

Meeting Summary
Roadless Area Conservation National Advisory Committee
April 1-2, 2008
Yates Building, U.S. Forest Service, Washington DC

Participants

Committee Members Present:

- Darin Bird – Utah Department of Natural Resources
- Adena Cook – Blue Ribbon Coalition
- Robert Cope – County Commissioner Lemhi ID
- Paul Hansen – The Nature Conservancy
- Dale Harris, RACNAC Co-Chair – Montana Wilderness Association
- Geraldine Link – National Ski Areas Association
- Jim Riley – Intermountain Forest Association
- Todd Schulke – Center for Biological Diversity
- Ray Vaughan – WildLaw
- Chris Wood – Trout Unlimited

Committee Members Absent:

- Jeff Eisenberg – National Cattlemen’s Beef Association
- Greg Schaefer, RACNAC Co-Chair – National Mining Association and Arch Coal
- Denny Scott – Carpenters Union

U.S. Forest Service

- Brad Gilbert, Team Leader for Idaho Roadless Rule EIS, USFS
- Joan Dickerson, Environmental Coordinator, Region 1, USFS
- Jessica Call, RACNAC Coordinator, USFS
- Richard Cook, DFO, Deputy Director EMC, USFS
- Bill Supulski, Roadless Area Conservation Coordinator, USFS

Idaho

- Thomas Perry, Counsel to the Governor, State of Idaho

Facilitators:

- Kathleen Rutherford, Kearns & West
- Janet Thomson, Kearns & West

Members of the public:

- Brad Brooks, The Wilderness Society
- Christy Goldfuss, Environment America
- Mat Jacobson, Heritage Forests Campaign
- Jonathan Oppenheimer, Idaho Conservation League
- Scott Stouder, Trout Unlimited
- Rob Vandermark, Heritage Forests Campaign
- Joel Webster, Theodore Roosevelt Conservation League

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Committee Agreements

RACNAC Meeting: The RACNAC resolved to hold a one day meeting out West in late April or early May to complete recommendations on the draft Idaho rule.

Committee Advice on the Backcountry/Restoration theme: The RACNAC built on its agreement from the February meeting that the lands managed under the Backcountry/Restoration theme are not uniform and therefore should not be subject to uniform management. The RACNAC agreed to the following management direction as advice to the Secretary on lands in the Backcountry/Restoration theme.

Community Protection Zones (CPZ) - Purpose, Definition and Standards

The purpose of the CPZ is to enable the necessary flexibility for protection of communities and municipal watersheds on the edges of Roadless areas from wildland fire.

The Committee agreed to delineate the CPZ with the geographic definition set forth in the Healthy Forest Restoration Act (HFRA) standards for Wildland-Urban Interface lands (defined in section 101(16)(B) and including municipal water supply systems). This section defines Wildland-Urban Interface as:

- (i) an area extending ½ mile from the boundary of an at risk community;
- (ii) an area within 1 ½ miles of the boundary of an at-risk community, including any land that
 - I. has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community;
 - II. has a geographic feature that aids in creating an effective fire break, such as a road or ridge top; or
 - III. is in condition class 3, as documented by the Secretary in the project-specific environmental analysis; or

Standards inside the CPZ include:

- temporary roads permitted only when project or treatment cannot be reasonably accomplished without a temporary road and there are no other reasonable alternatives;
- treatments must be consistent with Forest Plans; and
- no additional test for significant risk.

Protecting Communities from Wildfire Outside of the CPZ

Exceptions for treatments outside the geographically defined CPZ may be permitted on a project by project basis. These projects include community identified high priority areas, and they are subject to a significant risk test and other standards and procedural requirements. Standards include:

- demonstration of how project balances maintaining roadless area values and characteristics with community protection;
- large tree retention as applicable; and

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temporary roads permitted only when project or treatment cannot be reasonably accomplished without a temporary road and there are no other reasonable alternatives

Procedural requirements include:

- review of projects by State Implementation Commission (with a RAC-like structure, as recommended in the December 19, 2006 letter from the RACNAC to the Secretary) and
- Regional Forester approval.

Determination of significant risk to communities and municipal water supply systems

The Committee agreed that the determination of significant risk should be based on factors that indicate a wildland fire would have adverse effects to a community and/or municipal water supply system or the maintenance of a system. They agreed to a common set of criteria that should be used in the determination of risk, given that the Forest Service will use these criteria to further detail the risk determination process in the future.

