERMOUNTAIN REGION, USDA FOREST SERVICE

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to be here with you today to discuss travel management on the Targhee National Forest.

The recent actions on the Targhee National Forest to close roads with earth berms within grizzly bear management units (BMUs) have generated considerable public interest. The Forest Service constructed these closures to meet requirements set forth in the U.S. Fish and Wildlife Service biological opinion for the Revised Forest Plan and did so only after long intensive public involvement.

While addressing immediate needs in the BMUs, forest personnel continue to work on a travel management plan for the entire forest based on the Revised Forest Plan. The extensive forest road system constructed primarily to extract timber has served its purpose and is larger than what is feasible to safely maintain. Poorly located and maintained roads reduce water quality, fish and wildlife habitat, and soil stability. Through travel management planning, forest personnel are working to identify a safe maintainable road system that continues to provide access for a wide

variety of activities such as recreation, grazing, and timber harvest while improving habitat conditions for grizzly bears, elk, and cutthroat trout.

I will summarize some key points regarding the Targhee travel management planning process and then would be happy to answer your questions.

Targhee Revised Land and Resource Management Plan (Forest Plan)

The Forest Service completed the Revised Forest Plan in April 1997 after 7 years of hard work and with extensive public involvement. The revision addressed the extensive road system the Targhee built in the 1970s and 1980s, much of which has served its purpose and is no longer needed for timber harvest. Therefore, the issue became how much of the road system should be maintained for other uses.

Because the public identified access as a major issue, the Forest Service developed a specific travel plan to accompany each of the seven alternatives considered in the Revised Forest Plan Environmental Impact Statement (EIS). The Revised Forest Plan established motorized road and trail density standards for each management prescription area and also designated areas open for cross country motorized use.

Balancing motorized access and other key resource concerns, particularly wildlife and fish, was the major focus for the revision of the Targhee Forest Plan; to reach that balance, the Forest Service addressed these concerns:

(1) The need to develop a comprehensive grizzly bear habitat management strategy in response to the settlement of a 1994 lawsuit regarding roading and logging in the grizzly bear recovery area;

(2) The need to meet the Idaho Department of Fish and Game elk vulnerability goals by improving elk security and reducing vulnerability of mature bull elk;

(3) The need to improve water quality to reduce the likelihood the Yellowstone Cutthroat Trout would be listed as endangered species; and

(4) The desire to produce a travel management plan to provide a reasonable mix of motorized and non-motorized recreation opportunities while meeting the habitat needs of grizzly bears, elk, and other species.

Targhee Travel Plan Decision and Remand on Appeal

The Forest Supervisor signed the Record of Decision for the travel plan, implementing direction from the Revised Forest Plan, on August 15, 1997. Citizens for a User Friendly Forest (CUFF) and the Blue Ribbon Coalition (BRC) appealed the decision and the deciding officer partially remanded the decision to the Forest Supervisor in January 1998.

The remand directed the Supervisor:

to keep the Revised Forest Plan direction, including road density and cross country motorized use standards, that guide the travel plan;

to implement the winter travel plan;

to prepare a new analysis of roads and trails open to summer motorized access;

to address RS 2477 assertions made by several counties; and

to get more public involvement and analyze the site-specific effects of individual roads and trails.

After working with the counties on the RS 2477 issue and reviewing all comments regarding specific roads and trails, the Forest Supervisor released a new Travel Plan Draft EIS in late November, 1998. The supervisor analyzed four alternative networks of roads and trails open to summer motorized use. The Forest also held several public meetings and the comment period on the draft EIS was extended to March 5, 1999. The Forest Service expects to complete the final EIS and travel plan in June, 1999.

The preferred alternative in the forest travel management plan draft EIS would provide 1,672 miles of road and 536 miles of trails open to summer motorized use and 862 miles of trails to foot and horse travel. By the end of 1999, the forest would close a total of 939 miles of roads, 466 miles inside grizzly BMUs, of which 398 miles were closed in 1998, and 473 miles would be closed outside the BMUs.

While continuing to provide a good mix of recreation opportunities, the Forest also plans to improve management of the road system by:

(1) reducing maintenance needs thus focusing its limited maintenance and reconstruction dollars on the higher priorities;

(2) restoring soils and water quality that poorly located and maintained roads and trails cause;

(3) providing secure habitat for recovery of the grizzly bear by implementing the travel plan in concert with other forest plan standards and guidelines;

(4) restoring the habitat in cutthroat trout watersheds to help prevent listing under the Endangered Species Act;

(5) providing flexibility to choose management options, such as timber sales, to meet vegetation objectives within the BMUs; and

(6) meeting the elk vulnerability goals of the Idaho Department of Fish and Game.

Relation of Road Closures to the Biological Opinion on the Revised Forest Plan

Effective road closures in the grizzly bear recovery area relate directly to the Forest Plan Biological Opinion provided by the U.S. Fish and Wildlife Service. This requires the Forest Supervisor to achieve the Revised Forest Plan road density standards within the grizzly bear recovery area by the end of calendar year 1999.

To meet those goals, the following standards developed in accordance with the definitions in the Interagency Grizzly Bear Committee (IGBC) Task Force Report on Grizzly Bear/Motorized Access Management apply to each BMU, except the developed area around Macks Inn in Grizzly Bear Management Situation 3:

(1) no more than 0.6 miles of roads and trails will be open to motorized use per square mile of land in each BMU; and

(2) the combination of open roads, trails, and restricted routes—such as gated roads—may not be more than 1.0 mile per square mile.

Compliance with the second standard will require the Forest Service to effectively close some routes, not just gating them.

In the remand of the travel plan, the Forest Supervisor had the option to issue an interim closure order in the BMUs to comply with the density standards in the Revised Forest Plan and the time frames established by the Biological Opinion and did so on March 24, 1998. Last summer forest personnel began to close roads, within the BMUs, necessary to comply with the biological opinion. Closures were started in 1998 to ensure that they would be completed by the end of the calendar year 1999. While the majority of these routes were already closed to motorized use by gates, gates alone do not assure that they will no longer be used. The Forest may make some minor adjustments as a result of the new travel plan EIS, but it must meet the open road density standards in grizzly BMUs.

Method of Road Closure

Much of the controversy, which developed this past year, relates to the method the Forest used to close the roads in the BMUs. In most cases, the Forest used large earth berms, the most effective way of closing roads to meet grizzly bear habitat standards.

However, some forest users have told us that the berms also limit other recreation activities. Snowmobilers, in particular, have expressed concerns that these berms could affect their safety. To address these concerns, forest personnel have worked extensively this fall and winter with the Idaho Snowmachine Association and local snowmachine organizations to provide signing and other information to alert snowmobilers. As a result, forest personnel have modified some berms in key snowmobile areas in the situation 3 area near Macks Inn, while still meeting the objective of restricting summer motorized access. Outside the BMUs the Forest has more options on how to close roads, and we will continue to work with interested citizens to address the least disruptive ways to close roads.

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

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COMMENTS OF THE GREATER YELLOWSTONE COALITION ON THE TARGHEE NATIONAL FOREST'S MOTORIZED ROAD AND TRAIL TRAVEL PLAN

Submitted to: the U.S. House of Representatives, Committee on Resources, Subcommittee on Forests and Forest Health

Submitted By: Marv Hoyt
Idaho Representative
Greater Yellowstone Coalition

The following represent the comments of the Greater Yellowstone Coalition (GYC) for the Targhee National Forest's (TNF) Motorized Road and Trail Travel Plan DEIS for summer road and trail management (MRTTP). GYC appreciates the work the Forest has put into this issue. We believe that the Targhee has made a legitimate effort to balance access management on the Forest in the Travel Plan. Access management has been a contentious issue from the outset of the planning process which began in the early 1990's. Access management on the Forest is about more than motorized recreation versus grizzly bears. It is about protecting an array of public resources. Research from around the country indicates that indiscriminate and unlimited motorized travel has direct, negative consequences for many species of wildlife; for water quality; for fisheries: for soil productivity and so forth[1] . The protection of these resources is important to most Idahoans and the American public at large.

GYC believes that the Targhee National Forest took some very positive actions in terms of access management in the revised Forest Plan (RFP). Those positive actions included setting road density standards for the various management prescriptions. It is well known that road density standards protect wildlife, water quality, soils and fisheries. We believe that one of the best elements of the travel plan was the elimination of indiscriminate and highly damaging, summertime, cross-country, motorized travel over most of the Forest. Finally, the new signing system for open roads and trails was, and is, an important component of the RFP. The new signing system will eventually solve the problems caused by the widespread and illegal creation and use of ghost roads.

These were long overdue changes and we appreciate the Forest's willingness to tackle such thorny issues. We also believe that modifying or abandoning these elements of the RFP would be harmful to our public lands. It is clear that any such changes would also require a significant Forest Plan amendment, with accompanying EIS. We do not believe that the public or the Forest Service would be well served by such an undertaking.

During the public debate on access management for the Targhee NF, there have been several points that the opponents of closures have made. One of those points is how the Forest should manage the hundreds of miles of non-system or "ghost" roads. These ghost roads are particularly destructive because they were not engineered or constructed to any standard. Almost without exception they are un-maintained, and do not have the benefit of culverts at stream crossings. They contribute vast amounts of sediment to streams and create enormous problems for Idaho's wildlife and watersheds. The over-whelming majority of ghost roads were created by those who decided to drive a vehicle where there were no roads. Ghost roads were created illegally and have been used illegally for years. Those who advocate leaving them open, are in essence arguing that it is okay to disobey laws they may not like.

I'd like to use an analogy that puts the issue of ghost roads and their use into perspective. It goes like this. If one or more persons illegally and repeatedly drove across farmlands, ranch lands, our public parks, or maybe even your yard, there would eventually be a set of well defined, parallel tracks. If you follow the logic of those who want the ghost roads left open, then anyone who

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[1]References will be submitted upon request.

happened to see those tracks would then be within their rights to drive on them - forever - regardless of land ownership, damage to property or any other problems. This would be wrong on private property and it is certainly wrong on our public lands.

Another overused argument against closing roads is that the closures would deny access to those who, for reasons of age, disabilities or infirmaries, are unable to access every area on the Forest that they wish to on a motorized vehicle. That argument is a red herring. There are still thousands of miles of roads and trails open to motorized use on the Targhee. In fact, if you could line up end to end all the miles of roads and trails still open on the Forest, you would have a motorized corridor which would stretch from Chicago to Seattle.

Years ago I used to think it would be wonderful to travel in space. I still do. However, at this point in my life, because of my age (after all I'm no US Senator), and my lack of physical conditioning I wouldn't qualify to ride a space shuttle into earth orbit. Does that mean I'm denied access? Does that mean we as a country should abandon our space program because not all of us can go there? I'd have to say no, on both counts. I can still marvel and enjoy the wonders of space through the travels of others. And it would be wrong-headed and illogical to abandoned the space shuttle program just because I or you are unable, for one reason or another, to actually fly in space. When I reach the point where age and infirmities keep me from hiking into the backcountry I won't be demanding access on a motorized vehicle.

I know that the impetus for this hearing was the Forest's use of "tank traps" to discourage the illegal use of closed roads. GYC readily concedes that tank traps may not be the best way to keep the scofflaws off closed roads. In 1994, when the Forest had the money and staff, GYC and other conservationist proposed that the Targhee obliterate the roads slated for closing. At that time the Targhee was obligated to forego timber harvest in the bear management units (BMUs) until the Forest brought road densities in line with grizzly bear recovery requirements. If that proposal had been implemented, it would have made tank traps unnecessary. Unfortunately, the Blue Ribbon Coalition, the loggers, Representative Crapo, and Senators Craig and Kempthorne all came out in opposition to this proposal. We knew then and know now that gates have not prevented the illegal use of these roads. We also know that most of the same people who claim to be concerned about tank traps are the very ones who didn't want the roads obliterated. Now, some 5 years later the Forest has limited funds to effectively close these roads. We have a solution. If tank traps are the real issue here, we would be more than happy to work with the delegation, the Forest Service, and other interested parties to seek the funding necessary to permanently put these roads to bed. That way none of us will have to confront more tank traps.

Although the Forest's preferred alternative in the DEIS [3M(+)] is an improvement over the 1985 travel plan, it is significantly weaker than the remanded 1997 Travel Plan. In particular the Forest's preferred alternative (3M[+]) does not comply with the standards and guidelines for the RFP. For example the DEIS makes conflicting statements as to whether Alternative 3M(+) complies with the revised Forest Plan or not. We are also concerned that some on the Forest's staff erroneously assumed that road densities are targets to be met rather than thresholds beyond which forest resources are unacceptably impacted.

GYC believes that the alternative that most closely incorporates the Forest Plan Standards and Guidelines is Alternative 3M(-). We believe that 3M(-) is the appropriate starting point for any discussion on the MRTTP. Our specific comments will point out why this is the case. These comments will also offer recommendations for changes in 3M(-) that will provide better protections for several important forest resources, specifically Yellowstone cutthroat trout (YCT) and water quality .

We will also identify other elements in the MRTTP that are problematic, including;

- the definition of over-snow motorized vehicles;
- the Forest's handling of the RS-2477 issue;
- failure to discuss the pending listing of lynx and YCT;
- opening additional motorized routes in Mgmt Prescriptions 1.2 (WSA), 1.3 (Recommended Wilderness) and 3.1.1(a) (Non-Motorized);
- and the elimination of the distinction between single-track and two-track trails.

