

**Idaho Roadless Commission
Meeting Notes
September 28-29, 2010**

September 28

Attendees:

Commission Members: Tom Perry, Office of Species Conservation, State of Idaho; Robert Cope, Lemhi County Commissioner; Tom Bowman, Blaine County Commissioner; Dan Dinning, Boundary County Commissioner; Patty Perry, Kootenai Tribe of Idaho; Dale Harris, Great Burn Study Group; Jonathan Oppenhiemer, Idaho Conservation League (sitting in for Rick Johnson); Scott Stouder, Trout Unlimited (on the phone).

Other attendees: Billy Markham Kootenai Tribe of Idaho; Gina Knudson, Salmon Valley Stewardship; John Goodman, Moose Creek Estates; Karen Drnjevik, Lemhi County WUI Coordinator; Michelle Tucker, Salmon Valley Stewardship (SVS); Bob Russell with Lemhi County Economic Development Association (LCEDA) & SVS; Bill McLoughlin with SVS.

Forest Service attendees: Harv Forsgren, R4 Regional Forester, Frank Guzman, Salmon-Challis Forest Supervisor; Lyle Powers, Planning/Admin Staff; Russ Bacon, District Ranger, North Zone SCNF; Maggie Milligan, TMA North Zone SCNF; Rob Mickelsen, Ecosystem Branch Chief, Caribou-Targhee National Forest; Jane Cottrell, R1 Deputy Regional Forester; Karen Mollander, R1 Director Ecosystem Assessment and Planning; Joan Dickerson Idaho Roadless Coordinator R1&R4.

Litigation Update

Tom Perry provided an overview of the litigation on the Idaho Roadless Rule. Plaintiffs are Gerald Jayne, Greater Yellowstone Coalition, the Lands Council, Natural Resource Defense Council, Sierra Club and the Wilderness Society. Primary issues are Endangered Species Act, related to grizzly bear and caribou on the Idaho Panhandle National Forest, and the rule's assessment of likely logging, road-building impacts and phosphate mining.

Defendant-Intervenors include the Forest Service (Defendant), State of Idaho, Idaho Association of Counties, Idaho Mining Association, and Kootenai Tribe of Idaho (Intervenors). In addition, Trout Unlimited, Idaho Conservation League and Dale Harris filed an amicus brief. Briefing is almost completed. Hearing is set in front of Judge Winmill, October 15, 3:00 in Boise, Idaho. Expect a decision early 2011.

Tom Perry speaks for the Governor and Senator Risch and appreciates the efforts of the defendant/intervenors in defending this case. They have done an excellent job.

Potential range of outcomes: Rule prevails, No-ruling (because of lack of standing); vacate the rule and go back to either the 2001 rule or the forest plans; or only vacate pieces of the rule – depending on the issue.

Payette Corrections

Final

Joan reviewed the handout-Briefing Paper – Payette Corrections. Also the news release and link to the internet was sent to all commission members September 8, 2010

- Five errors regarding Forest Plan Special Areas (FPSA).
- Four areas identified as FPSA in the rule should have been Backcountry Restoration.
- One area identified as BCR should have been FPSA.
- Notice of correction (request for comment) published September 8, 2010 in Federal Register
- Comment period closes October 8, 2010

Discussion –

We discussed the rule provisions for corrections and modifications – what they would be used for and the differences between them (see 294.27 (corrections) and 294.28 (modifications)).

- Corrections are done to remedy clerical errors, mapping errors, etc. The Chief will provide a 30-day comment period.
- Modifications are done to remove from or modify the designations or classifications of the management themes based on changed circumstances or public need. The Chief will provide a 45-day comment period.

The group wanted to know whether or not the forest made contact with Valley County commissioners? **Forest Service committed that the proposed corrections will be discussed with Valley County prior to the close of the comment period, if it hasn't occurred already. Forest Service also committed that in the future all proposed corrections and modifications will be discussed with affected County Commissioners prior to the public comment period.**

Decision: The commission recommends to the Governor that the corrections be made. Unanimous thumbs up agreement.

