

Meeting Summary  
Roadless Area Conservation National Advisory Committee  
March 28-29, 2007  
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 – Izaak Walton League of America
- Dale Harris, RACNAC Co-Chair – Montana Wilderness Association
- Geraldine Link – National Ski Areas Association
- Jim Riley – Intermountain Forest Association
- Greg Schaefer, RACNAC Co-Chair – National Mining Association and Arch Coal
- Ray Vaughan – WildLaw

**Committee Members Absent:**

- Jeff Eisenberg – National Cattlemen’s Beef Association
- Todd Schulke – Center for Biological Diversity
- Denny Scott – Carpenters Union
- Chris Wood – Trout Unlimited

**U.S. Forest Service**

- Mark Rey, Under Secretary NRE
- Gail Kimbell, Chief of the USFS
- Jack Troyer, Intermountain Regional Forester, Region 4, USFS
- Richard Cook, DFO, Deputy Director EMC, USFS
- Jessica Call, RACNAC Coordinator, USFS
- Bill Supulski, Roadless Area Conservation Coordinator, USFS
- Randy Welsh, Intermountain Region Coordinator for Congressionally Designated Areas, USFS
- Pam Gardiner, Northern Region Planning Director, Region 1, USFS
- Brad Gilbert, Team Leader for Idaho Roadless Rule EIS, USFS
- Julia Riber, Northern Region NEPA and Litigation Group Leader, USFS

**Idaho**

- Thomas Perry, Counsel to the Idaho Office of Species Conservation

**Facilitators:**

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

**Committee Agreements**

**Advice Regarding USFS and State of Idaho Memorandum of Understanding:**

The RACNAC recommended that the U.S. Forest Service (USFS) and the State of Idaho sign the draft Memorandum of Understanding (MOU) as distributed to the RACNAC with a few minor wording edits. The Committee elected to send a note to the State of Idaho and USFS

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commending both entities for their successful cooperation and rapid progress made in the rulemaking process.

**Advice Regarding USFS and State of Idaho Draft Workplan:**

The RACNAC raised no substantive issues regarding the proposed USFS and State of Idaho Draft Workplan for Rulemaking.

**Advice Regarding USFS and State of Idaho Draft Notice of Intent:**

The RACNAC recommended that the USFS and the State of Idaho issue the draft Notice of Intent (NOI) as distributed to the RACNAC, with the following edits:

- Under the “Petitioned Action” section, provide further clarification regarding “areas of cultural, historic, and Tribal significance,” perhaps by naming the three areas proposed for inclusion.
- Consider adding a fourth bullet under the “Possible Alternatives” section to cover other issues identified during scoping.
- Throughout, ensure that nomenclature is consistent when referring to the 2001 Roadless Rule.

**Role of RACNAC Regarding Ongoing Idaho and USFS Rulemaking Activities:**

The RACNAC agreed that the co-chairs and Ray Vaughan will receive weekly update emails provided by Region 1 of the USFS regarding rulemaking activities to ensure that the full RACNAC is apprised of any developments requiring Committee attention. The Co-Chairs may also elect to join weekly update calls, and will apprise the whole Committee of progress and/or potential issue for deliberation as they arise. The full RACNAC will provide advice to USFS and Idaho on major deliverables such as the draft regulatory language and the Draft Environmental Impact Statement before they proceed through Washington Office clearance. The USFS and State of Idaho may consult with the RACNAC co-chairs as needed; the co-chairs will involve the RACNAC when appropriate.

**Discussion of Temporary Roads**

The RACNAC resolved to discuss temporary roads at the next full Committee meeting rather than continuing conversations in the Temporary Roads Subcommittee.

<b><u>Additional Meeting Highlights</u></b>
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**Welcoming Remarks and Introductions:**

Dale Harris, RACNAC Co-Chair, welcomed the Committee, members of the public, and attendees from the State of Idaho and USFS Regions 1 and 4. Kathleen Rutherford, Kearns & West, reviewed the agenda and ground rules. Richard Cook, the new Designated Federal Official (DFO) for the RACNAC, introduced himself to the committee.

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The RACNAC affirmed that Paul Hansen should remain on the Committee regardless of his upcoming change of employment and should advise the Secretary Johannes not to accept a resignation offer from Mr. Hansen.