Specific Comments

1) Alternative 3M(+) significantly increases the miles of open roads from that which was indicated in the RFP. Adding between 50 and 100 miles of open roads is not a minor adjustment. Road densities in the RFP were based on the 1,577 miles of open roads - regardless of whether approximately 40 miles of roads slipped past the GIS technicians or not. After all, there are hundreds of miles of "ghost roads" that the Forest and public are aware of, yet the Forest did not note them in its analysis nor did it account for them in its tally of miles. Furthermore, as we noted above, the Forest is not obligated to ensure that road and motorized trail densities are met, only that they not be exceeded. Otherwise, every other standard within the RFP, from timber harvest levels to acres of rangeland in good condition, to acres of AIZ in good condition, would have to be viewed as targets. The Forest has stated publicly that that is not the case.

We believe that the baseline for the analysis should remain the 1,577 noted in the 1997 RFP. It is our contention that the impacts related to this arbitrary increase in the number of miles of roads open to motors was not adequately analyzed in the RFP FEIS.

2) The DEIS makes contradictory statements in reference to whether the preferred alternative complies with the revised Forest Plan (RFP). The description of Alternative 3M(+) on page S-4 of the MRTTP DEIS notes that "This alternative includes additional open roads and trails to those in Alternative 3M, but is still within the road density standards of 3M as decided in the Revised Forest Plan." That statement is then contradicted two paragraphs later. "This alternative has the same prescription areas as Alternative 3M, and the road densities are within the prescription (Rx) density allowed, ***except as shown in Table S-2***." (Emphasis added). Table S-2 points out that there are a number of changes in road densities under Alt. 3M(+). The text then notes that, indeed, a plan revision is required if 3M(+) is selected. We believe that if that is the Forest's intention, then it should remove any language that states that 3M(+) complies with the RFP. Instead it should be made crystal clear and up front that alternative 3M(+) does not comply with the RFP and that a Plan amendment is needed.

3) A significant issue that we raised in our appeal of the 1997 Travel Plan decision was that it did not go far enough to protect the few, declining populations of YCT remaining on the Forest. Since that time a petition has been filed to list the YCT under the ESA. The Forest's preferred alternative fails to address this issue. Furthermore alternative 3M(-), the alternative that results in the most closures, fails to address this issue (with two notable exceptions in the Rainy Creek and Indian Creek drainages on the Palisades District). Even more troubling, the DEIS does not even acknowledge that the YCT has been petitioned for listing under the Endangered Species Act (ESA). Section 7(a)(1) of the Endangered Species Act states in part that "All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act. . . ." The "purposes" of the ESA does more than merely require federal agencies to conserve listed threatened or endangered species. The ESA requires that agencies take actions and/or precautions to avoid the need to list species. The DEIS for the MRTTP fails to heed the requirements of the ESA.

36 CFR 219, Subpart A, Sec. 219.19 requires the Forest Service to manage for and "maintain viable populations of existing native and desired non-native vertebrate species in the planning area. . . . In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area." It is our contention that none of the alternatives in the MRTTP establish objectives for the maintenance and improvement of habitat for YCT as required by 36 CFR 219. Those same regulations specifically note that "Access and dispersal problems of hunting, fishing, and other visitor uses shall be considered." We do not believe the DEIS for the MRTTP is in compliance with 36 CFR 219 by failing to fully protect YCT. Instead, throughout the MRTTP the TNF only acknowledges that they are *not* providing enough protection for YCT. As examples:

> "RFP standards and guidelines do not fully protect AIZ's [aquatic influence zones]; they merely limit the amount and type of impacts which are permissible". (MRTTP, pg. IV-6)
>
> "Under any of the alternatives, there are at least 545 stream crossings and 157 miles of road and motorized trail within AIZ's occupied by cutthroat trout. These roads, motorized trails, and stream crossings will continue to degrade cutthroat trout habitat as long as they exist (unless completely decommissioned, e.g. removed)." (Ibid. pg. IV-7)
>
> "No motorized trail [that adversely effects YCT habitat] would be decommissioned under any alternative." (Ibid.)
>
> "The difference in cumulative effects between alternatives is not great. However, cumulative adverse impacts to cutthroat trout habitat and populations would increase as the miles of roads and stream crossings increase." (Ibid. pg. IV-8)
>
> "Alternatives 3M(+), 3M, and 3M(-) would result in a moderate rate of recovery of degraded habitats and slightly higher levels of fish habitat quality [in comparison

to the no action alternative, 1M]." (Ibid. pg. IV-9)

If Idahoans want to maintain control over our native wildlife species, including fish, we should be urging the federal land managers to take every step to insure that adequate protections are in place for rare species. To suggest that they do the opposite, which is what the opponents of road closures are proposing is irresponsible. Species will continue to be listed. Once species are listed, Idahoans, including our Department of Fish and Game, will have limited input into management decisions that are made to protect them.

GYC believes that the Forest should provide an adequate discussion of the proposed listing and the factors that led to the petition. Furthermore, MRTTP FEIS should note the steps the Forest is taking to provide further safeguards for YCT and YCT habitat. That analysis is not only absent from the MRTTP, it was not made in the RFP. The listing petition was not filed until more than a year after that document was implemented (therefore the Forest cannot "incorporate by reference" an analysis of how this proposal impacts or protects YCT).

The MRTTP fails to take proactive steps to stop further degradation of YCT habitat and further declines in YCT populations across the Forest. This implies that the Forest Service is unwilling to make the hard choices and take the necessary actions to stop the further decline of YCT on the Targhee National Forest. The message to the public is that the Targhee is prepared to wait until after the YCT is listed, before protecting the last vestiges of YCT habitat on the Forest. This needs to be remedied in the FEIS.

As an example of the impacts that roads and trails create for aquatic ecosystems we reference the research completed by the Targhee National Forest's fisheries staff for the East Beaver-Miner's Creek Timber Sale EIS. That research compared four streams in the project area with a control stream that is adjacent to the project area. The research clearly indicated that miles of open roads and trails, combined with grazing (including canopy cover), is directly related to the percent of fines (sediment) in streams. In the case of the four streams in the project area the percent of fines ranged from 25% to 32% while the control stream drainage (which had no grazing and no roads) had only 13% fines, well within the natural range[2].

The relevance of that data to this discussion of open roads and trails within and adjacent to YCT streams is clarified in table two of that report. The second table, based on previous research (from the Monongahela National Forest), indicates that levels of fines in the 10-15% range (natural) lead to high trout embryo survival and a 100% population viability. When the levels of fines increases to the 25-35% range, embryo survival plummets to between 12% and 35% and population viability drops to between 18% and 54%.

With this information available to the Forest, there is no logical or rational reason that all action alternatives for the MRTTP should not include motorize vehicle prohibitions for all roads and trails that lie adjacent to and/or through streams, and/or riparian areas adjacent to streams, which provide habitat for existing YCT populations. In addition, at least one alternative should provide

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[2]Delany, D., USDA Forest Service, Targhee National Forest, January 13, 1999.

for similar closures of other roads and trails in other aquatic habitats across the Forest that would be suitable for restoring YCT populations.

We would like to point out here that it is not advisable or required that the Forest open comparable miles of roads and trails to motorized vehicles in order to off-set those we recommend for closing. After all, those other closures were made to protect other important resources. As we have noted elsewhere, the Forest is not obligated to meet or exceed the road densities set forth in the various management prescriptions of the RFP.

We are deeply concerned about open roads and trails in the South Fork Snake River drainage. The Snake River system is the only major river drainage, outside the Yellowstone River drainage in Yellowstone National Park, that has a relatively healthy population of YCT. As the Idaho Department of Fish & Game pointed out in public meetings in November, 1998, protecting YCT habitat in the tributary streams of the South Fork is an essential component of IDFG's plan for the long-term survival of YCT in the watershed. Nevertheless, the Targhee National Forest has failed to take the one meaningful, proactive action it can - closing all roads and trails to motorized use in those critically important tributaries.

There are several noteworthy examples of the Forest's failure to protect YCT.

- The proposed trail, 023 in the Palisades RD, that would connect the lower end of Fall Creek and the lower end of Prichard Creek. While this proposed motorized trail may not be located in or adjacent to a stream, it will create, with trails 028, 027, and roads 077 and 082, a motorized loop. This in turn will dramatically increase motorized use of the Prichard Creek drainage, a particularly important YCT spawning/rearing tributary of the South Fork, Snake River. Proposed trail 023 should be dropped at this stage of the planning process.

- Trails 071, 064, 068, and 070 in the Burns Creek drainage, Palisades RD should all be closed to motorized use. The Burns Creek drainage is considered to be the most important YCT spawning/rearing tributary for the South Fork, Snake River. It is also the only such tributary in the lower end of the river. Despite its importance the trails noted above have evolved from one-track hiking and horse backing trails to one-track motorized trails, and are now being illegally widened into two-track OHV trails. Conservationists have protested this illegal trail construction work and the horrendous impacts resulting from it to the Palisades Ranger District for years. To date those concerns have fallen on deaf ears. These trails need to be closed to motorized vehicles to protect this key YCT spawning tributary.

- Similar to the Burns Creek problem area are trails 041, 042, 044, 047 and 049 in the Bear Creek drainage on the Palisades RD. Bear Creek is also an important spawning tributary for YCT, yet the District has been persistent in its attempt to change this from a one-track non-motorized trail to a two-track OHV trail. Again, the results have been unacceptable impacts to YCT spawning/rearing habitat. These trails should be closed to motorized use.

- The upper 2.4 miles of road 061 on the Island Park RD is causing continued, unacceptable

impacts to one of the handful of remaining YCT populations in the entire Henrys Fork drainage, above the Teton River. Not only is this a pure population of YCT, it is one of the only populations without current threats from non-native salmonids on the entire Forest. This is a population identified by both IDFG and Forest Service fisheries biologists as having the potential to provide a base for restoring populations of YCT to acceptable habitat on the Forest and elsewhere. This road should be closed.

- Road 178 and trail 081 which run alongside, in and across Crooked Creek on the Dubois Ranger District continues to impact YCT habitat. Crooked Creek is one of only four YCT populations that are not currently being threatened by non-native salmonid populations on the Dubois RD. Furthermore, both IDFG and Forest fisheries biologists have proposed closing road 178 and trail 081 to protect this population, yet they remain open in the MRTTP.

It is the Forest Service's responsibility under the NFMA and ESA to protect rare, threatened or endangered species. More importantly it is the Forest Service's duty to ensure protection of species and their habitats so that their populations do not dwindle to the point that they require listing under the ESA. In regards to YCT, the MRTTP is woefully inadequate in this respect. We urge the members of this subcommittee to suggest to the Targhee that they re-evaluate the Travel Plan's lack of protection of YCT.

While the RFP includes a Forest-wide standard for YCT habitat, that standard cannot be consider inadequate if it does not protect the species. After carefully reviewing all the action alternatives in the MRTTP, we submit that either the YCT standard in the RFP is meaningless, or that it is not being applied as it should be in the decision on the MRTTP.

The Forest's failure to develop and analyze an alternative that provides adequate protection for YCT is one of the serious defects of the MRTTP. This failure will certainly be used by some as an example that demonstrates that federal land management agencies will do little or nothing to protect and restore populations of YCT, unless YCT are listed under the ESA.

4) Another category of roads and trails that we asked to be closed in our 1997 appeal of the 1997 Travel Plan are those that are in, adjacent to or have multiple crossings of stream segments on the Idaho State 303(d) list (as updated in May, 1998). As with our '97 appeal issue based on protecting habitat of YCT, the Forest choose not to provide any protections for the stream segments we identified in that appeal claim, even though the 1997 FEIS for the RFP is replete with statements that OHV use and roads are the primary cause of impacts to soils, water quality and aquatic habitats.

We believe the Forest is obligated under Idaho State Water Quality Standards and the Clean Water Act to close the roads and trails that are in or adjacent to 303(d) listed streams to motorized vehicle use. As we noted in #3 above it is not necessary to open additional roads and trails to motorized vehicles to off-set the miles we recommend for closing. Those other roads and trails were closed to motorized vehicles to protect other important resources. As we've noted previously, the Forest is not obligated to meet or exceed the road densities set forth in the various

management prescriptions of the RFP.

5) The Regional remand of the 1997 Travel Plan was done in part to "assess Revised Statute 2477 assertions on implementation of Forest Plan Alternative 3-M" (Appeal Decision of the Open Road and Open Motorized Trail Travel Plan, Jan. 14, 1998). A significant problem with that aspect of the Region's decision, and the implementation of that part of the remand in the 1998 FEIS, is that it appears to be in direct opposition to the December 18, 1997 direction from then Director of Lands in the Chief's office. That direction states in part ". . . I have directed Regional Foresters to defer any processing of R.S. 2477 assertions except in cases where there is a demonstrated, compelling and immediate need to make such determination." We have maintained all along that there is no compelling and immediate need for the Forest to deal with any RS-2477 claim made by any of the counties whose boundaries include parts of the Targhee National Forest.

We do credit the Forest in how it dealt with most of the RS-2477 issue. In most cases it left roads which counties asserted as RS-2477 roads, open. In the cases when those assertions were made for roads that are to be closed, the Forest finessed the situation by not proposing to obliterate those roads until sometime in the future when the county assertions are adjudicated.

However, there are a number of cases where the Targhee opened additional miles of roads and motorized trails in Alt. 3M(+) after county assertions were made. For instance, on the Palisades Ranger District road #251 is asserted to be an RS-2477 route, yet the written record clearly shows that the road was constructed in the mid-1970's for a timber sale. The same holds true for the upper two miles of road #250 on the same District. These are just two examples of roads that will be opened under the MRTTP, but were closed in the 1997 Travel Plan, and where there is irrefutable evidence that they were constructed by the Forest Service for timber sales.