Upper North Fork Project

Discussion: Russ Bacon, set the stage of the Upper North Fork Project. This project is being developed with the local collaborative group, Salmon Valley Stewardship. The stewardship group has been working on a variety of projects in the Upper North Fork, including ones in and around Gibbonsville and Hughes Creek. The collaborative wanted to finish up work in the Upper North Fork before moving on to other areas (Jesse Creek). The Upper North Fork was identified as a high priority for treatment in the Lemhi County, County Wildfire Protection Plan (CWPP). The district has worked for 2 ½ years with the local collaborative on this project. Russ handed out a 9/27/10 document that reflects the collaborative recommendations for this project.

Part of the project would occur in a Community Protection Zone (CPZ); therefore the focus of the discussion was how CPZ was mapped and applied to the Upper North Fork Project.

The Forest Service prepared a paper which outlines steps for delineating a community protection zone (CPZ), and applied the steps to the Upper North Fork Project. The rule provides general direction, but does not provide the details on “how to” delineate CPZ. The purpose of the discussion was to (1) determine whether or not the steps the Forest Service outlined made sense, were logical, and were in keeping with the rule; (2) determine whether Moose Creek Estates and Lost Trail Ski area meet the requirements of an at-risk community.

Note: The paper should be corrected to read “~~The area is within the National Forest North Fork fire protection district.~~”

Decision:

Process Paper

Overall the commission felt the process paper was a reasonable and understandable step-by-step process for how to delineate a CPZ. They suggest a couple of modifications:

- Incorporate a discussion of how CWPP may play a role in informing the step-by-step process; but that the CWPP needs to be validated by the Forest Service.
- Reorganize Steps 1-3 based on the 2 HFRA criteria for a community
 - i. an **interface community** as defined in the notice entitled “Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire” issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with Title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or (STEP 1)
 - ii. a **group of homes and other structures with basic infrastructure** and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land; (STEPS 2 and 3).
- Modify Step 2 to read: **Step 2. Is the community identified as an at-risk community in a Community Wildfire Protection Plan? If so go to step 5 3., if not go to Step 3.**—The reason for this change is for the Forest Service to double check the communities listed in CWPP to be sure they meet the criteria found in Step 3 (would they be considered interface or an intermix community). **NOTE: Additional changes have been made to the paper, based on the discussions during the week.**

Application to Moose Creek Estates

The Commission agreed that Moose Creek Estates fits the criteria as a community and was appropriately identified as an “at-risk” community. **Unanimous thumbs up agreement.** However, the Commission suggested the Forest Service relook at delineation of the “boundary” of the community and not include the portion of land that has not been subdivided and is currently not for sale (long piece that goes up Pierce Creek). This suggestion was reiterated in the field the next day.

The Commission also agreed that the 1 ½ mile boundary appeared to fit the criteria; however after reviewing this in the field on Wednesday they suggested the Forest Service relook at the boundary on the west side of Moose Creek Estates to see if the CPZ should go the full 1 ½ miles or only to the top of the ridgeline that is nearest Moose Creek Estates.

Lost Trail Ski Area

The Commission agreed that Lost Trail Ski Area fits the criteria as a community and was appropriately identified as an “at-risk” community. **Unanimous thumbs up agreement.**

Dairy Sinceline Land Exchange

Discussion: Rob Mickelsen discussed the land exchange associated with the Dairy Sinceline Phosphate Mine and Reclamation Plan. See attached briefing paper. ICL and Trout Unlimited submitted comments objecting to the proposed land exchange because they felt the rule expressly prohibited the activities and they felt that this could set precedence for future exchanges to facilitate the development of phosphate reserves.

Final

The Forest Service acknowledge that neither the NOI, nor the letter sent regarding the exchange provided all the information necessary to make informed comments. This will be remedied in the draft EIS expected to come out in 2012.

