

Idaho Roadless Commission  
Meeting Notes  
May 4-5, 2011  
Boise, Idaho

**May 4**

Attendees:

**Commission Members:** Robert Cope, Lemhi County Commissioner; Dan Dinning, Boundary County Commissioner; Patty Perry, Kootenai Tribe of Idaho; Dale Harris, Great Burn Study Group; Rick Johnson, Idaho Conservation League; Scott Stouder, Trout Unlimited; Jim Riley, Riley and Associates; Jim Caswell, public at large; Alex Irby, Knokolville Lumber; Alan Prouty, Simplot; Tom Bowman, Blaine County Commissioner; Bill Higgins, Idaho Forest Group, LLC.

**Others Present:** David Hensley, Governors Office; Mike Roach, Sen. Risch; Mitch Silvers, Sen. Crapo. Jonathan Oppenheimer, Idaho Conservation League.

**Forest Service:** Harv Forsgren, R4 Regional Forester (on phone); Karen Mollander, R1 Planning Director (acting for R1 Regional Forester Leslie Weldon); Steve Cossette, WO Roadless Coordinator, Joan Dickerson, Idaho Roadless Coordinator R1&R4; Andy Brunelle, R1 &R4 Capitol Coordinator; Christine Romero, Public Affairs (notetaker); Frank Roth, R4 Planning director (on phone); Marty Gardner, Clearwater National Forest; Rachel Young, Nez Perce National Forest, Terry Nevus, Nez Perce National Forest.

**Commission Chair**

The commission elected Jim Caswell as Chair and Dale Harris as Vice-Chair.

**Commission Members Update Discussion**

The initial discussion was to identify who is currently on the commission. The commission consists of the following members representing the interests identified in the Executive Order No. 2006-43.

1. Jim Riley, Alex Irby, Bill Higgins, Alan Prouty, Brad Gilbert
2. Chris Wood, Rick Johnson, Dale Harris, Vacancy, Vacancy
3. Dan Dinning, Tom Bowman, Bob Cope, Jim Caswell, Patty Perry

The Governor will send out a letter of appointment to those members appointed to the commission under the new executive order.

**Executive Order**

Executive Order 2006-43 was signed in 2006 and expired at the end of the calendar year 2010. The group discussed making the following adjustments to the order:

**Commission Representatives (Interest Categories)**

Group discussed the categories to see if they're too narrowly defined. Commission discussed adjusting categories to meet commission's need.

### **Commission Recommendations for changes to interest categories**

- Change 2(e) from “nationally or regionally recognized wild horse and burro interest groups” to “nationally or recognized wildlife and sportsman’s group and interested group.”
- Strike 3(d) “school officials or teachers.”

### **Commission Chair/Co-Chair**

Old Executive Order states the Governor the Chair of the Commission shall be appointed by the Governor from Governor’s Office staff or the membership of the Commission.

### **Commission recommendation for changes in commission chair**

- Change the wording to allow the commission to elect its own chair.
- Change the wording to allow for a vice-chair

### **Commission Vacancies**

Hensley asked the commission to be thinking of recommendations for the two vacancies to propose to the Governor.

**Members are to submit their recommendations to Jim Caswell and David Hensley by May 13.**

### **Commission Membership Changes**

Commission discussed membership and if the group should include IDL, OSC and Idaho Fish and Game. The additional people would increase membership to 18. Discussion revolved around the potential effects of adding these people “ex-officio” or as full members. In addition, the commission discussed the fact that Chris Wood will no longer be able to participate and he recommended Scott Stouder as his replacement. Jim Riley discussed his participation and said that if there was someone else wanting to fill his position he would stand down. If not, he would stay on the commission. In addition, the commission discussed having the executive order identify a desire for appointing members representing all areas of Idaho.

The commission also discussed the length of commission appointments. The appointments will last for the length of the Executive Order which will correspond to the length of the Governors term, plus some amount of overlapping time with new term.