Even more disturbing is that the Forest saw fit to recognize and create new open (to motorized vehicles) roads and/or trails along corridors where there are no roads or trails noted on any existing map. It is difficult to even comment on which of these roads we believe should be closed, since they do not show on maps and there are no numbers on them, merely lines on the MRTTP maps. Most problematic in our view, is that the Forest created new rights-of-way in some cases, where no roadway or trail exists. As we see it, the Forest has given de fact credence and acknowledgment of these spurious RS-2477 claims, violating the direction from the Chief's office and establishing a precedent that other counties will surely follow if this remains unchanged.

6) The MRTTP fails to discuss the impacts of the proposal on lynx. As with YCT, lynx have been petitioned for listing. It appears that lynx will be listed in the near term. With that in mind the Forest should have analyzed the impacts of the MRTTP on lynx. That is not the case. The RFP also failed to adequately analyze the impacts to lynx from motorized use on the Forest. Again, if our federal land managers do not provide adequate protection for the habitats of rare species, the outcome will lead to the listing of those species under the ESA. And that will result in Idahoans having little say in future decisions which are made to protect the species.

7) The MRTTP has inadequately analyzed the impacts from opening current and new motorized routes in Mgmt Prescriptions 1.2 (WSA), 1.3 (Recommended Wilderness) and 3.1.1(a) (Non-

Motorized). As we pointed out in our appeal of the RFP, the Forest failed to analyze those impacts in that document also. By proposing to allow motorized routes in the Palisades WSA, the Palisades Recommended Wilderness, and in the 3.1.1(a) management prescription the Forest is failing to protect the wilderness resources and characteristic and/or non-motorized values of these lands. Specifically the Forest should close trails 045, 046, 055, 057, 058, 061, and 122 to motorized use on the Palisades RD to avoid the irretrievable loss of wilderness resources. Additionally, the Forest should close the un-numbered, ghost road that is proposed for opening in Sections 3, 4, 9, 10 to protect the non-motorized resource within that management prescription. (This road does not show on either the 1994 or 1997 travel maps of the Forest, and my well not be a road at all).

8) We believe the 1997 Travel Plan's differentiation between single-track and two-track OHV trails was appropriate and should be re-incorporated in the MRTTP. To do otherwise only gives rise to Forest Service personnel on certain Ranger Districts, primarily the Palisades and Dubois Districts, to construct/reconstruct two-tract OHV trails wherever OHVs are allowed. We have already seen the degradation of soils and aquatic resources on these Districts. In fact, the Palisades District has plans to reintroduce its proposal to construct/reconstruct 34 miles or more of two-track OHV trails in the Bear Creek Roadless Area. This also seems to be the course of direction for the Garns Mountain Roadless Area. The MRTTP, as now written, would give the Districts complete discretion, with no meaningful public input, in re-engineering every motorized trail on a District into a two-track trail - with little regard for the impacts of such actions.

9) We agree that wheeled vehicles should not be defined as "over snow vehicles" and allowed to travel cross country during the winter season. This is an important change from the 1997 Travel Plan. However, we believe the same holds true on groomed snowmachine trails. A number of the designated winter routes are the same as closed roads and trails under the summer travel plan. That, combined with the Thanksgiving day opening of such routes, appears to be an attempt by the Forest to allow 4-wheeler access to areas that would otherwise be closed to them during late season elk hunts. This is particularly true on the Island Park and Ashton RD's.

Throughout the RFP FEIS the Forest repeatedly affirms that OHV use is the leading contributor to soil loss, and water quality impacts. Now the MRTTP proposes that at the time of the year (late fall and early to late spring) when such resource damage is most likely to occur, the Forest will be opening routes to wheeled vehicle use. How that decision was reached and what the impacts from such use are not disclosed. No one, including the Forest can or will know, because it was never divulged or analyzed FEIS & RFP. Neither have the impacts of such use have not been disclosed or analyzed in the FEIS for the MRTTP.

This is also problematic for the Henrys Lake and Plateau BMUs. Until June 1, 4-wheelers will be allowed to travel on routes that are normally closed to protect grizzly bears. Grizzly bears leave their dens in late March to early April. By allowing 4-wheelers on designated snowmachine routes until June 1, the Forest is potentially placing bears in conflict with humans at the very time of year when bears are most vulnerable. We believe the Forest will be in violation of the Biological Opinion for the RFP and the MRTTP by increasing the OROMTRD for these two BMUs if the 4-wheeler symbol is not removed from the Winter Designated Routes matrix.

10) The TNF seems to stand alone in its claim that four-wheelers are over-snow machines. If the Forest had ever openly discussed this in the development of the RFP, we would certainly been aware of it and commented on such a preposterous contention. During the development of the RFP the Forest made no diligent attempt to involve the public in this creative definition of snowmachine. For example, the Boise National Forest defines a snowmobile as: "A motorized vehicle intended for ***over-snow*** [emphasis added] travel, having a curb weight of less than 1,000 pounds, driven by a track or tracks in contact with the snow, and steered by a ski or skis in contact with the snow." The Boise NF's definition of an ATV is: "A 3- or 4-wheeled vehicle designed for use on specially designated motorized trails." The Caribou National Forest states: "Snowmobile - Snowmobiles or any other vehicle capable of oversnow travel. This would include vehicles which run on cleats, belts, tracks, or skis." In the Clearwater NF's legend for individual road or trail restrictions indicates that snowmachines are "All track driven oversnow vehicles".

Furthermore, without knowing that 3- and 4-wheelers were to be included as oversnow machines, the public was precluded from presenting information on the impacts of such a determination to the Forest decision makers. Had we and the public had such an opportunity we have no doubt that we would have prevailed in removing such a provision from the RFP and it would not now be in the MRTTP.

One need only compare the "Access" tables (for example see the access tables for Management Prescription 3.2[b,c,d,g,i,j], pp. III-121-124, RFP) found throughout the RFP with the "Cross-country Use Matrix" tables found in the MRTTP that they differ significantly in their representations. The RFP access tables consistently differentiate between motorized and non-motorized access. Furthermore those same tables consistently differentiate between motorized, wheeled vehicle access and "snowmachines. The tables clearly show that motorized, wheeled vehicles are for the "Snow free Seasons". They also clearly show that "snowmachines" are the only type of motorized vehicles that are allowed to travel cross-country during the "Snow Seasons".

11) The Forest is creating an enforcement nightmare by changing the introductory statements for each of the travel maps by indicating that winter travel lasts "until sometime in the Spring". This non-binding definition invites anyone to ride snowmachines until as late as June 20th in any given year, regardless of impacts they may inflict - and get away with it by simply stating that, as far as they were concerned "local conditions" still were not "suitable to support wheeled vehicle traffic". The Forest must apply a hard, fast, and defensible date that all winter-time travel must cease. We suggest that April 15 is an appropriate date.

We believe that the failure in defining by date, Summer and Fall, throughout the MRTTP and maps will cause the same problem noted above. The Forest must adopt unequivocal dates in order to assure compliance.

12) The MRTTP has also failed to indicate how the summer travel plan maps will incorporate the new condition that trails and roads are closed unless signed-open. This needs to be included on the maps or once again the Forest will be dealing with an enforcement nightmare.

In summary we believe that the MRTTP, combined with decision relating to travel management in the RFP and noted in the preamble of these comments, is a significant improvement over previous travel management on the TNF. We commend the TNF staff for these improvements. However, there are a number of improvements that need to be made in the MRTTP, which are discussed in the body of these comments. We believe the issues we have raised are important. And we know they are supported by the American public, thousands of whom have commented so on the MRTTP.

As of January 28, 1999 the Targhee National Forest had received 4,068 comments on the draft Travel Plan. 4,015, or 98%, of those commenting favored of more road and trail closures. Approximately 3,910, or 96% favor alternative 3M(-). 15% of those preferring alternative 3M(-) were from Idaho. 97% of all Idahoans who responded favored alternative 3M(-). We appreciate the efforts of the Idaho congressional delegation to extend the comment period. That will allow even more of our citizens, including Idahoans, to comment in favor of the closures.

On behalf of the Greater Yellowstone Coalition I would like to express my appreciation for the opportunity to testify before the subcommittee on Forests and Forest Health.

Respectfully,

Marv Hoyt
Idaho Representative
February 5, 1999

MADISON COUNTY
P.O. BOX 389
REXBURG, IDAHO
83440

NAME: Gerald L. Jeppesen

TITLE: Madison County Commissioner

ORGANIZATION REPRESENTED:

Madison County

DEIS
Targhee National Forest
P.O. Box 208
St. Anthony, ID. 83445

January 27, 1999

Dear Jerry:

Enclosed are our comments of the Draft Environmental Impact Statement for the Targhee Forest Open Road and Open Motorized Trail Analysis: We understand the decisions and management direction coming from the Final EIS for this process will be used to implement a new Travel Plan on the Forest this coming summer of 1999.

RS 2477 RIGHTS-OF-WAY

We commend the Targhee Forest for recognizing Madison County's RS 2477 assertions!(attached letter from Jerry Reese, enclosure 1) The Draft Environmental Impact Statement Document on Open Road and Open Motorized Trail Analysis was very confusing. It showed roads and trails that have RS 2477 designation being closed and decommissioned. The Maps that accompanied the DEIS are nearly worthless. The scale and proximity of roads are so general as to cause confusion. We look forward to going over detailed maps so that this confusion of which roads are forest service roads and which are RS 2477 can be resolved.

We understand you may disagree with individual assertions. We agree to disagree on these routes. However, we believe as assertion, once made in accordance with state law, become a permanent property right of the county until disproved by federal government through court action. in other words, it is not necessary, or appropriate, for the federal government to approve an assertion for that assertion to become effective. R S 2477 is a self-enacting law, meaning that when the requirements of state law are met, the property right is automatically conveyed from the federal government to the county. We intend to proceed on this basis.

GHOST ROADS

We are very confused by the closure of Ghost Roads in Madison County. Most of these roads are 1/4 of a mile to ½ of a mile in length. The primary use of these roads is for the public to get off the main roads to camp and enjoy the surroundings of the forest with out having some one drive through their camping area. Most of the local residents have used these camping sites for many years with little or no impact on the forest. Closure of these roads will force Campers into organized campgrounds, that are already crowded, or force them to camp on both sides of roads that are heavily traveled. This in turn will force the public out of the forest, putting undo pressure on private land owners. This is not the forest experience that most of us have grown up with.

THE PREFERRED ALTERNATIVE

We find little difference between the 3M alternatives, when compared to the whole forest plan these minor changes are practically indistinguishable. Basically there are only two alternatives, 1M and 3M.

The main reasons given for the road closures out of the bear management units are:

1. Elk Security
2. Yellowstone Cutthroat Trout Habitat

The numbers of elk that winter on the Targhee Forest and close proximity are at an all time high! The Idaho Dept. of Fish and Game are in the process of eliminating some herds due to the lack of winter range. It seems silly to this Commission that roads would be closed to the scale of the proposed travel plan for elk security when there are more elk than can be successfully managed.

The impact to the Yellowstone Cutthroat Trout from roads (with the possible exception of actual stream crossings) is minimal at best. Those Stream crossings **can** be managed so they have minimal effect.

Our choice can only be Alternative 1M. We do not have any Bear Management Units in Madison County and can see no logical reason for selecting any other alternative. Under 1M there is no cross-country travel permitted, we believe that this, in and of itself, gives the elk sufficient security without closing additional roads. We would entertain some seasonal closures.

SUMMARY

1. The Madison County Commission would request the adoption of Alternative 1M in Madison County and all non Bear Management Units.

2. We are appalled that there is no cross-country use matrix (area reference letter C), for motorized two wheeled vehicles and all terrain vehicles(ATV's), in all of Madison County. We still feel that this is an oversight because of the substantial use of these types of vehicles in Madison County.

3. We would ask that all county RS-2477 rights-of-way assertions be cross referenced and excluded from the Forest Plan. We believe that these are county rights of ways and no determination can be made by the Targhee Forest with out an agreement with the county. (enclosure 2, RS 2477 Rights-of-Ways)

4. Ghost roads are an important part of our culture and enjoyment of the Targhee Forest. They are a necessary component for those that recreate.

5. We would ask that you consider and adopt the recommendations of the CUFF committee, they represent many of the residents of Madison County.

Feel free to contact the Madison County Commission if you have any questions regarding this response to the Targhee National Forest Motorized Road and Trail Travel Plan. Madison County Commission P.O. Box 389, Rexburg, Idaho 83440 or call 208-356-3666 and ask for Commissioner Gerald Lee Jeppesen.

BOARD OF COUNTY COMMISSIONERS

_____
REED B. SOMMER(Chairman)

_____
GERALD LEE JEPPESEN

_____
BROOKE PASSEY

Enclosures:

1. Letter form Jerry Reese
2. RS 2477 designations

CC

United States Department of Agriculture | Forest Service | Targhee NF | 420 North Bridge Street
P. O. Box 208
St. Anthony, ID 83445

File Code: 7730

Date: January 25, 1999

Madison County Commissioners
Jerry Jeppsen
P.O. Box 389
Rexburg, Idaho 83440

Dear Jerry:

Thank you for taking time to meet with us during the Targhee National Forest Travel Plan open house in Ashton, Idaho, and at the recent Henry's Fork Watershed Council meetings. I understand that the Madison County Commissioners are concerned about the way RS 2477 assertions are displayed in the DEIS maps. I would like to clarify the Targhee National Forest position.