The determination should be based on specific ecological conditions and the contexts in which they occur. The ecological conditions and context should be the following (including but not limited to the elements in “Protecting People and Natural Resources: A Cohesive Fuels Treatment Strategy, February 2006”¹):

- Fire occurrence – probability of ignition
- Fire hazard –
 - fire regime, condition class, fuel availability, vegetative condition
 - vegetation type, structure, composition, insect and disease activity
 - topography and terrain
 - conditions of a broader landscape
 - infrastructure
 - fire protection capability
 - and other elements to be determined or developed
- Values at-risk communities and municipal water supply systems

Forest Health Treatments on Backcountry/Restoration Lands to Maintain or Improve One or More Roadless Area Characteristics Over Time

The RACNAC agreed to recommend (but not be limited to) the exceptions listed in the 2001 Roadless Rule (CFR 294.13(b)(1)), stating that forest health treatments in the Backcountry are allowable when the objective is:

- To improve threatened, endangered, proposed, or sensitive species habitat; or
- To maintain or restore the characteristics of ecosystem composition, function and structure, or to reduce the risk of uncharacteristic wildfire effects

¹ Available at http://www.forestsandrangelands.gov/resources/documents/CFTS_03-03-06.pdf

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The Committee also contemplated including the following thoughts in their advice to the Secretary:

- Acknowledgement that there are shared risks and responsibilities for fire among the USFS, State, counties, insurance companies, private landowners, and other stakeholders; and
- A recommendation that a partnership be formed to explore durable solutions for how to best handle this shared risk.

Additional Meeting Highlights

Welcoming Remarks and Introductions:

Dale Harris, RACNAC Co-Chair, welcomed the Committee. Kathleen Rutherford reviewed the ground rules and agenda.

A Committee member noted that while the group is positioned to craft productive recommendations, concerns remain as to whether this advice matters, and if so how it will be utilized. Issues identified included transparency, trust and credibility.

Community Protection Zones in the Backcountry/Restoration theme:

The RACNAC defined Community Protection Zones (CPZs) that would serve to protect communities and municipal water supply systems from wildland fire in the Backcountry/Restoration theme. Inside the geographically determined boundary of the CPZ the primary objective is community protection. Outside of that geographically determined boundary, higher standards for road building and timber cutting are necessary in order to strike a balance between protecting communities from wildland fire risk and preserving roadless area characteristics and values.

CPZs will be defined by the Healthy Forest Restoration Act (HFRA) standards for Wildland/Urban Interface lands (defined in section 101(16)(B), and including municipal water supply systems). The USFS will define the key standards, requirements, and definitions from HFRA that should also apply. Within these CPZs, community protection is the primary objective. Temporary roads would only be permitted when proven to be a measure of last resort (cannot be reasonably accomplished without a temporary road and there are no other reasonable alternatives). Treatments must be consistent with Forest Plans and there is no additional test for significant risk. It was noted that clear definition of temporary roads would clarify this guidance.

The Committee discussed when treatments to protect communities from wildland fire would be permitted *outside* the CPZs. The Committee agreed that the following standards/criteria would need to be met for such activities to occur;

- project approval occurs on a project-by-project basis;
- projects occur within community-identified high-priority areas;
- temporary roads are only permitted as proven measures of last resort (cannot be reasonably accomplished without a temporary road and there are no other reasonable alternatives);

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- the project demonstrates how it will balance maintaining roadless area values and characteristics with community protection;
- large tree retention occurs, as applicable;
- projects meet the definition of significant risk (draft to be reviewed by USFS provided below),

Additional procedural requirements for treatment outside of CPZs include:

- Review of projects by State Implementation Commission (with a RAC-like structure), with the State and USFS to determine whether further review by the Implementation Commission is warranted; and
- Regional Forester approval of projects.

Additionally, the Committee discussed policy implications around the shared risks and responsibilities for wildfire threat. Acknowledging the intersection of interests, and considering recommending a partnership is recommended between the USFS, State, counties, insurance companies, private landowners, and other stakeholders to address fire risk to communities was discussed.

Definition of Significant Risk:

Issues discussed included the need for the rule to define significant risk, not constraining the use of state of the art tools in the future, and instituting a floor or minimum standards. Caveats for agreement here went to the need for the agency to wrestle with detailed definitions, and for the Committee to point out an effective starting point.

The determination of significant risk to communities and municipal water supply systems should be articulated in the rule according to the following criteria, assuming that the USFS reviews and provides further clarification on these criteria:

Significant risk is based on factors that indicate a wildland fire would have adverse effects to a community and/or municipal water supply system or the maintenance of a system. The determination is based on specific ecological conditions and the contexts in which they occur. The ecological conditions and context should be the following (including but not limited to the guidance in “Protecting People and Natural Resources: A Cohesive Fuels Treatment Strategy, February 2006”):

- Fire occurrence – probability of ignition
- Fire hazard –
 - fire regime, condition class, fuel availability, vegetative condition
 - vegetation type, structure, composition, insect and disease activity
 - topography and terrain
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- Values at-risk communities and municipal water supply systems