### **Commission recommendations for changes in membership**

- Modify the Executive Order to say that the commission has the ability to reach out to the heads of the State agencies and invite them as needed to participate at the group’s request.
- Replace Chris Wood with Scott Stouder.
- Retain Jim Riley on the commission.

**David Hensley will draft new executive order for commission to look at for review.**

### **Commission Charter**

David doesn’t think there is a need for a charter since the Executive Order and protocols serve as charter. Executive order will direct that protocols for group be developed and/or continued.

The number of inventoried roadless areas will be revised from 275 to 250 to match the Rule.

## **Alternates**

The group discussed alternates. The discussion focused on what the intent of alternates was and for what (working group v. steering group). Rick Johnson brought a motion for Jonathan Oppenheimer to be his alternate on the commission, but later retracted that motion.

**Decision.** Table the discussion until the next meeting, at which time all of the protocols will be reviewed and modified as necessary.

## **Litigation Update**

This was an informational update regarding the legal challenge of the Idaho Roadless Rule. Federal District Court Judge Winmill said Forest Service did not make any violations. Decision was appealed to 9<sup>th</sup> Circuit Court. Governor is committed to standing behind federal partners on the rule. Paperwork will be filed with mediator and so far no date has been set. (9<sup>th</sup> circuit has requirement to try and solve issues through mediation). The tribes, Governor, mining association were denied as interveners and the Governor is appealing this decision. Projected timeline for this – 18 months. No request for injunction so the rule is in effect.

## **Outreach, Training, and Next Steps**

The group discussed doing outreach with the Forest Service leadership to discuss and educate them about the Rule. Suggestions were to go on the road and do presentations to the Forest Supervisors, fire plan working groups, as well as others. The R1 and R4 Idaho National Forests Forest Supervisor's have a yearly meeting, usually in February or March.

**Decision.** Have a smaller committee come up with talking points and materials for this outreach. Jim Caswell and Dale Harris agreed to work on this and prepare a perspective to share with the Forest Service. Prepare materials to present at the Forest Supervisors meeting next year.

## **Kootenai/Idaho Panhandle (KIPZ) NF Forest Plan**

The Environmental Impact Statement for the Idaho Panhandle NF revised plan is scheduled for release in July 2011. Proposed plan matches roadless rule. The 1982 provisions require alternatives to be distributed between the minimum resource potential and the maximum resource potential to reflect to the extent practicable the full range of major commodity and environmental resource uses and values that could be produced from the forest. In order to meet this requirement, the KIPZ is considering an alternative that would recommend more wilderness than the proposed action, as well as the no action alternative (existing plan) which recommends less. These alternatives would not be consistent with the rule – they do not match areas classified as Wild Land Recreation.

The discussion revolved around whether or not the commission believed it was appropriate for an alternative to be considered (in detail) that was not consistent with the management direction in the Idaho Roadless Rule, and how that would be perceived by the public and others. They also wanted to better understand why an alternative that was inconsistent with the rule needed to be considered at all, how the rule would apply to a revised plan with inconsistent direction, and whether or not the rule would need to be modified if an alternative that was inconsistent with the rule was adopted.

**Decision** – Cope to draft a letter – initial version provided to the commission for comment. Letter will not go out until after the Draft EIS is released for comment and the commission can review it in more detail. Commission recommends to the Governor that the FS select an alternative that is consistent with the rule. David will explore more on why alternatives were developed that were not consistent with the rule (what is the legal reason).

## **Community Protection Zone**

Under rule, the Forest Service can do things in community protection zones (CPZ) but doesn't give specifics on how to map a CPZ. Joan presented a 4-step process (Delineation of a CPZ Under the Roadless Rule).

**Decision** – Group agreed the updated approach met the intent of the Rule. However, they would like see more discussion on how to evaluate a CWPP to see if CWPPs considered the appropriate information to determine communities at risk. They suggested that more discussion be added based on the *Federal Register* notice that was referenced.