We recognize Madison County's RS 2477 assertions. We will take no action to obliterate any roads that Madison County has asserted RS 2477 claims on. Some of these roads (asserted) are currently being managed as non-motorized and some have been obliterated in the past due to construction of newer access routes. In regards to asserted routes that have been obliterated in the past, the Forest does not plan to reconstruct them, as new routes have provided the access that these provided previously. The Forest may continue (based on the Forest Travel Plan) to manage some routes as non-motorized until the RS 2477 assertions have been adjudicated. We want to maintain the option to adjudicate RS 2477 claims in the future and look forward to working with the Madison County Commissioners to determine which RS 2477 routes are motorized and which are non-motorized.

Your comments regarding RS 2477 roads are welcome and will be addressed in the Final Environmental Impact Statement for Open Road and Open Motorized Trail Analysis. If you have any questions please contact Teton Basin District Ranger, Patty Bates at 354-2312, Palisades Ranger District Ranger, Ron Dickemore at 523-1412, or myself at 624-3151.

Sincerely,

JERRY B. REESE
Forest Supervisor

cc: Brent Robson, Teton County Idaho Commissioner

MADISON COUNTY
P.O. BOX 389
REXBURG, IDAHO
83440

February 23, 1998

Jerry Reese
Targhee National Forest Supervisor
420 North Bridge Street
St. Anthony, Idaho 83445

Ron Dickmore
District Ranger Palisades District
3659 E. Ririe Highway
Idaho Falls, Idaho 83401

Dear Jerry and Ron:

The Madison County Commission still believes that the Travel Plan will negatively effect the residents of Madison County that work and recreate on the Targhee National Forest. Many of the residents of Madison County have cabins, property and other business ventures on and in close proximity to the Targhee National Forest. With the limited access to the Targhee, many of those who want to recreate will do so on private lands adjacent to forest, putting a tremendous burden on the private sector.

We believe that the Targhee has not responded to our reasons for appeal:

1. Targhee National Forest(TNF), used road density standards for the Bear Management Units(BMU) and did not receive input, as required by law.
2. TNF used a Broad Programmatic Document to make Site-Specific Decisions, in Violation of NFMA and other Laws.
3. TNF failed to consider a reasonable range of Alternatives, as required by National Forest Management Act(NFMA).
4. The Travel Plan Closes some RS-2477 Roads and Trails in violation of Federal and State Law.

In an attempt to address RS-2477 Roads and Trail, the Madison County Commission has put together the following list of roads and trails we believe qualify as rights of ways across federal lands. We have pulled together old maps and the eye witness testimony of several residents of Madison, Fremont and Teton counties to compile this list. We have also compiled this information on our GIS program to help make the list and location of these roads easier to identify. We hope that this information is easy for you to understand and locate. The following are a list of names of Roads and Trails that we have Identified:

1. Kelly Canyon Road
2. Kelly Lime Kiln Road
3. Morning Glory Mine Road
4. Wolverine Pass Trail
5. Sawmill Road # 1
6. Trail
7. Mud Creek Trail
8. Woods Canyon Trail
9. Hells' Hole Trail
10. Coal Mine Trail
11. Coal Mine Road
12. Big Burns Trail
13. Little Burns Trail
14. Lime Kiln Road
15. Windy Ridge Road
16. Jensen Creek Road
17. Jensen Creek Trail
18. Red Butte Road
19. Hilton Creek Road
20. Carlton Cut off Trail
21. Sheep Driveway
22. Sheep Creek Road
23. South Canyon Creek Road
24. Canyon Creek Trail
25. Hilton Creek Trail
26. Moody Swamp Road
27. Cow Camp Road
28. Browning Creek Road
29. Pole Canyon Road
30. Mud Springs Road
31. Saw Mill Road # 2
32. Clark Creek Road
33. Garner Creek Road
34. South Moody Road
35. Fish Creek Road
36. Graham Hollow Road
37. Old Kirkham Hollow Road
38. Calamity Creed Trail
39. Lost Springs Road
40. Graham Springs Road

Roads and Trails that are in Teton County, but accessed from Madison County

1. Wright Creek Road
2. South Pony Creek Road
3. Cold Springs Road
4. Pony Creek North Old Road
5. Davis Springs Road
6. Crooked Creek Road
7. Milk Creek Trail

We believe that all these Roads and Trail qualify under the RS-2477 Legislation. We would submit these for inclusion in you Targhee Forest Travel Plan.

The Commission is still very concerned with the closure of all unnumbered ghost roads and trails to motorized travel in the Teton Ranger District. Since there is no Cross Country Motorized designation in the Teton Ranger district, in close proximity to Madison County. This closure of trails forces motorized recreationist on to private lands. We believe that this creates an undo hardship on the private land owner.

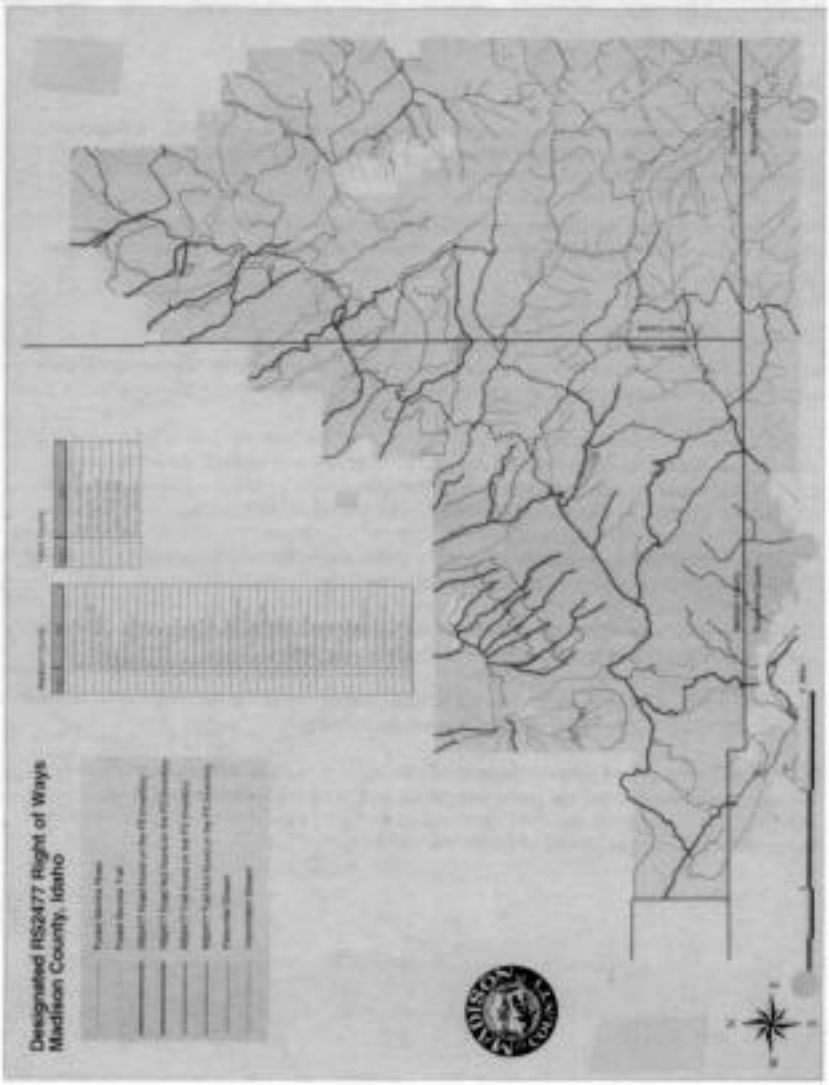
We look forward to discussing these issues with you or your representative.

Respectfully Yours
Madison County Commission

Gerald Lee Jeppesen

Brooke Passey

Reed Sommer


Designated RS2477 Right of Ways
Madison County, Idaho

Appeal Reviewing Officer
USDA-Forest Service
324 25th Street
Ogden, Ut. 84401

November 28,1997

Madison County does hereby appeal, pursuant to the provisions in 36 CFR 215, The Record of decision for the Open Road and Open Motorized Trail Travel Plan, Targhee National Forest, issued by Jerry Reese, Forest Supervisor, on August 15, 1997.

We believe that the Travel Plan will negatively effect the residents of Madison County who recreate and work on the Targhee Forest. Many of the residents of Madison County have cabins and other business ventures on and in close proximity to the Targhee National Forest.

STATEMENT OF REASONS

I. Targhee National Forest (TNF), used road density standards for the Bear Management Units (BMU) and did not receive input, as required by law.

The TNF used road density standards developed by the Access Subcommittee of the Interagency Grizzly Bear Committee. These road density standards require zero Motorized road/trail density inside "core" areas, and only .6 mile/sq. mile of land outside core areas but within adjacent grizzly bear habitat. This was an administrative decision; there was no public input.

TNF then incorporated those road density standards into the revised plan as part of the Terms and Conditions of its Biological Opinion, also without public input.

USFWS required the road density standards be included in the Revised Plan as part of the Terms and Conditions of its Biological Opinion, also without public involvement.

Only then was the Draft EIS released for public input, and of course, the decision was set in stone by that time.The public had no chance to influence the decision.

NFMA and NEPA both require the public be allowed to participate in decisions that effect the human environment. We find the public was not allowed to participate in the road density standards for the BMU's on the TNF, and therefore the Forest's decision constitutes a violation of the public involvement provisions of NEPA and NFMA.

II. TNF used a Broad Programmatic Document to make Site-Specific Decisions, in Violation of NFMA and other Laws.

The Revised Forest Plan (RFP) is a programmatic document that provides broad Forest direction in the form of goals, objectives, standards and guidelines. The RFP addresses broad road density standards for each management area, but does not deal with site-specific actions like a timber sale or road closure. By making those site-specific road closure decisions in a programmatic EIS, which we did not expect or anticipate, we are denied input to that decision as provided for by statute. We believe a road closure, like an individual timber sale, has its own individual set of social, economic and environmental factors that effect the human environment. As such, each road closure must have its own site-specific environmental analysis.

Since site-specific road closures decisions were made without public knowledge or participation, Madison County residents are excluded from being involved in specific decisions that effect our lives. This is a violation of NFMA and NEPA.

III. TNF failed to consider a reasonable range of Alternatives, as required by NFMA.

The regulations implementing NFMA require the Forest Service to consider a reasonable range of alternatives that consider the breadth and width of public opinion. TNF did not do this. The Record of Decision Implementing the Travel Plan considered only three alternatives: 1) No Action, 2) Draft EIS, and 3) Final EIS. This tight grouping does not reflect the breadth of input the Targhee Forest received on the subject of road closures. Citizens For a User Friendly Forest, (CUFF), developed a separate alternative with a set of management prescriptions with road density standards, and a map showing roads to be left open, and presented this option to the Forest Supervisor. This alternative had the support of 78% of the people in six counties that touch the Targhee Forest. This referendum vote in the May 28, 1997 primary showed strong support from south east Idaho. TNF rejected this alternative out of hand, without providing another alternative that reasonably approximated it.

In addition, the Forest received overwhelming public input that no more roads or trails be closed on the forest. The third largest response (in terms of total comments) the forest received during the public comment period on the Draft EIS opposed to any new or additional road/trail closures (RFP, Appendix A, Pg. 1-30).

The three alternatives the TNF did consider in the ROD have a narrowly defined range of road density prescriptions that reflect the Forest's predetermined objective for road density. **Therefore, we believe the Forest violated the requirement for a reasonable range of alternatives.**

IV. The Travel Plan Closes some RS 2477 Roads and Trails In Violation of Federal and State Law.

Congress passed Revised Statute 2477 in 1866 to protect public access across the unreserved public lands. The Targhee National Forest was reserved from the public domain in 1908, but rights-of-way that existed at that time are protected by the statute.

Idaho Section 40-203 provides that before routes that furnish public access to state or federal lands or waters can be obstructed, County Commissioners or Highway Districts must be petitioned and commissioners having jurisdiction must take some affirmative action before abandonment is complete. To our knowledge the Madison County Commissioners have never agreed to abandon RS 2477 rights-of-way on the Targhee Forest. We would be glad to discuss these roads with the Targhee Forest representatives at any time.

REQUEST FOR RELIEF

1. The Madison County Commission would request that all roads Scheduled for closure in Madison County be cross checked with the list of roads that Madison County believe meet the Revised Statute 2477 parameters.

2. We are appalled that there is no cross-country use matrix (area reference letter C), for mortorised two wheel vehicles and all terrain vehicles (ATV's), in all of the Teton Ranger District and Madison County. We feel that this is an oversight because of the substantial use of these types of vehicles in the Teton Ranger District.

3. We would ask that the Travel Plan be revised and rewritten to open all unnumbered ghost roads in the Teton Ranger District and Madison county to be used for driving pleasure, hunting, and camping.

4. We would ask that the Travel Plan be revised and rewritten to open all unnumbered mortorised trails on the Teton District and Madison County to be used for driving pleasure, camping, and hunting.

5. We would ask that you consider and adopt the recommendation of the CUFF Committee, they represent many of the residents of Madison County. We have attached those recommendations to our appeal.

Feel free to contact the Madison County Commission if you have any questions regarding this appeal at Box 389, Rexburg, Idaho 83440, or call at 208-356-3666 and ask for Commissioner Gerald Lee Jeppesen.

