

Governor's Roadless Commission



Idaho Roadless
Rule

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Idaho Roadless Commission

Meeting Notes
April 5, 2012
Boise, Idaho

Attendees:

Commission Members: Jim Caswell, Chair; Dale Harris, Vice-Chair; Tom Bowman, Blaine County Commissioner; Bill Higgins, Idaho Forest Group; Scott Stouder, Trout Unlimited; Dan Dinning, Boundary County Commissioner; Patty Perry, Kootenai Tribe of Idaho; Jim Riley, Riley and Associates; Robert Cope, Lemhi County Commissioner; Alan Prouty, Simplot; Jonathan Oppenheimer, Idaho Conservation League; Brad Gilbert, Recreation User; Alex Irby, Public Lands Access Year- round (on the phone)

Others: Tom Perry, Idaho Governor's Office; Mitch Silvers, Sen. Crapo's office; Mike Roach, Sen. Risch's office, John Sandy, Sen. Risch's office.

Forest Service: Harv Forsgren, R4 Regional Forester, Jane Cottrell, R1 Deputy Regional Forester, Joan Dickerson, Idaho Roadless Coordinator R1 & R4; Mary Farnsworth, Idaho Panhandle National Forest Supervisor; Kent Wellner, IPNF Forest Planner.

Commission Business:

Next meeting – June 28
Field trip to Orogrande – June 29
Logistics worked on soon.

Idaho Roadless Rule Litigation:

Briefing has been extended due to agency attorneys workloads.

New Projects – for information

Idaho Power line. Add existing road to system for access. Scoping scheduled for May 2012.

Husky North Ridge Phosphate Plan will look at phosphate development on existing and unleased areas. Forest wants to construct road – new road construction within area on Map 3-20. Scoping will be out shortly. **Joan will e-mail color map out to commission.**

Idaho Panhandle National Forest, Forest Plan Revision Overview

Mary Farnsworth provided an overview of the Idaho Panhandle National Forest, Forest Plan revision. The draft environmental impact statement (EIS) and draft plan were released to the public in December 2011. The end of the comment period has been extended to May 7, 2012.

The Draft Plan was developed through a collaborative process that occurred in 2004 and 2005.

Purpose of the discussion was to present an agency review of the Draft Plan and Draft EIS and the Idaho Roadless Rule. The Forest Service presented two documents

1. *Comparison of the Idaho Panhandle 2012 Draft Forest Plan and the Idaho Roadless Rule. This document summarizes findings of the review*
2. *Detailed Spatial Comparison of the Idaho Panhandle 2012 Draft Forest Plan and the Idaho Roadless Rule. This document provides more detailed regarding the spatial comparison of the Draft forest plan Management Area allocations and the Idaho Roadless Rule classifications.*

Sen. Risch attended a portion of the Commission meeting to talk about the intent of the rule and his role in forming the commission and what his expectations were. He stated this that the discussion the Commission was having was exactly what he envisioned for resolution of roadless rule issues. Idaho is the only state with such a rule and it sets a precedent. Wilderness was left out of the discussion – purposely didn't use word wilderness. The rule once published has full effect of the law. Rule-making process is in place. The Idaho Roadless Rule is the law of the land. Senator Risch says the commission should not think about considering/not considering wilderness – that's for Congress to decide.

Tom Perry – the intent of the rule focused on roads, timber and minerals, prohibitions and permissions. Preferred alternative should be consistent with rule.

Review of the Findings

Kent Wellner, IPNF Forest Planner addressed the findings from the above documents.

Part 1.

The IPNF 2012 Draft Forest Plan language needs clarified and strengthened to make a more direct link between the plan standards and the Idaho Roadless Rule.

- 1) The Draft Plan language is not clear on direction regarding mineral leasing in MA 1b, MA 1c, MA 1e.
- 2) The Draft Plan language is inconsistent regarding road reconstruction in MA 3 Mallard Larkins Pioneer Area
- 3) The Draft Plan language needs to refer to the Idaho Roadless Rule for MA 3 Mallard Larkins Pioneer Area
- 4) The Draft Plan language for MA 5 Backcountry needs to be clear the Idaho Rule Backcountry Restoration direction applies (not other standards that may be more limiting).

Committee agreed that if these changes were made then the IPNF Forest Plan would comport to the Idaho Roadless Rule. Committee suggested the plan just reference the Rule on all applicable points (Management direction tied to Access and Recreation, Timber, and Minerals).