Additional information was provided:

The Rule does not prohibit land exchanges. The proposed lands to exchange are in the Huckleberry roadless areas and all are within the General Forest, Rangeland and Grassland theme and available for phosphate development. Most, but not all are on map 3-20 (the area road access could be permitted to access phosphate deposits). About 100-120 acres are not on map 3-20. The lands to be acquired are adjacent to the Sage Creek roadless area. Most but not all would likely be considered roadless. There is potential to enhance roadless area values as a result of the potential exchange. Part of the question is what management theme should be designated for this area; and what should be the boundary. Changes resulting from the land exchange (changes in the boundary of Huckleberry roadless area; and changes in the boundary and theme designation of the Sage Creek roadless area) would require a modification to the rule (not a correction as presented in the briefing paper). These changes need to be vetted with the affected County Commissioners prior to being published for comment.

Decision: The Commission would like to have further discussion on this proposal, but they need further information.

- **Would there be a net loss, or net gain of roadless lands?**
- **What are the roadless values of the lands to be acquired?**
- **What are the recommendations for theme assignments of the local county commissioners?**

Kootenai/Idaho Panhandle Forest Plan Revision

Discussion: Joan discussed the briefing paper for the KIPZ plan revision and said this was mostly a “heads-up” so there would be no surprises when the KIPZ Draft EIS comes out in January or February of 2011. She noted that the proposed plan aligns with the Idaho Roadless Rule, but that there would be alternatives that recommended more wilderness and less wilderness than was allocated to Wild Land Recreation. The group discussed whether or not any final decision that did not align with the rule would require a modification; and whether or not the need for modification should be included in the description of the plan alternatives. They also discussed whether or not the Commission would recommend to the Governor that the KIPZ plan stay aligned with the Idaho Rule designations.

Decision. The Commission would like to provide comment on the Draft EIS. The Forest Service will do more investigation on whether or not any alternative that does not align with the rule would be required to go through the Rule modification process and report back to the commission.

Liberal Willow

Discussion - Information. Joan provided a brief overview of the Liberal Willow project –see attached briefing paper. The purpose of the project is to restore coniferous forests, particularly Douglas-fir that have been severely impacted by insect and disease outbreaks. There is an

Final

epidemic of insects and disease in some of the Primitive roadless areas that decreases overall forest health, while simultaneously increasing the risk of potentially severe, stand-replacing wildfires.

The purpose of timber cutting in the Primitive theme is to maintain or restore the characteristics of ecosystem composition, structure, and process. The project achieves this by:

- Timber cutting with no removal
- Reintroduction of fire
- Removal of high levels of biomass
- Add fuels so fire can carry.
- Trees would be hand cut with chainsaws and left on the ground help carry fire through the stand. Trees that would be targeted for felling would be those trees that are already infected with dwarf mistletoe and/or beetles, in addition to smaller diameter trees as needed.

This project is mostly in Primitive and is located on the Payette National Forest. The forest is preparing an EA. The activities in Primitive have been modified since scoping – mechanical harvest in Primitive has been removed. The Forest Service wanted the Commission to be aware of this project since it was occurring in Primitive.

CC West Reforestation Project

Discussion – Information. Joan provided a brief overview of the CC West Reforestation Project – see attached briefing paper. This project would create –at most- 80 helicopter landing in Backcountry/Restoration and Primitive themes to facilitate access of tree planters and trees to reforest 8,400 acres on the Payette National Forest. This project is permitted because the Rule permits the cutting of trees incidental to implementation of a management activity not otherwise prohibited by the final rule (36 CFR Subpart C 294.24 (b)(v) (Primitive) and 294.24(c)(vii)(Backcountry Restoration). The Forest Service wanted the Commission to be aware of this project.

Secesh River – Lake Creek Road Decommissioning Project

Discussion –Information. Joan also mentioned a project to decommission unclassified roads in the Secesh and French Creek roadless areas-see attached briefing paper. The rule does not apply to road decommissioning.