Respectfully yours;

GERALD LEE JEPPESEN (Chairman)
Madison County Commission

attachment: CUFF Request For Relief

Name: Gerald L. Jeppesen

Business Address: Madison County Commissioners
P O Box 389
Rexburg, Idaho 83440

Business Phone No.: 356-3662

Organization you are representing: Madison County

Any training or educational certificates, diplomas or degrees or other educational experiences which add to your qualifications to testify on or knowledge of the subject matter of the hearing:

Madison County Commissioner – 4 years; Past Chairman – Madison County Planning and Zoning; Director and Associate Director – Madison Soil and Water Conservation District – 1982-present; Past Director, Greater Yellowstone Association of Conservation Districts; Member, Idaho Wildlife Council; Member, Upper Snake River Bowman Association; Farmer, property owner in close proximity of Targhee Forest

Any employment, occupation, ownership in a firm or business, or work related experiences which relate to your qualifications to testify on or knowledge of the subject matter of the hearing:

Please refer to above.

Any offices, elected positions, or representational capacity held in the organization on whose behalf you are testifying:

Madison County Commissioner, Madison Soil and Water Conservation District Supervisor, Chairman of the Energy Conservation and Land Use Planning for Idaho Association of Counties (IAC).

U. S. House of Representatives
Committee on Resources
Washington, D. C. 20515

OVERSIGHT HEARING	)	AFFIDAVIT OF ROY C. MOULTON

STATE OF IDAHO)
: ss.
County of Teton)

ROY C. MOULTON, being first duly sworn, deposes and states:

1. I am a life-time resident of Teton County, Idaho and a life-long user of Targhee National Forest.

2. While getting my law degree, I took a particular interest in public land issues. I have been interested in observing the effect of NEPA and its requirement for an EA or an EIS, as the case may be, on the administration of public lands.

3. Anyone who is aware of the subjectivity that almost necessarily finds its way into an EA or EIS, realizes that any EA or EIS can be attacked for want of having considered any number of issues. Because NEPA requires this process, it has heaped an extraordinary burden upon land management agencies and as a practical matter has given rise to the management of the public domain vis-a-vis the Federal judiciary.

4. Interests groups who are sufficiently organized and funded to challenge land use management decisions, are currently having more influence on land use policy and decisions than our elected representatives or agency staff.

5. It is evident to me that the Forest Service is more anxious to mollify environmental interest groups than it is to make management decisions in the best interests of the public which is, in large, less organized and more poorly funded.

6. Even though the objective of NEPA is laudable, that is, to make sure that Federal land management agencies were making informed decisions about land use decisions, in large part, that hasn't happened. What has happened, is that we have added an excessive burden on the agency and an excessive burden on the tax payer.

7. As a person who has frequently participated in the public hearings mandated by the environmental assessment process, I have seldom, if ever, seen any evidence that the public concerns are given any weight. At the end of the day, the Forest Service (BLM, as the case may be) recommends a solution it believes will keep the environmentalist groups from suing them.

8. I remember a time when public land managers were responsive to the concerns of the general public and their elected representatives. The evolution of the NEPA process has been the alienation of the public and its elected representatives from the process. I am personally aware that Idaho's Congressional Delegation signed a letter to Mr. Dombeck asking for an explanation of what had occurred on road closings this past fall in the Targhee. To my knowledge, that letter hasn't even been responded to. There was a time when that letter would have been immediately responded to.

9. In short, the process has become so complicated and expensive that it is only those who can afford the lawyers that get their interests heard in public land use decisions. This process has resulted in the abdication of what should have been a legislative oversight function to one of judicial oversight. That can't have been the intent of NEPA.

10. It is my view that public land managers should be responsive to the public and its elected representatives. It is my view that until Congress develops the backbone sufficient to re-visit NEPA, we are not likely to see much progress in this area. The effect is that the citizens of the United States least impacted by public land use decisions are the ones, and perhaps the only ones, who have influence (through their organizations and attorneys) in public land use decisions.

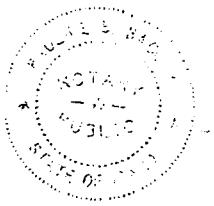
Further, your Affiant saith naught.

DATED this 5th day of February, 1999.

Roy C. Moulton

ROY C. MOULTON

SUBSCRIBED and SWORN to before me this 5th day of February, 1999.



Pauline Bailey

Notary Public for State of Idaho
Residing in: Victor
My Commission Expires: 1999

U. S. House of Representatives
Committee on Resources
Washington, D. C. 20515

OVERSIGHT HEARING	)	AFFIDAVIT OF BRENT ROBSON

STATE OF IDAHO)
: ss.
County of Teton)

BRENT ROBSON, being first duly sworn, deposes and states:

1. I reside in Tetonia, Idaho, and presently serve as a County Commissioner for Teton County, Idaho. I am an experienced snowmobile rider and have ridden snowmobiles for over thirty (30) years, including countless trips within the Targhee National Forest during that time. My riding experiences include numerous back country and high altitude trips in remote and ungroomed areas, as well as lower elevation trips on groomed or marked snowmobile trails. With the exception of the single incident I will describe in detail below, I have never suffered an injury riding a snowmobile and have not even suffered a serious accident.

2. I have reviewed the pleadings on file in this matter and have participated in the administrative process surrounding the generation of the Targhee Forest Plan, Travel Plan, and related decisions. I have visited many of the "tank traps" created by the Targhee Forest's recent obliteration efforts, and have participated in several meetings with Forest personnel to evaluate the need for the "tank traps" and the potential safety risks they present.

3. On or about December 27, 1997, I was riding a snowmobile in a group that included three (3) other snowmobile riders. We were traveling along Forest Road #540, the Bear Walk spur road, which is accessed via Dry Ridge Road, in the Driggs Ranger District of the Targhee National Forest. The specific area was T45N, R118W, section 14. This road is closed to summer motorized use, but is open to winter use by both motorized and nonmotorized visitors. We were riding at about 4:00 p.m., and there had been fresh snowfall of approximately 24 to 30 inches within the last day, leaving a relatively large accumulation of fresh powder. It was not snowing but it was overcast. The visibility was generally good, although the conditions created "flat" light typical of cloudy days. I was traveling first in line, approximately 30 seconds to a minute ahead of the other riders. Due to the accumulation of fresh snow, one's ability to travel quickly was limited, and I would estimate my speed to be about 25 miles per hour, which is normal when riding on a road, if not slower than normal.

4. As I rode along the spur road, I suddenly felt my snowmobile being propelled abruptly upward. I had not observed any bump or hazard which would cause this to occur. I immediately felt a sharp pain in my lower back, and my snowmobile and my body came to rest along the side of the road. The other members of my group approached and stopped their snowmobiles to assist me.

5. We reviewed the area where my sled had jumped skyward, and realized that a pit and berm had been constructed in the middle of the road. I had entered from the opposite side of the berm, and had hurtled off the edge of the pit headfirst into the wall and berm on the far side of the pit, causing my snowmobile to lurch upward upon impact on the far side. As I mentioned above, I was unable to see either the pit or the berm on my approach, and was unaware of the presence of the obstacle until after I was already within the pit. I was later able to determine the approximate dimensions of the obstacle I encountered, and would estimate the pit was about 3 feet deep, with the top of the berm extending to a height of about 5 feet about the lowest depth of the pit. The pit was about 8 feet wide, and about 18 feet across.

6. My injury required medical attention, and I was diagnosed as having suffered a fractured vertebrae in my lower lumbar spine, as well as two compressed discs. I was able to avoid surgical treatment, but wore a cast for about 12 weeks and underwent a lengthy regimen of physical therapy. I continue to experience symptoms, including nearly constant pain which interferes with my work and my ability to sleep.

7. The pit that I encountered was hazardous because it was located in an area where one would not typically expect an obstruction. In other words, it was right in the middle of a normal forest road, typical of hundreds on the Forest. This does not compare to any natural obstruction encountered while snowmobiling. This trap was intentionally constructed by Forest Service personnel without regard for anyone's safety. Under the visibility conditions, compounded by the overcast sky, flat light, and fresh snow, it was extremely difficult to see the obstacle, and I never did see it until I had actually already hit the far side of the pit. I have subsequently spoken with several other snowmobilers who also experienced similar difficulties in this same area.

8. The "trap" in which I was injured is small and inconsequential compared to the "new" tank traps that I have observed being created on the Targhee Forest during 1998. Many of the new tank traps are over twice as wide and twice as deep as the one I encountered in 1997, and a few are even larger. The new tank traps are arranged in a wide variety of configurations, locations, sizes, and shapes, so that every separate obstacle creates a unique challenge to a snowmobiler. Even if one is generally aware that the tank traps are present, there is still a safety risk because certain light or snow conditions make it nearly impossible to recognize the tank traps until it is too late.

9. Based on my opinion as an experienced snowmobiler, most of the new tank traps constructed in 1998 cannot be negotiated, safely or otherwise, by a snowmobile under typical

snow conditions. However, the areas where the tank traps are constructed are supposedly still open to oversnow travel by snowmobiles, as was the area where I suffered my injury. In my opinion, the forest has therefore invited winter users to travel in areas where the Forest has literally created "traps" that can cause serious physical injury to any rider, regardless of their general awareness of the hazard or degree of caution.

10. I am not aware of a public decision-making process that considered either the need for these traps or the proper method of constructing any that were deemed necessary. Had I been allowed to participate in such a process, I would have suggested, among other things, that a simple berm without an associated pit might effectively prevented access while reducing risk. Regardless of the configuration of the berm, each such obstacle should be clearly marked with a reflective sign at least 6 feet long, from both sides, in order to adequately warn winter travelers under all visibility conditions.

11. Based on the nature of the tank traps, the large number of obstacles, the fact they are distributed across hundreds of square miles of the Forest, and my personal experience snowmobiling on the Targhee National Forest, I believe that without some action to notify winter users of each specific obstacle and modify all severe hazards, the tank traps created on the Targhee National Forest in 1998 are likely to cause serious physical injury to winter visitors engaging in lawful activities within the Forest.

12. I received a call from Fremont County Commissioner Neal Christiansen to inform me the Forest Service had contracted equipment to make tank traps in roads on the Targhee Forest and were about to complete their work in Fremont County and move to Teton County. The Teton County Commissioners met and passed Ordinance No. 100198--prohibiting vehicles in excess of 90,000 pounds on County roads accessing Targhee National Forest. We notified Leon Bledge, Contracts Officer on the Targhee and our Road and Bridge Supervisor personally handed a notice of the closure to Mr. Bledge. We noticed up and held a meeting with the Teton County Commissioners and Forest Service on October 5, 1998 in the Teton County courtroom, Driggs, Idaho. Prior to the meeting, Leon Bledge and the contractor verbally agreed not to enter Teton County with equipment and violate our Ordinance. The Teton County Commissioners and Targhee Forest discussed options for over two and one-half hours. Mr. Reese, Targhee Forest Supervisor, and Mr. Bledge, Targhee Contract Officer, each emphasized during the meeting they were losing money on their obliteration contract by not continuing to work in Teton County. At the conclusion of the meeting we agreed to continue our meeting October 6th at 8:00 a.m. in the field.

13. When I was on the way home from our discussions at the Courthouse, I received a phone call from a citizen that the Forest Contractor might be obliterating a road in the northern portion of the County. I called for a deputy and he and I drove out to the North Jackpine Loop Road to investigate. We encountered the contractor and Ted and Beulah Brower, longtime local residents, at the entrance to their private pasture. The contractor had dug huge tank traps in their access to their pasture. It was obvious Ted, age 72, and Beulah, age 68, were very angry with

their road being ripped up. Ted, who suffers from kidney failure, asked me to handle things and Beulah helped him into his pickup truck and they left.

14. The deputy and I invited the contractor to come down and weigh his unit and then we left. In an hour or so I got a call from Jerry Reese saying they would replace the road going into the Brower's pasture and bring their equipment down to be weighed. We weighed the equipment to find it to be over our weight limit and offered our road and bridge yard for storage.

15. My question for the United States Forest Service is why they would purposely deceive a County Commission during a public meeting by leading us to believe they were not going to violate our Ordinance and do additional obliterations in Teton County until we had finished our meeting in the field on October 6th?

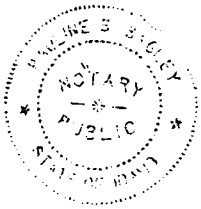
Further, your Affiant saith naught.

DATED this 5 day of February, 1999.

Brent Robson
BRENT ROBSON

SUBSCRIBED and SWORN to before me this 5 day of February, 1999.

Pauline Bagley
Notary Public for State of Idaho
Residing in: Victor
My Commission Expires: 1999



ATTACHMENT 3-B
Disclosure Requirement

My Grandfather Robson came to this valley in 1905 and homesteaded. He spent his life here and walked into the Forest and hand cut the trees for his home. When I was growing up, he and I walked the forest surrounding Teton Valley. He instilled a value in me of preserving mother nature's handiwork. My Grandfather Kunz operated a fishing lodge on the Teton River and was featured in Field and Stream, Sports Illustrated, Outdoor Life and most outdoor magazines in the 1960's. He was honored by the California Legislature:

House Resolution No. 47
Relative to making big fires out of little ones

WHEREAS, Alma Kunz is nationally known as a guide through the land of the Grand Tetons and Eastern Idaho and makes his principal headquarters at Driggs, Idaho; and

WHEREAS, So great has been his renown that all of the citizenry throughout the Western States are acquainted with that famous lodge known as "Alma's Lodge" located on the Teton River; and

WHEREAS, It is particularly appropriate that the Assembly of the great State of California should pause in its deliberations to commend one whose fame is so closely associated with the glorious history of the West; and

WHEREAS, Not only is his guiding so well and favorably known, but other of his outstanding achievements, particularly those in the piscatorial field, are equally known, and

WHEREAS, For establishing comfortable quarters in blinding snowstorms, including provision for adequate warmth by the building of fires under the most adverse conditions, his ability is unequaled; now, therefore, be it

Resolved by the Assembly of the State of California, That after due deliberations this Assembly finds that it would be unnecessary to establish such quarters and build such fires if a guide so well known should return his party to camp before dark; and be it further

Resolved, That the Chief Clerk by the most expeditious means available communicate this intelligence to Alma Kunz

Resolution read, and ordered referred to Committee on Rules.