## **Orogrande Fuels Project**

Elk City Ranger District employees briefed the commission and gave a status report on the Orogrande Fuels Project (briefing paper included). Project identifies a CPZ around the community of Orogrande and proposes timber harvest and temporary road construction within the CPZ. The group discussed the CPZ requirements, treatments, road construction and potential plan amendments. The FS will be looking at an alternative for no road construction.

**Decision** – The group believes the proposal meets the provisions of the Rule and should go forward. The group would like to be kept informed about the progress of this project, including an update at the next meeting. They would like an update as to the feasibility of no road construction.

## **Upper North Fork Project**

Russ Bacon gave an update on the project specifically changes to how CPZ was mapped. Russ re-mapped the CPZ boundaries (map provided) based on discussions in September 2010. Timeline includes NOI and scoping out in mid-May. DEIS in early fall and decision May 2012.

**Decision** – group supports project and believes it meets the provisions of the rule and should go forward with scoping. The remapping of CPZ meets the intent of the Rule. The group would like to be kept informed about the progress of this project, including an update at the next meeting.

## **Liberal Willow Project**

The Liberal Willow Project is located on the Sawtooth NF and proposes timber cutting in Primitive. The project has been scoped two times (briefing paper included). The group discussed the activities in Primitive, their purpose, and large tree requirements.

**Decision:** The group believes the proposal meets the provisions of the rule, especially the need to restore resilient ecosystems by reintroducing fire and restoring aspen. The group would like to be kept informed about the progress of this project, including an update at the next meeting. They would like the analysis to be explicit on how the large tree requirements will be met and how the activities are consistent with the primitive theme.

## **Dairy Syncline & Associated Land Exchange**

Rob Mickelson (Caribou-Targhee NF) provided follow-up discussion from last fall (briefing paper included). This is a proposed new phosphate mine within the Huckleberry Roadless Area and includes a land exchange proposal to exchange lands within a roadless area for lands adjacent to another roadless area (adjacent lands are also roadless). A tailings pond is proposed on the lands to be exchanged. JR Simplot is proposing to exchange section 1 for section 36 to put the tailing pond. Not all of section 36 may be used for the tailing pond. Section 1 is part of Huckleberry Roadless Area. Commission wants to know what section 1 looks like. Section 36 is adjacent to the Sage Creek Roadless Area and has very little development, currently grazed, no roads and no trails.

The commission discussed what management theme would be applied to the new parcel, the concept of land exchanges in roadless areas (the rule doesn't preclude it), whether or not there were other options for the lands to be acquired, as well as for the tailings pond.

Trout Unlimited provided a values map on the lands to be acquired and exchanged from TU's perspective. Species of concern is Yellowstone Cutthroat. Crow Creek has Yellowstone Cutthroat where trade parcel is. Section 1 is sage grouse habitat. Parcel Simplot is offering has values too. TU wants to talk to Simplot further about values.

**Decision:** Share TU map with everyone on commission. The committee needs to have more discussion to follow long-term solution. Some individual members will be working with Simplot to see if there are other options. The group would like to be kept informed about the progress of this project, including an update at the next meeting.

## **Free Gold**

This was an informational update. A supplement to the EA is going out for public comment (see briefing paper). Once the agency has reviewed comments received, then Harv will make a decision.

## **Dahlen Mineral Sampling Plan of Operations**

Informational. ICL brought this project to the commission's attention because ICL will be watching it closely and it's a project in roadless that could get attention. Dahlen is a hard rock mineral exploration project (1872 Mining Law) and is not subject the rule (briefing paper provided).

## **Miscellaneous**

Create time on agenda for exchange of information when something comes up that may be of interest to the commission so there are no surprises.

## **Round Robin**

Commission should write a letter of thanks to Tom Perry.

Fall meeting – will look at dates

Next meeting agenda items –

- Revisit protocol
- Discuss alternates
- Review Cope's support letter of KIPZ plan
- Dale and Jim need to put together training package for Forest Service
- Need letterhead designed.