Projects for which a decision was signed in Fiscal Year 2010

Slide Hunter Aspen, Salmon-Challis national Forest; Boulder White Clouds roadless area. Project would restore 2,125 acres of aspen and whitebark pine in Backcountry Restoration theme within the 462,000 acre roadless area. The project would restore the characteristics of ecosystem composition, structure and process by restoring fire to the ecosystem (tree cutting only to facilitate prescribed burning). No appeal.

Adjourn

September 29, 2010

Final

Attendees:

Commission Members: Tom Perry, Office of Species Conservation, State of Idaho; Robert Cope, Lemhi County Commissioner; Tom Bowman, Blaine County Commissioner; Dan Dinning, Boundary County Commissioner; Jonathan Oppenhiemer, Idaho Conservation League (sitting in for Rick Johnson);

Other attendees: Gina Knudson, Salmon Valley Stewardship; John Goodman, Moose Creek Estates; Bill Grasser (Lost Trail Ski area-owner)

Forest Service attendees: Harv Forsgren, R4 Regional Forester, Frank Guzman, Salmon-Challis Forest Supervisor; Lyle Powers, Planning/Admin Staff; Maggie Milligan, TMA North Zone SCNF; Mike Christianson, Silviculturist North North Zone SCNF, Glenwood Brittain, Pre-sale Forester, North Zone SCNF; Rob Mickelsen, Ecosystem Branch Chief, Caribou-Targhee National Forest; Jane Cottrell, R1 Deputy Regional Forester; Karen Mollander, R1 Director Ecosystem, Assessment and Planning; Joan Dickerson Idaho Roadless Coordinator R1&R4.

Field Trip

First stop – Group stopped at Krone Gulch to visit the Gibbosville II timber sale and review harvest that occurred a month earlier. Commercial thinning/understory removal in dry forest types. This was one of the areas included in the last Salmon Valley collaborative projects. General discussion of the harvest and large tree retention requirements.

Second stop – Elk Mountain ranch.

This is the lower (southern) portion of Moose Creek Estates. Area included 4 subdivided lots that have not been sold. General discussions:

- Should the 4 unsold lots be considered part of the “boundary” of the community of Moose Creek Estates? General agreement – yes the boundary should border those areas where the land has been subdivided and is for sale. No the boundary should not border the Pierce Creek extension because this part of the property has not been subdivided and is not for sale.
- Activities that will be occurring on the west side of the subdivision, along Hwy 93. These activities are not within roadless, but the next time the Commission meets they would like to get a feel for the entire project, not just what is in roadless.
- CPZ boundary. In looking at Moose Creek Estates it appears that there is a ridgeline right above the estates and then another draw and steep slope up to Anderson Mountain. General discussion about where the CPZ boundary should be located. Suggested the Forest Service relook at the boundary based on topography. Heavier fuel treatments and a temporary road are being proposed between the boundary of Moose Creek Estates and the ridgeline; so changing the CPZ delineation would not affect this.

Third stop – Lost Trail Ski area.

Overlook over project area. Discussed Frog Pond fire; fuel break proposed on top of Anderson Mountain adjacent to Anderson Mountain road. Proposed activities within CPZ adjacent to Lost Trail – designed to break up the continuity of fuels (all lodgepole pine, subalpine fir).

Fourth stop – Moose Creek Estates

Final

Drove through Moose Creek Estates. Discussed the activities that have occurred on private land. Moose Creek Estates has been designated a “firewise” community. It has its own ability to provide structure protection and has requirements for development. The residents have been engaged in the development of the proposed action. The Stewardship group believes that No Action is not an option. Some treatment needs to occur on federal lands. They recommended that the Forest Service consider an alternative with and without roads.

Project will be done under HFRA authorities. Now project will be done via an EIS. Public will have an opportunity to comment on the Draft EIS; objection process will occur on the Final EIS prior to decision. Group also discussed whether or not other restoration activities could be incorporated into the EIS – Forest Service will follow-up on this.

Project timeline:

Scoping fall of 2010; Draft EIS spring of 2011; Final EIS Summer 2011.