He taught me how to trap and also had a huge regard for the Targhee Forest and the outdoors.

My heritage has taught me to respect my place in the National Forest. It has also prompted me to take seriously my responsibility in caring for our natural resources.

COPY

EXHIBIT 1

ORDINANCE NO. 100198

Whereas Teton County Commissioners hereby declare a state of impending danger requiring the passage and immediate operation of the following ordinance; and

Whereas it appearing necessary to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein;

Pursuant to Teton County Commissioners' exclusive general supervisory authority over all public highways, public streets and public rights-of-way under their jurisdiction, with full power to establish design standards, establish use standards, establish regulations in accordance with the provisions of title 49, Idaho Code, and control access to said public highways, public streets and public rights-of-way,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, IDAHO AS FOLLOWS: *that until further notice,*

TETON COUNTY ROADS THAT ACCESS TARGHEE NATIONAL FOREST ARE HEREBY CLOSED TO VEHICLES IN EXCESS OF ninety thousand (90, 000) GVW OR MORE.

Violations of this ordinance shall be by fine of not more than three hundred dollars ($300) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

THIS ORDINANCE SHALL BE EFFECTIVE UPON PROCLAMATION AND POSTING IN AT LEAST FIVE (5) PUBLIC PLACES IN THE COUNTY.

PASSED AND APPROVED THIS 1 DAY OF OCTOBER, 1998.

Brent Robson
Chair- Teton County Commissioners

ATTEST: Asa J. Drake by Gayle Dressler
Asa Drake, Clerk

TETON COUNTY ROAD CLOSURE
10/01/98

BY ORDER OF TETON COUNTY COMMISSIONERS

TETON COUNTY

ROADS ARE CLOSED

TO VEHICLES OF

90,000 LBS OR GREATER

VIOLATERS WILL BE PROSECUTED

EXHIBIT 2

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Snake River Basin Office, Columbia River Basin Ecoregion
1387 South Vinnell Way, Room 368
Boise, Idaho 83709

February 8, 1999

Congressman Helen Chenoweth
Chairman, Subcommittee on Forests and Forest Health
House Committee on Resources
1337 Longworth House Office Building
Washington, DC 20510
Attention: Doug Crandall, Subcommittee Staff Director

Subject: Statement of the U.S. Fish and Wildlife Service, House Committee on Resources
Oversight Hearing: Targhee National Forest Road Closures (File 3001.0617, 116.0000)

Dear Congressman Chenoweth:

Enclosed you will find the statement which the U.S. Fish and Wildlife Service (Service) will present at the oversight hearing of the House Committee on Resources in Rexburg, Idaho on February 13. Also included are two attachments which are mentioned in the statement. Robert Ruesink, Supervisor of the Snake River Basin Office in Boise, will be presenting the statement as the Service representative.

In addition to this copy of the statement and attachments, we are sending 75 copies of these documents to Ms. Natalie Nelson, in care of the Best Western Cotton Tree Inn in Rexburg. Mr. Crandall suggested sending these materials to Ms. Nelson in Rexburg may facilitate her preparations for the hearing.

I appreciate the opportunity to participate in the hearing. If you have any questions about this material before then, please don't hesitate to call Robert Ruesink at 208-378-5243 or Mike Donahoo at 208-233-8550.

Sincerely,

Susan B. Martin

Acting Supervisor, Snake River Basin Office

Enclosures
cc Natalie Nelson

STATEMENT OF THE U.S. FISH AND WILDLIFE SERVICE

HOUSE COMMITTEE ON RESOURCES OVERSIGHT HEARING

TARGHEE NATIONAL FOREST ROAD CLOSURES

Rexburg, Idaho

February 13, 1999

Thank you Congressman Chenoweth for the opportunity to participate in this oversight hearing on the Targhee National Forest road closures. My name is Robert Ruesink; I am the supervisor of the U.S. Fish and Wildlife Service's Snake River Basin Office in Boise, Idaho. In that capacity, I signed a biological opinion dated March 31, 1997, which addressed the effects of the Targhee National Forest Plan Revision, including the Site Specific Travel Plan, on the grizzly bear, listed as a threatened species July 28, 1975 under authority of the Endangered Species Act of 1973 (ESA), as amended. That biological opinion represented compliance with section 7 of the ESA and associated regulations found at 50 CFR 402. It is that opinion and the recommendations contained therein, that form the basis of my statement to the Committee today. I would like to submit, for the record, a complete copy of the biological opinion and a copy of the Interagency Grizzly Bear Committee Task Force Report on Grizzly Bear/Motorized Access Management.

The U.S. Fish and Wildlife Service has been working with the Forest Service during the Forest Plan Revision process as required under section 7(a)(1) and 7(a)(2) of the Endangered Species Act. These sections state that all Federal agencies shall, in consultation with and with the assistance of the Fish and Wildlife Service, utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation of endangered and threatened species. Section 7(a)(2) further directs the Forest Service to ensure that any action authorized, funded, or carried out is not likely to jeopardize the continued existence of any endangered or threatened species.

When a Federal agency like the Forest Service plans a major action such as the Forest Plan Revision, they must develop a preferred alternative, and provide a biological assessment to the Fish and Wildlife Service. The biological assessment describes the proposed action, analyzes the effects of the action on the species and habitat and indicates how the proposed action may affect any endangered or threatened species. Using the biological assessment and the best scientific and commercial data available, the Fish and Wildlife Service prepares a biological opinion as to whether the proposed action will jeopardize the continued existence of the listed species.

The Endangered Species Act and regulations at 50 CFR 402 clearly outline the responsibilities of the Forest Service and the Fish and Wildlife Service during the consultation process.
The process completed on the Forest Plan Revision and the Site Specific Travel Plan shows which

areas, roads, and trails will be opened to motorized use. The Forest Service developed various alternatives, including the preferred alternative, 3M, for the Forest Plan Revision. In developing these alternatives the Forest Service held many agency and public meetings to discuss issues and concerns. The Fish and Wildlife Service actively participated in those meetings and provided input concerning potential impacts to federally listed species on the Targhee National Forest.

Formal consultation was initiated on November 13, 1996, when the biological assessment was received in the Fish and Wildlife Service Office in Boise, Idaho. The biological opinion addressed only the potential effects of the proposed Revision on the threatened grizzly bear (*Ursus arctos horribilis*) in the Greater Yellowstone Ecosystem (GYE). The Fish and Wildlife Service reviewed the biological assessments prepared for the proposed Revision and concurred with the Forest determinations that the Revision, as proposed, may affect but is not likely to adversely affect the threatened bald eagle (*Haliaeetus leucocephalus*), Ute Ladies'-tresses (*Spiranthes diluvialis*), and the endangered peregrine falcon (*Falco peregrinus*). The Fish and Wildlife Service also concurred that the action would not jeopardize the continued existence of the experimental, non-essential population of gray wolf (*Canis lupus*).

The Targhee National Forest forms part of the Greater Yellowstone Ecosystem, one of six grizzly bear recovery areas, and contains three bear management units (BMUs). Two of those BMUs have been further subdivided - Henry's Lake 1 and 2 and Plateau 1 and 2. The third, Bechler-Teton BMU, is undivided. Bear management units or subunits form the project impact analysis units of the biological opinion.

Several documents upon which the biological opinion is based, as well as previous section 7 consultation on various activities on the Targhee National Forest, are referenced in the next paragraph of my written statement, and in the interest of time, I will not reiterate them at this time.

The biological opinion was formulated using information provided in the November 12, 1996, biological assessment and updates as received, the March 19, 1997 letter from the Forest Supervisor, the January 1996 draft Forest Plan Revision and draft Environmental Impact Statement for the Forest Plan Revision, and the January 1994 and April 1995 biological opinions for the "Management Direction for the Grizzly Bear on the Portion of the Plateau Bear Management Unit" (Strategy). It was also based on other actions that have been consulted on since completion of and including the June 1984 biological opinion, consultation on the 1985 Forest Land Management Plan (LMP), current Cumulative Effects Model information, information in office files, discussions with others, including Forest biologists and administrators knowledgeable of the area and species, and from information obtained from field investigations.

Formal consultation between the Forest Service and the Fish and Wildlife Service concerning the grizzly bear occurred when the 1985 Land Management Plan (LMP) was prepared. The Reasonable and Prudent Measures in the 1985 Biological Opinion issued by the Service for the required security areas for grizzly bears. Other informal and formal consultations between the

Service and Forest, including biological opinions for the Management Direction for the Grizzly Bear on the Portion of the Plateau Bear Management Unit on February 22, 1994, and April 20, 1995, have developed and incorporated into the existing LMP, management standards and guidelines for listed species within which LMP activities are conducted. These standards and guidelines were developed for the grizzly bear because of evidence that impacts to the bears occurred as a result of logging, roads, recreation, mining and grazing.

A final report for the Henry's Lake and Plateau BMU habitat evaluation and grizzly bear presence study noted a management strategy had been developed for the area by the Forest Service and the Fish and Wildlife Service. The report states, "If this strategy were implemented it would greatly improve habitat effectiveness and security within the subunits." This management strategy underwent formal consultation and was being implemented for the Plateau BMU Subunits 1 and 2 when the Forest suspended implementation of road closures to focus on the Revision.

The 1979 Grizzly Bear Management Guidelines for the Greater Yellowstone Area were revised in 1986 by the Interagency Grizzly Bear Committee. The Service's biological opinion on the revised Guidelines states: "It is our biological opinion that implementation of the Guidance for Management Involving Grizzly Bears in the Greater Yellowstone Area will promote the conservation of the grizzly bear".

In the Forest Plan Revision and biological assessment the Forest Service says it will emphasize actions which contribute toward conservation and recovery of the bear within areas identified in the Grizzly Bear Recovery Plan. Objectives are to maintain and enhance habitat and to minimize potential for grizzly-human conflicts. The Forest Service will manage habitats essential to bear recovery for multiple land use benefits, to the extent these land uses are compatible with the goal of grizzly bear recovery. Land uses which cannot be made compatible with the goal of grizzly recovery, and are under Forest Service control, will be redirected or discontinued.

In the Forest Plan Revision, the Forest Service defined the goals and objectives in grizzly bear habitat as follows:

Goals

1. Habitat conditions will be sufficient to sustain a recovered population of grizzly bears.

2. Allow for unhindered movement of bears (continuity with Yellowstone National Park and adjacent bear management units).

Objectives

1. Meet recovery criteria in the Grizzly Bear Recovery Plan.

2. Implement guidelines developed by the IGBC.

3. Provide safe, secure sites for relocation of nuisance bears.

4. Implement the road density standards in the BMUs within 3 years of signing the Record of Decision in coordination with the U.S. Fish and Wildlife Service and State wildlife agencies.

The environmental baseline of the Forest has changed considerably since the 1985 Forest Plan was prepared. Extensive management activities including timber harvest and road construction have reduced vegetative cover, lowered food values, and created a vast road network across the Forest. These values are portrayed in CEM outputs for habitat value and effectiveness (HV and HE) as determined by the Forest. In some portions of the BMUs, the lack of suitable habitat away from human access is continuing to displace grizzly bears from the area.

In the Biological Opinion, the Service concluded current conditions were resulting in the following effects to grizzly bears:

1. Increased risk of direct mortality to grizzly bears because of high road densities due to human use of roads and the visual access provided by roadways through the forest environment;

2. High risk of increased habituation of grizzly bears to human activities along roads and in association with summer home developments by some bears thereby increasing the mortality risk of these bears;

3. Displacement from critical, seasonally important feeding sites (i.e., spring and fall ranges) which actually kills or injures bears by significantly impairing essential behavior patterns such as foraging, breeding, travel and sheltering;

4. Habitat fragmentation which actually kills or injures bears by significantly impairing essential behavior patterns by displacing bears from important constituent habitat elements including food, cover, solitude, and space;

5. Loss of habitat needed for security which results in actual injury or death of grizzly bears.

The Forest Plan Revision set into action a series of changes in management to recover and protect the habitat in the BMUs, thereby increasing the probability that the area can support a resident family unit of grizzly bears. Existing habitat conditions in portions of some of the BMUs on the Forest are such that occupancy by a grizzly bear family unit is highly improbable because of past habitat manipulations and high road densities. Without a change in Forest management actions, road densities would remain at high levels and other habitat conditions related to food and cover resources in the BMUs would continue to decline. The Forest Plan Revision seeks to reverse the decline in grizzly bear habitat components and restore grizzly use, while addressing the multiple

use obligations mandated by various existing laws, regulations, and directives the Forest must operate under.