Forest Health Treatments on Backcountry/Restoration Lands to Maintain or Improve One or More Roadless Area Characteristics Over Time

The Committee discussed whether any forest health treatments should be allowed in the Backcountry apart from projects that reduce the risk of wildfire threats to communities. Discussion focused on whether more than the 2001 rule exceptions should be allowed to satisfy Lt. Governor Risch's stated need for increased flexibility in the Backcountry/Restoration theme. As a starting point the Committee agreed to the objectives stated in the 2001 Roadless Rule for roadless area forest health treatments (CFR 294.13(b)(1):

- improve threatened and endangered species, proposed or sensitive species habitat;
- maintain or restore characteristics of ecosystem composition, function and structure and reduce significant risk of uncharacteristic wildfire effects.

These objectives are valid only when an activity maintains or improves one or more Roadless characteristics outside the CPZ.

There was additional discussion about the protection of non-occupied private lands (such as private industrial forest lands and/or ski areas) and whether there should be exceptions in Backcountry for treatments to protect these lands from fire. Some committee members felt these private lands merited an exception, others felt that they didn't. Many noted that their agreement on whether a treatment should occur was contingent on the methodologies used (e.g. road building, timber harvest vs. prescribed fire, etc.).

Motorized Recreation

Another Committee member noted that there are inconsistencies regarding the way motorized recreation is addressed within the draft Idaho rule. Additional clarity is needed when it comes to the definition of the term "primitive," as the word is used to describe both a management theme and a scenario in the Recreation Opportunity Spectrum. It was proposed that the Committee's advice to the Secretary could request clarification of these inconsistencies. It was also noted that the travel management planning process can address these issues, and perhaps the advice letter to the Secretary could offer that as a solution.

Ski Area Management:

The RACNAC discussed options for dealing with ski areas within Idaho Roadless Areas. One option discussed was for ski areas to be changed to Forest Plan Special Areas. The Forest Plan Special Area for the ski areas would contain allocated ski area lands, including areas inside special use permit boundaries, areas addressed in a ski area's master development plan, lands allocated for ski area development under forest plans, and lands allocated for ski area development in forest plans. The management theme would have explicit recognition that ski area development in such ski area Forest Plan Special Areas is permitted, including necessary road building and tree removal.

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The RACNAC agreed to consider forming a recommendation on ski areas at the next meeting.

Protection of Private Property without Structures from Wildland Fire:

The RACNAC explored, and agreed to have further discussion about whether/how to protect private property without structures from wildland fire. Discussion addressed whether some protection should be granted to non-Forest Service property, and whether those protections would extend from inside the CPZ to areas outside of the CPZ. Additional information on the acreage of lands that would be affected was requested.

Public Comment:

The following oral public comment was offered to the Committee:

- Jonathan Oppenheimer (Idaho Conservation League). We request that the change clause include public notice and public comment regardless of whether the change is significant. Also, we need to draw a distinction between classified and unclassified roads because the proposed rule would allow development along existing roads. If this includes the 1800 miles of both classified and unclassified roads that currently exist, that would be a significant change. Also, note that state fire working groups are not fully collaborative since environmental interests in most cases have not been allowed to participate.
- Scott Stouder (Trout Unlimited). I am concerned that you may be advising that the State Implementation Committee not review some of the implementation aspects of the Idaho rule. Throughout this process we have operated under the assumption that a state body would be reviewing the implementation of the rule, and it is very important to some of us to have that state-level review in addition to any local or county-wide collaboration that is done. Also, there should be some reciprocal action for fires that are started on private property and spread to national forests. There are no ordinances where I live that require us to be responsible for ourselves, and the protection should go both ways. In addition to fires, the counties do not have ordinances protecting the spread of invasive species, and that should also be addressed. The invasive species easily spread to adjacent national forests. The RACNAC can recommend putting reciprocal language to address these issues in the final rule.
- Mathew Jacobson (Pew Environmental Group). I am nervous that the RACNAC may not have scheduled enough time to get through the remaining substantive issues that need to be addressed. I am also concerned about the extent to which the advice from the RACNAC is included in the final rule.
- Joel Webster (Theodore Roosevelt Conservation Partnership). My organization has been reviewing the extent to which the general forest areas in southeast Idaho match the forest plans. For over 400,000 acres the forest plans have stronger management guidelines than the general forest category. It would make more sense to have the general forest category

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consistent with the existing forest plans. The long-term implications are concerning. Many of the forest plans are focused on restoring ecological processes and functions, and the general forest theme is focused on providing a variety of goods and services and a broader range of recreation opportunities. That is a large difference.

Written comments to the Committee were received from:

- Coeur D'Alene Tribe
- Fred Hawkins
- Todd Moses