The Committee reserved April 23-24 and the week of May 14th for potential future meetings.

**Overview of Litigation and Petition Status**

Bill Supulski provided an update on roadless rule litigation. On December 28<sup>th</sup>, Judge Laporte reinstated the 2001 roadless rule in her final judgment regarding the 2005 roadless rule. The Federal government has until April 9, 2007 to file an appeal. A hearing before Judge Bremmer regarding the Wyoming case challenging the 2001 roadless rule is scheduled for April 18<sup>th</sup>.

**Update from Mark Rey and Abigail Kimbell**

Undersecretary Mark Rey and Chief Abigail Kimbell thanked the RACNAC members for their work and provided comments regarding current and future Committee activities. Undersecretary Mark Rey expressed hope that the RACNAC will continue to provide advice on future state petitions and added that future advice from the RACNAC regarding roadless issues will be well received by the USFS. Undersecretary Mark Rey responded to RACNAC questions concerning the status of the Colorado petition. Chief Kimbell noted that she looks forward to seeing the results of the Idaho rulemaking process and other state petition processes that involved a similar degree of public involvement.

**Presentation from USFS and State of Idaho Regarding Idaho Rulemaking**

Pam Gardiner, Brad Gilbert, Julia Riber, and Randy Welsh from the USFS Intermountain and Northern Regions and Tom Perry from the State of Idaho provided a detailed update on Idaho Rulemaking activities. The presenters described their collaborative process leading to development of the draft Memorandum of Understanding (MOU), Notice of Intent (NOI), and workplan submitted to the RACNAC for review. The USFS and Idaho provided an overview of the contents of the NOI and the MOU, the rationale for developing a new Environmental Impact Statement (EIS) that relies heavily on and will reference existing data and analyses, and an anticipated timeline for developing the Final EIS and the Final Rule in August-September 2008.

Tom Perry explained the addition of a fifth management theme for Idaho Roadless Areas, the Special Areas of Cultural, Historic, or Tribal Significance, developed in response to requests for protection of three specific areas within the state. Lands designated in this way will be managed similarly to Primitive areas. Perry additionally updated the RACNAC on Governor Risch's Executive Orders. The Roadless Rule Task Force, revised under Executive Order 2006-44, is currently operating. The Implementation Committee, revised under Executive Order 2006-43, was altered in response to RACNAC advice that the state use a RAC-like structure. The Implementation Committee, once formed, will have fifteen members representing a variety of interests.

The USFS and Idaho expressed interest in meeting with the RACNAC at least twice more before the Final Rule and FEIS are published, once in June 2007 and once in July 2008. Both entities

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also encouraged the RACNAC to remain in contact with them to serve as a sounding board and source of advice.

**Discussion of Response to Greater Yellowstone Coalition Letter**

The RACNAC discussed how to respond appropriately to a letter received by the co-chairs in January from the Greater Yellowstone Coalition. A letter will be drafted and sent immediately by the co-chairs on behalf of the committee. The Committee resolved that the co-chairs should use their judgment in drafting responses to this and any future such communications.

**Brainstorm Ideas for Potential Future Discussion**

Committee members brainstormed potential opportunities for the RACNAC to provide valuable advice to the USFS to resolve long-standing, vexing issues of national scope. Undersecretary Mark Rey noted that a discussion of the definition of temporary roads, how and where they should be built and used, and their anticipated duration, would be a useful topic for the RACNAC to address. Additionally, a discussion of how the USFS defines valid existing rights and what framework the agency uses to evaluate them would be helpful.

In addition, committee members created the following list of potential topics for future consideration and discussion:

- Sustainable harvest in roaded portions of National Forests to relieve pressure on roadless areas
- Committee advice on APA Roadless petitions received from parties other than governors
- Survival of the RACNAC through a change of administration
- Clarification of exceptions listed under 2001 roadless rule
- Management of insect and disease infestations in Roadless areas
- Sustainable management of roadless areas, using small-scale model projects as a template for wider use
- Categorical exclusions - identifying common ground solutions that would make these contentious tools work as they should
- Fire management and its resulting effects on USFS budget

**Public Comment:**

Oral public comment was offered to the Committee but declined by public attendees. No written comments were received by the Committee.