Available habitat, secure space, and a diversity of habitats, to the extent they naturally occur within each BMU, are key components of the desired future condition. Established core and security areas and the protection they provide are, in the short and long-term, designed to be predictable in space and time and of sufficient size to provide for occupancy by a bear or bears. These areas delineate the highest quality habitat to meet the seasonal needs of grizzly bears, allow for the exchange to and from "source" areas of known, consistent bear use, and provide connectivity to adjacent BMUs in the GYE. In this condition the BMUs administered by the Forest should be capable of fully contributing to grizzly bear conservation and recovery.

In the biological opinion, the Service anticipated that use of the open and total route system on the Forest would increase as recreation use increased during this cycle of the Revision process. Therefore, based on the most current biological information, the Service felt that until open and total route densities met IGBC and the Revision standards, and habitat conditions for grizzly bear feeding, breeding, travel and sheltering improved, both direct and indirect take would continue. The level of access and lack of cover in the BMUs serves as an indicator of the level of direct and indirect take that may occur in the BMUs.

The Service biological opinion noted that the level of incidental take associated with the existing use is not at a level that is likely to jeopardize the recovery and survival of the grizzly bear population in the GYE. That conclusion was based in part, on the fact that measured population parameters have met established recovery plan levels, with the exception of mortality of female grizzly bears across the GYE during the last 2 years prior to the Revision. However, the Service anticipated that the direct and indirect effects of implementing the Revision would not reduce the level of take until the access management plan is completed. The level of "take" may be in the form of direct take, as a result of illegal killing or human-grizzly bear conflicts, or in the form of indirect take such as harm resulting from displacement of grizzly bears from important habitats. The best scientific and commercial data available were not sufficient to enable the Service to quantify a specific amount of incidental take for the Revision. The affects of the Revision were largely unquantifiable in the short term and may be measurable only as long-term effects on the species' habitat and population levels.

In the Biological Opinion, the Service laid out reasonable and prudent measures, terms and conditions, and conservation recommendations for grizzly bear management on the Forest:

Reasonable and Prudent Measures

1. Effectively implement and complete an open and total motorized route management program for roads and trails on the Forest by the end of calendar year 1999 that will contribute to the conservation, survival and recovery of the

grizzly bear in the GYE as described in Section V of the Revision and the March 19, 1997, letter from the Forest.

2. The Forest shall implement and comply with monitoring and reporting procedures that allow the Forest and the Service to keep up-to-date on the status of access density and other management activities on the Forest as described in Section V of the Revision and the March 19, 1997, letter from the Forest.

3. Where wilderness lands occur, the Forest should, in coordination with the Idaho Department of Fish and Game and the Service, ensure that the "secure habitat" contains seasonal habitat in approximately the same proportion to its availability across the BMU as currently designated through management prescriptions for wilderness and adjacent lands.

4. The Forest shall implement an information program that provides the public with accurate and accessible information regarding the biological basis for and the resulting effects of the Revision to adequately minimize take of grizzly bears.

Terms and Conditions

1. The Forest will, by the end of calendar year 1999, have in place in each BMU or subunit a precise open motorized route standard not to exceed 0.6 mi./sq. mi. and a precise total route density standard not to exceed 1.0 mi./sq. mi. Forest activities that involve new road or motorized trail construction should be designed to improve, or at a minimum, designed so as not to increase existing open and/or total motorized route densities within a BMU or subunit above these levels.

2. The Forest shall adopt the open and total motorized route density recommendations of the IGBC Access Committee and implement these recommended levels of motorized access on areas of the Forest that are in the GYE Recovery Zone. This includes, but is not confined to, site specific restrictions (such as area closures, timing restrictions, etc.) on recreation and other activities to resolve human-grizzly bear conflicts, revision of access density standards, and use of CEM to refine core and security area percentages. However, the final IGBC access standards are not yet available; therefore, upon their completion, the Forest will contact the Service and jointly develop a time frame for implementation and attainment of the standards.

   Until the standards are available, the Forest will ensure the above effective access restrictions are in place in the BMUs by the close of 1999 as described in the Travel Plan, Section V of the Revision and the March 19, 1997, letter from the Forest. At the end of 5 years from the date the ROD is signed, routes to be restricted that are in close proximity to, but outside the BMUs, will be effectively

restricted according to the Revision standards and guidelines.

3. The Forest shall submit an annual report to the Service in December of each year. The report shall detail the progress in achieving the open and total route densities and core area criteria in the BMUs and subunits, including but not limited to listing road and trail closures and the number, location, and kinds of incidents and/or activities that occurred on closed roads and trails. The report to the Service should also document the duration, location, and type of activities proposed to take place in each BMU or subunit during the next activity season. The Forest will provide information to the Service on efforts taken to ensure that core areas contain seasonal habitat approximately proportional to its availability in the BMU and BMU Subunits.

   The Service will use these reports to ascertain whether sufficient progress is being made toward realizing the Forest's 1999 and overall Revision objectives. Within 90 days after meeting the open and total road motorized access densities and core area requirements in each BMU or subunit, the Forest shall provide the Service with a final report for the BMU or subunit detailing all activities undertaken in association with the terms and conditions of this biological opinion.

4. Within one year of issuance of the Revision, the Forest will develop and implement a public information program on the positive effects of road closures for fish and wildlife, water quality, and other Forest resources. The effort should focus on both information that is available and relevant at a local, district level and on information pertinent to a more broad-based Forest level approach. The public should be provided a thorough and understandable analysis of existing road densities and future road densities resulting from implementation of the Revision. The net reduction in open motorized access density and the remaining opportunities for motorized public access, timber extraction, recreation, and other Forest uses should be emphasized.

5. In conjunction with implementation of the Travel Plan Standards and Guidelines of the Revision, the Forest should include the following:

   A. As management recommendations are developed by the GYE Access Committee, the CEM moving windows analysis or most current up-to-date scientific methodology should be used to evaluate and monitor the habitat effectiveness and value across each BMU or subunit. The information will be used by the Forest and the Service to evaluate and update management actions and recommendations for the Forest.

   B. The IGBC Access Committee definitions make allowances for the occurrence of restricted roads within core areas. Although restricted roads

in core areas must be effectively blocked in such a way to prevent motorized access, the presence of a roadbed within a core area increases the potential for illegal motorized use. Effective road closures require effective monitoring of the closures. The Service supports the Forest monitoring efforts and encourages the use of records of violations in closure areas to monitor effectiveness of closures and focus remedial efforts on those areas where the highest incidents of trespass occur.

C. Road reclamation should be emphasized in core areas. The number of restricted roads which are still available for use in core areas should be minimized.

D. Roads constructed or reconstructed for timber sale purposes should be single purpose roads according to the IGBC Guidelines. New roads or road reconstruction should be of minimum design specifications and placed on the landscape to reduce costs and facilitate reclamation of the roads after the timber sale is completed.

Conservation Recommendations

1. Motorized access management is only one of several factors influencing grizzly bear habitat and grizzly bear security. The presence of attractants is a major factor leading to food conditioning and habituation and the eventual direct mortality or management removal of grizzly bears. The Service supports the continuing efforts to implement the food storage order for the Forest within the BMUs. To further address security for grizzly bears and safety for recreationists outside of the BMUs, the Service recommends the Forest develop and implement a range of alternative food storage options Forest-wide to accommodate a variety of Forest user groups. The Service encourages the implementation of these orders at the earliest date possible.

2. All travel routes scheduled to be restricted outside the BMUs, but on the remaining areas of the Forest will be effectively restricted 10 years from the date the ROD is signed.

In summary, the U.S. Fish and Wildlife Service believes that the Targhee National Forest Plan Revision, if implemented as proposed, will provide habitat necessary for grizzly bear recovery in the GYE. It is an essential part of the conservation strategy currently under development, which is designed to be the management guidance for a delisted population of grizzly bears in the GYE. Thank you again for this opportunity; I will be happy to answer questions that you or other members of the committee may have.

Attachments for the record

Biological Opinion for the Targhee National Forest Plan Revision. March 31, 1997

Interagency Grizzly Bear Committee Task Force Report. Grizzly Bear/Motorized Access Management. July 1, 1994.

STATEMENT

Of the

IDAHO ENVIRONMENTAL COUNCIL
1568 Lola St.
Idaho Falls, Idaho 83402

For the Record

Of the Hearing on the

TARGHEE NATIONAL FOREST TRAVEL PLAN

Held in Rexburg, Idaho on Feb. 13, 1999,

By Rep. Helen Chenoweth, Chairman,

Forest and Forest Health Subcommittee.

The Forest Service is to be commended for attempting the difficult task of producing a balanced travel plan that will protect wildlife, native fish populations, water quality, and recreation options.

The Travel Plan's road and motorized trail closures are based on science. Research has shown that roads present above certain densities negatively impact grizzly and elk. Since both are indicator species, it means that many other species are probably also impacted by road densities above these levels.

Road and motorized trail closures are also necessary to protect water quality and native trout habitat. There are numerous acknowledgements in the TNF Revised Forest Plan of 1997 that roads and motorized trails are the major cause of stream sedimentation. For example, the FEIS for the Revised Forest Plan, under a discussion of water quality, says on page III-26:

> "The biggest pollutant on the Forest is excess sediment, derived from within-channel erosion and upland erosion reaching stream channels. The main source of sediment is roads, specifically those segments within riparian areas, including stream crossings. Forest roads generally

contribute an estimated 85 to 90 percent of the sediment reaching streams in disturbed Forest land (Burroughs 1990)."

The TNF Travel Plan also has strong support. The news, tending to seek out the sensational and the hype, reports most of the noise over the Travel Plan, but little about actual written comments. The fact is that, as of 2 days ago, the Targhee NF had received comments from over 5,000 people, with over 95% of those supporting the road closures. Of the more than 700 Idahoans in that total, 95% were also in support.

Railing against the "tank traps" not only misses the point; it also encourages scofflaws. These barriers, and the taxpayer expense of building them, were necessitated by people acting illegally, driving around closed gates. Apparently some people think it proper to try and drive past the closures. But it is not very encouraging to see this advocated by supposedly informed people, even elected officials, who in so doing foster a climate of lawlessness.

The Idaho Environmental Council supports the TNF Travel Plan, as far as it goes. We are supporting the road and motorized trail closures proposed, and several other important elements of the Travel Plan.

However, we believe that there are several deficiencies in the Travel Plan. We are submitting somewhat detailed comments on how to improve the Travel Plan by closing a few more unneeded and damaging roads, and closing several more trails to ORV use. These closures would benefit native trout habitat, and would protect the wilderness characteristics of FS recommended wilderness areas.

A copy of those comments is attached.

Prepared by Jerry Jayne
Jerry Jayne
Board Member,
Idaho Environmental Council

COPY

IDAHO ENVIRONMENTAL COUNCIL
1568 Lola St.
Idaho Falls, Idaho 83402

Feb. 12, 1999

Motorized Road and Trail
Travel Plan

Jerry Reese, Supervisor
Targhee National Forest
P.O. Box 208
St. Anthony, Idaho 83445

Dear Jerry;

Following are the comments of the Idaho Environmental Council on the Draft EIS for the Motorized Road and Trail Travel Plan, dated November, 1998.

You and your staff are to be commended for the effort you are making to produce a balanced travel plan that will protect wildlife, native fish populations, water quality, and recreational options. We realize that is has been a lot of work, and that you have been loudly and unreasonably criticized by some people who are interested mostly in motorized use of the Targhee National Forest, both on-road and off-road. But the great majority of people who have submitted written comments, both inside and outside Idaho, support the road closures.

We support the following important parts of the Travel Plan, as established by the 1997 Revised Forest Plan.

1. KEEPING OROMTRDs BELOW STANDARDS

Thank you for closing a large number of roads which are unneeded, which are in grizzly habitat, which are in important elk habitat, which impact streams, and/or which threaten other resources; also for closing some trails to ORV use for the same reasons.

We want to emphasize that the Open Road and Open Motorized Trail Route Density standard for each prescription should not be viewed as a "target". Each represents the maximum density needed to reasonably protect resources. Each is an upper limit, not a lower limit. Several resources, including wildlife and water quality in an area (such as a drainage) will often be better protected if the actual density is less than the OROMTRD.

2. ADOPTING "CLOSED TO MOTORIZED USE UNLESS SIGNED OPEN"

This is an important change long overdue. You should make the Travel Plan maps and signing consistent.

3. CLOSING MOST OF THE TNF TO SUMMERTIME CROSS COUNTRY ORV USE

This is also a long overdue and positive action (almost as good as closing the whole TNF to this destructive use.)

However, in our view, the Travel Plan has some serious deficiencies.

4. ALTERNATIVE 3M+ IS INCONSISTENT WITH THE 1997 REVISED FOREST PLAN

Alternative 3M+ is your current preferred alternative, but according to the discussion on page S-4, it doesn't meet the needs of the Revised Forest Plan, since it would require a Forest Plan amendment. It leaves too many roads and trails open to motorized use.

The selected alternative for the Revised Forest Plan, number 3M, calls for a total of 1577 miles of open road on the TNF (Plan EIS, p IV-45). The corresponding alternative 3M of the Travel Plan calls for 1617 miles of open road; the 1577 plus another 40 more miles of road found since the Forest Plan came out. We cannot agree that adding yet

another 55 miles of open road for a total of 1672 miles, as your preferred alternative 3M- would do, is consistent with the Forest Plan.

Alternative 3M- better meets the direction of the Forest Plan than 3M+, leaving 1617 miles of road open, and leaving 453 miles of trail open to ORV use instead of 536.

But alternative 3M- still leaves too many resources threatened by an excess of open roads and motorized trails in sensitive areas.

Therefore, we support a modified Alternative 3M-, as specified in the following comments.