Other discussions about MA 5 (Backcountry)

Some Commission members wanted more information about MA 5 Backcountry located outside of Idaho Roadless Areas. Comments included: “Where and why is MA 5 outside of Idaho Roadless Areas? This appears to be expanding the roadless expanse.” Response: “Some of the MA 5 outside of Idaho Roadless Areas is in other states where the 2001 Roadless Rule would apply.” Additional comments: For those lands in Idaho the agency should also look to see whether or not the direction should be similar the Idaho Roadless Area direction – specifically the direction for community protection zones as this may cause problems and confusion during implementation.

Part 2.

Finding 1. Twenty-nine roadless areas fully comport with the Idaho Roadless Rule themes.

Commission agreed with the findings based on the premise the Plan language is “tidied up” in the final plan.

Finding 2. Modifications to the Idaho Roadless Rule due to land exchanges and minor changes/corrections associated with Forest Plan Special Areas should be completed prior to the final plan.

- a. Land exchanges – 5 roadless areas affected.

Commission agreed that modifications to the Idaho Roadless Rule should be pursued after the following steps take place.

- 1) **Identify whether or not the areas are inholdings.**
- 2) **Do the acquired lands have roadless characteristics?**
- 3) **Did the agency receive public comment on these areas?**
- 4) **What do adjoining pieces look like?**
- 5) **Discuss with the affected county commissioners and tribal governments.**

b/c. Corrections/modifications due to Forest Plan Special Area errors in Upper Priest and Salmo-Priest IRAs.

Commission recommended these corrections/modifications proceed.

Correction to Idaho Roadless Rule for Buckhorn Mountain. 100 acres of this roadless area should be shown as a Kootenai National Forest Roadless Area with an associated name “x” in 36 CFR 294.29.

Commission recommended this correction proceed.

Finding 3. Correct anomalies in rounding acreages for seven roadless areas

Commission recommends rounding anomalies be corrected in the Final IPNF EIS.

Finding 4.

The management area assignment for portions of two roadless areas (Mallard Larkins and Selkirk) may be causing confusion.

Mallard Larkins Pioneer Area (MA 3)

The commission had a detailed discussion regarding the Mallard Larkins Pioneer Area (Management Area 3). Mallard Larkins Pioneer Areas MA 3 background

- This area was recommended wilderness in the 1987 Plan
- The area has been recognized as the “Mallard Larkins Pioneer Area” since 1969 and is shown on Forest travel maps as such. It is a very popular recreation area consisting of high mountain lakes.
- The MA 3 management direction is generally equivalent to MA 1b recommended wilderness

The commission members agreed that if the language in the Final Plan was cleaned up to recognize the Idaho Roadless Rule direction for this area then the Plan would comport to the Rule.

Both the Proposed MA 3 Mallard Larkins Pioneer Area and MA 1e Primitive area (Selkirks) had been recommended wilderness under the IPNF 1987 plan. Some members of the commission felt that changing the name of the MAs to something other than recommended wilderness was not consistent with the “spirit” of the Idaho Roadless Rule, even though much of the management direction reflected the same direction as recommended wilderness. Other members did not necessarily agree that all lands in the Wild Land Recreation theme needed be identified as recommended wilderness in the revised forest plans.

The Commission members discussed whether or not the MA allocation (MA 3, Special Interest Area) was the appropriate MA allocation for the Mallard Larkins Pioneer area. The commission discussed some other options including:

- a. Change MA3 Mallard Larkins Pioneer area to MA1b Recommended Wilderness/Mallard Larkins Pioneer Area. The management direction could reflect the wilderness character as well as the Pioneer Area and apply any specific direction (e.g. chainsaws could be used to clear trails).
- b. Keep MA3 – Clearly state the Idaho Rule applies (Wild Land Recreation direction – not Forest Plan Special Area direction).
- c. Give the area its own MA allocation – (e.g. MA1f Mallard Larkins Pioneer Area) and clearly state the ID Roadless rule Wild Land Recreation direction applies. If in an MA 1 category this would recognize the special wilderness characteristics but not put the title “recommended wilderness” on it.

The committee decided to not recommend, prioritize, or agree to any of the above because they determined it was outside the scope of their review. However, they wanted their discussion of the issue reflected in the committee notes (see MA Allocation discussion).

Selkirks MA 1e Primitive

The commission had a detailed discussion about the Selkirk Roadless Area wild land recreation theme and the MA allocation of MA 1e Primitive.

The Commission discussed the converse effect of the Mallard Larkin’s discussion. The Idaho Rule added an additional 11,000 acres to WLR, over and above the Existing Plan and Proposed Rule. The Commission noted that both Recommended Wilderness (MA 1b) and the Primitive allocation (MA 1e) would meet the intent of the Rule. The Commission did not attempt to agree or prioritize the allocation

of this area, other than the determination that either management area allocation would be consistent with the Wild Land Recreation theme of the Rule.