5. CLOSE TO MOTORIZED USE THOSE ROADS AND TRAILS NECESSARY TO PROTECT WATER QUALITY AND NATIVE TROUT

In discussing water quality, the FEIS for the Revised Forest Plan on page III-26 says that:

> "The biggest pollutant on the Forest is excess sediment, derived from within-channel erosion and upland erosion reaching stream channels. The main source of sediment is roads, specifically those segments within riparian areas, including stream crossings. Forest roads generally contribute an estimated 85 to 90 percent of the sediment reaching streams in disturbed Forest land (Burroughs 1990)."

The principal management activities/concerns affecting riparian quality is given for each of the 7 Forest subsections on page III-25 of the FEIS of the Revised Forest Plan. In every subsection, the common concern is "OHV use" and either "roads in or adjacent to riparian areas and associated stream crossings", or "trails in close proximity to or within riparian areas and associated stream crossings."

It is quite clear from your own Forest Plan FEIS that a major cause of water quality degradation and trout habitat loss is from roads and trails in riparian areas and their motorized use.

The Forest Plan FEIS lists (p III-31) the 17 of the 39 primary watersheds on the TNF which are designated as "native trout watersheds", necessary for species recovery. These are:

Elk Creek	(003)	Moody Creek	(024)
Palisades Creek	(004)	Bitch Creek	(032)
Rainey Creek	(005)	Burns-Pat Canyon	(035)
Pine Creek	(006)	McCoy-Jensen Creeks	(036)
Heise	**(007)**	**Elk-Bear Creeks**	**(037)**
Henry's Fork Hdwtrs	(008)	**Fall Creek**	**(038)**
Robinson Creek	(013)	**Pritchard Creek**	**(039)**
Trail Creek	(017)	Brockman Creek	(040)
Mahogany Creek	(022)		

Yet the Travel Plan does very little to protect native trout habitat. You need to remedy this serious deficiency. I do not see anywhere in the Travel Plan DEIS where you even acknowledge that the Yellowstone cutthroat trout has been petitioned for ESA listing.

The Travel Plan admits that cutthroat trout are not adequately protected in any of the considered alternatives:

> "Under any of the alternatives, there are at least 545 stream crossings and 157 miles of road and motorized trail within AIZ's occupied by cutthroat trout. These roads, motorized trails, and stream crossings will continue to degrade cutthroat trout habitat as long as they exist (unless completely decommissioned, e.g. removed)." (P IV-7)

In failing to provide protection for native trout, you also apparently ignore a recent study, which indicates the impacts of roads and motorized trails upon aquatic ecosystems. This is the research by your own TNF fisheries biologist, Dan Delany, regarding the proposed East Beaver - Miner's Creek Timber Sale. This research compared the amount of sediment (fines) in four streams in the project area which had open roads and motorized trails, grazing, and some timber harvest, with an unroaded control stream with no recent grazing. The data shows levels of fines in the 4 steams well above that of the control stream, and well above optimum conditions for native trout spawning and rearing.

One of the serious defects of the Travel Plan is that in spite of all this admitted evidence on the impacts of roads and motorized trails near streams, it fails to even formulate an alternative that would protect native trout populations.

It seems obvious that you should close to motorized use all the trails and all the unnecessary roads that cross or are close beside any of the streams in the 17 "native trout watersheds". Yet you never even evaluated an alternative to do so.

I wish to comment upon a few specific areas of particular concern within those 17 watersheds.

PALISADES DISTRICT

Burns Creek Drainage, Garns Mt. Roadless Area

Burns Creek drainage (Heise Watershed 007) is probably the most important cutthroat trout spawning tributary of the South Fork of the Snake River. But the trails in this drainage have been degraded by increasing use; primarily by the ORV use. Increasing motorcycle use has eroded the steeper stretches, wiped out the trail prism, and trashed waterbars.

And in just the last few years, ATV users have tried to drive on these formerly primitive trails, which were never built for motorized use in the first place. ATV use has blazed a virtual jeep road all the way down Coalmine and Jensen Creeks, clear to Burns Creek. Further, the last 2 years have seen significant illegal trail widening on the Burns Creek trail itself.

The IEC has been urging the FS to close the Burns Creek drainage to motorize use for over 15 years, to protect the trout spawning and to reduce user conflict in this pristine area. Now you have an opportune time to do this. Please do it.

All the trails in the Burns Creek Drainage should be closed to motorized use. These include:

Big Burns Creek	trail	48068
Hell Hole	trail	48070
Coalmine Canyon	trail	48064
Little Burns Creek	trail	48071

Pritchard Creek

Pritchard Creek (Pritchard Creek Watershed 039) is another important cutthroat trout spawning stream, tributary to the South Fork Snake River. The recent proposal to upgrade the Jim Hill trail 023 would be a bad idea, because it would connect the Pritchard Creek trail 027 with the Fall Creek road, and would create a loop trail inviting greatly increased motorized use into Pritchard Creek. But to protect the trout habitat there, these trails should be closed to motorized use.

The following trails and road, in and accessing Pritchard Creek, should be closed to motorized use:

Pritchard Creek	trail	45027
Porcupine	trail	45028
Jim Hill	trail	45023
Blacktail Can-Pt Lookout	road	20066

Bear Creek Drainage, Bear Creek Roadless Area

Bear Creek (Elk-Bear Creeks Watershed 037) is also an important cutthroat trout spawning stream. But motorized use, even that of ATVs, has been increasing. The FS not attempted to discourage this use; on the contrary has improved the trail, which facilitates this use.

The Travel Plan is an opportunity to correct this problem, and to protect the important trout spawning habit provided by Bear Creek.

These trails in the Bear Creek Drainage should be closed to motorized use:

Bear Creek	trail	45047
North Fork of Bear Creek	trail	45049
Deadman Creek	trail	45042

Fall Creek Drainage, Bear Creek Roadless Area

Fall Creek (Fall Creek Watershed 038) is another native trout watershed. ORV use on the South Fork Fall Creek trail, the Rash Canyon road, and the Commissary Ridge road cause significant sediment into Fall Creek.

The following trail and roads should be closed to motorized use:

S. Fork Fall Creek	trail	45030
Rash Canyon	road	20170
Commissary Ridge	road	20017

DUBOIS DISTRICT

Crooked Creek

Crooked Creek is cutthroat trout habitat also. But road 178 and trail 081 cross and run alongside it. The Idaho Fish & Game and FS fisheries biologists have both proposed closing this road and trail to protect this population, but this has not yet been done. Now is the time to do it in this Travel Plan.

This road and trail in the Willow Creek Drainage should be closed to motorized use:

Crooked Creek	road	80178
Crooked Ck-Willow Ck	trail	80081

The Revised Forest Plan states in numerous places that ORV use and roads are the main cause of impacts to soil, water quality, and aquatic habitats. Sediment is a major form of degradation of the listed streams, and sediment is produced in large quantities by those motorized uses.

You should close to motorized use the trails and roads which cross or run close beside the streams designated as Water Quality Limited by EPA.

6. CLOSE YOUR RECOMMENDED WILDERNESS TO MOTORIZED USE

We continue to commend the Forest Service for your wilderness recommendations for the Lionhead Roadless Area and parts of the Palisades and Italian Peaks Roadless Area.

We have urged you to close your recommended wilderness areas to motorized use. Yet the Travel Plan leaves the Italian Peak, Lionhead, and Palisades Roadless Areas open to snowmobile use and to summertime OHV use on designated trails.

The Travel Plan fails to evaluate the impacts of allowing motorized recreational use in your recommended wilderness areas. So does the Revised Forest Plan.

Allowing motorized uses in your proposed wilderness areas will fail to protect the wilderness values. Further, it will encourage development of an anti-wilderness constituency for those areas.

You should make the following changes to the Travel Plan:

- **Close your recommended wilderness areas in the Palisades, Italian Peaks, and Lionhead Roadless Areas to snowmobile use.**

- **Close the following trails there to motorized use:**

Palisades Roadless Area, Indian Creek Drainage

Indian Creek Loop	42045
Big Basin	42046
Long Springs	42055
Burnt Timber	42057
Deadhorse	42058
Driveway Canyon	42061
North Indian	42122

Italian Peaks Roadless Area

Crooked Ck - Willow Ck	18081
Webber Ck-Divide Ck	18111
Webber Creek Lakes	18034
Meyers Creek	18113

7. A FEW OTHER SPECIFIC ROADS WHICH SHOULD BE CLOSED

Roads 251 and 256, Palisades District

Lower Farnes Road 80251 is shown as open in appendix C(M), but was proposed to be closed on the 1997 travel plan map. Why the change? You had it right the first time. As to the Madison County 2477 claim, it is obviously invalid, since the road was built for timber harvest in the 1970's.

Upper Farnes Road 80256 is shown as seasonally closed.

These 2 roads closely parallel each other. 80251 should be closed permanently, and 80256 should be closed seasonally for elk security; for calving in early summer and during hunting season in the fall.

Primitive Roads 501 and 502, Ashton District

I had understood that you were not going to grant easements on roads 501 and 502 into private land on the Fall River. These are primitive non-system roads, each only about one half mile long. Yet the 1997 travel plan map shows these as open roads.

As I pointed out in my April 4, 1997 letter asking you to deny these ROW easements, granting them would not be in the public interest. This area is Situation 1 grizzly habitat. It is important elk winter, calving, and summer habitat, as well as winter habitat for deer and moose.

These two roads should be closed and torn up to assure that they are not used.

8. ATV ISSUES YOU NEED TO ADDRESS NOW

The distinction between 1-track and 2-track trails must be clarified and emphasized. The former is a traditional trail for foot use and more recently, where open, 2-wheeled ORV use. The latter is more like a road than a trail, made by, or to accommodate, ORVs with more than 2 wheels, i.e., ATVs.

We see 2 major problems with increasing ATV use which need to be addressed.

One is the damage ATV use does on 1-track trails never built for them. Most of the trails on the Targhee National Forest were not built for motor vehicles, especially not for 3 or 4 wheeled motor vehicles (ATVs). Continued attempts by ATV owners to ride those trails will result in more soil and water quality damage, not to mention impacts to wildlife and other trail users. Leaving these trails open to ATV use may also result in more illegal trail widening by ATV users, as has happened in the Burns Creek drainage.

The Travel Plan maps indicate a category of trails open to motorcycles and ATVs, and a category of many trails that are open to both but not recommended for ATVs.

We suggest that those trails "not recommended" for ATVs should be closed to them, with travel maps so indicating.

The second problem, related to blurring the distinction between a 1-track trail and a 2-track trail, is that the Forest Service, in a misguided attempt to satisfy "demand", will try to build too many ATV trails, and in the wrong places.

On March 10, 1998, I wrote for IEC to Palisades District Ranger Ron Dickemore (with copy to you) on his proposal to build about 34 miles of ATV trail, mostly within the Bear Creek Roadless Area. In that letter, you may recall that we opposed the construction of any more wide trails in the roadless areas of the Targhee NF, including trails for ATVs. We fear that encouraging ATV use this way would result in dramatically more motorized traffic on these trails, with all the attendant problems that would cause. Further, we do not believe that the Forest Plan calls for more ATV trails.

Please do not build any more ATV trails, at least not in the roadless areas, nor near streams, or other sensitive areas.

9. WHY ARE SNOWMOBILE AREAS OPEN SO LATE?

Cross-country snowmobile use, indicated by areas marked "C" on the 1997 travel plan maps, is allowed on most of the TNF. But why so late in the year; why until June 1st? This late date is allowed even in grizzly habitat; in prescriptions 2.6.2 (Plateau BMU core area), 2.6.5 (Bechler BMU), and 5.3.5 (bear habitat outside core). How can we fail to think that snowmobile use will adversely impact grizzly coming out of hibernation?

I assume that the designated snowmobile trails are also open until June 1, at least within C areas. Is this true for non-C areas?

But then I find this quite confusing: Appendix A, the 3/24/98 addendum for each 1997 travel plan map, says that "This map describes winter travel opportunities on the Targhee National Forest from THANKSGIVING DAY UNTIL SOMETIME IN THE SPRING as local conditions become suitable to support wheeled vehicle traffic on roads and trails without damage." Please explain this. Does it mean that snow conditions will determine closing dates? What is the relationship of an ending snowmobile date with a beginning suitable date for wheeled vehicle traffic?

10. ATVs SHOULD NOT BE DEFINED AS OVERSNOW VEHICLES

Appendix A, the 3/24/98 addendum to each 1997 travel plan map, says for each TNF District, that the ATV symbol is to be added to the "Over-snow Motorized Vehicles" column in the Winter Designated Routes Matrix.

Since when are ATVs considered as "over-snow" vehicles?

The Revised Forest Plan considers only snowmachines, not wheeled vehicles, as "over-snow" vehicles. This switch in the Travel Plan is arbitrary and unjustified, made without ample public scrutiny. If not changed, it will lead to considerably more damage from ATV use than that use is already causing on the TNF.

And that damage is already bad enough. The Revised Forest Plan EIS repeatedly acknowledges that ORV use is causing serious soil erosion and water quality degradation.

Allowing ATVs late in the fall and in the spring would exacerbate those problems. Spring use of ATVs in bear habitat would also cause problems with grizzly coming out of hibernation.

Only snowmachines (snowmobiles) should be considered as "over-snow" machines. No wheeled vehicles should. We urge you to change your Travel Plan maps accordingly.

Thank you and your staff for all the work you have done and are doing on this difficult task, and for your consideration of the above comments.

Sincerely,

Jerry Jayne
IEC Board Member