The commission members agreed that if the language in the Final Plan was cleaned up to recognize the Idaho Roadless Rule direction for this area then the Plan would comport to the Rule.

MA Allocation discussion

The following documents the commission's discussions regarding the MA allocations.

Alan - it comes down to overlay of themes. The rule takes precedence – then the Forest Service allocations are underneath.

Alex – Forest Supervisors' intent is not to deviate from the rule. Intent to have Pioneer area have special use until Congress declares it wilderness. Backcountry Horseman and Forest Service have strong relationship and that's why there was a need for a special designation.

Brad – recommended wilderness takes place in forest plan based on public comment. Letter should not address wilderness.

Took to heart Sen. Risch's comments. We strayed from the confines of the rule. Forest Service has good input from commission.

Cope – doesn't feel wilderness fits in rule. Standard for wilderness is in the themes. What is allowed/what is not allowed. This is what the rule is about. Road building, tree harvest and minerals. Stay with wild land recreation theme.

Dale - plan is still in its comment period. Let's wait for the comments. The comments could change things.

Dan – county commissioner said boundaries were adjusted. If the rule says a certain designation fits – it fits – wild land recreation. It's about the rule.

No recognition for opposition viewpoint. We are like a judge who says this is the law. Cannot in the context of this group allow beliefs to contradict the rule.

Jonathan –

Strong commissioner in Benewah County – big influence – A local working group that provided input on the St. Joe Travel Management Plan agreed this place would not have motorized use – but have chainsaw use. Benewah County does not want recommended wilderness, however they should not have veto power of the rule, or the Forest Plan. ICL is not silent on this issue and will advocate recommended wilderness in forest plan. As a result of the discussion and understanding of other Commission members at this Commission meeting, ICL hereby reserves the right to advocate for the expansion of recommended wilderness through Forest Service planning process while not going against the rule as part of the commission. Because the Rule does not address Recommended Wilderness, we recognize that such advocacy is not inconsistent with prior commitments to support the rule. We can co-exist in different positions; however this is not our desire.

That said, Jonathan believes the rule is undermined as a result of the developments that were discussed at today's Commission meeting. With regards to the IPNF Forest Plan, we feel that the rule is

undermined because the areas (Mallard Larkins in particular, and the Selkirks MA 1e) were not allocated to MA 1b recommended wilderness. ICL is very concerned that if the Forest Service only has to be consistent with the prohibitions/permissions of the Idaho Roadless Rule then the agency would not have to recommend any areas as wilderness in the future. This would undermine the collaborative spirit under which the Idaho Roadless Rule was developed. ICL had the impression that those lands classified as Wild Land Recreation in the Rule would be considered/recommended for wilderness in future plans.

When you say wilderness has nothing to do with rule – it really does. Wants all the differences characterized in letter – each person’s interests characterized.

Patty – not proposing we move forward this way again. Kootenai tribe is not commenting or taking a position on Mallard Larkins. The Tribe will provide comments on Selkirks. We need to be on the ground to see plan revision early. Hopes there are not any negative feelings with Jonathan.

Jim C – recommend moving Mallard Larkins MA 3 back to 1b – recommended wilderness

One thing I’ve learned is that we need to pay attention to the plans as they’re developed. Mistakes in the plan have caused these problems today.

Jim R - Forest Service started this by asking how does their plan fit with the rule. We’ve trapped ourselves thinking the rule is about restrictions when it’s about permissions, too.

Scott – doesn’t want the Mallard Larkins fragmented. Concerned over decision on this and the precedence this sets for future decisions. Wild Land Recreation has highest protection level in the rule. Goal is to judge whether forest plan is within the boundaries of roadless rule. What we’re here for is determining if it’s in the technical parameters of the rule. Spirit of rule is a two-edged sword. Those that want to advocate for wilderness need to do so through other venues.

Future Forest Plan Revisions

The commission also discussed principles for future forest plan revisions and identified the following suggestions.

- a. Review the Idaho Roadless Rule draft and final EIS theme classifications in an effort to understand where changes were made.
- b. To the maximum extent possible use the same terminology as the Idaho Roadless Rule.
- c. Do not confuse terminology (e.g. Primitive Management Area for lands in a Wild Land Recreation theme).
- d. Include standards consistent with the Idaho Roadless Rule provisions.
- e. A proposed Plan should not deviate from the Idaho Roadless Rule unless there is new compelling information that was not considered in rule-making.