

Meeting Summary
Roadless Area Conservation National Advisory Committee
April 25, 2008
Utah Department of Natural Resources, Salt Lake City, UT

Participants

Committee Members Present:

- Darin Bird – Utah Department of Natural Resources
- Adena Cook – Blue Ribbon Coalition
- Robert Cope – County Commissioner Lemhi ID
- Jeff Eisenberg – National Cattlemen’s Beef Association
- Paul Hansen – The Nature Conservancy
- 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
- Todd Schulke – Center for Biological Diversity
- Denny Scott – Carpenters Union
- Ray Vaughan – WildLaw
- Chris Wood – Trout Unlimited

U.S. Forest Service

- Tom Tidwell, Northern Regional Forester, Region 1, USFS
- Richard Cook, DFO, Deputy Director EMC, USFS
- Brad Gilbert, Team Leader for Idaho Roadless Rule EIS, USFS

Idaho

- Thomas Perry, Counsel to the Idaho Office of Species Conservation
- David Hensley, Counsel to Governor Otter

Facilitators:

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

Agreements

Timber Cutting Recommendations within Community Protection Zones:

The RACNAC clarified that the recommendation for hazardous fuel reduction inside Community Protection Zones (CPZs) allows temporary roads only when the project or treatment cannot be reasonably accomplished without a temporary road and there are no other reasonable alternatives.

Protection of Lands Outside Community Protection Zones:

The Committee agreed to recommend to the Secretary that the USFS provide information in the Final Environmental Impact Statement (FEIS) regarding the land acreage expected to be potentially affected by a provision allowing fuels reduction activities along evacuation routes.

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Ski Area Management:

The RACNAC agreed to recommend that the Idaho rule explicitly state that it does not prohibit road construction or reconstruction and tree removal associated with ongoing implementation of long-term ski area special use authorizations including areas inside ski area special use permit boundaries and areas addressed in a ski area's master development plan.

Temporary Roads:

Temporary roads would only be used for the specific project in question; would never be constructed without a mechanism and funding for road reclamation; would only be used for the limited amount of time necessary to complete the specified project; and would be bound by specific standards to minimize environmental effects.

Change Clause:

The RACNAC agreed to recommend text in the preamble to the Idaho roadless rule explaining that the change clause will use a NEPA-like determination of significance. All changes should trigger a 30-day public notice and comment period; that period can be used to determine whether changes are significant or insignificant. On significant issues, the 30-day public comment period should be extended or a mechanism to request time extensions should be provided. The RACNAC further agreed to recommend that the State Implementation Commission weigh in on whether changes are significant or insignificant. The RACNAC's previous recommendation to the Secretary of the USDA (December 19, 2006) regarding the use and composition of a RAC-like Implementation Commission still applies.

Timber Cutting for Forest Health Treatments Outside CPZs to Maintain or Improve One or More Roadless Area Characteristics Over Time:

The RACNAC clarified its agreement from the April 1-2, 2008 meeting regarding timber cutting for forest health treatments outside CPZs that will maintain or improve one or more roadless area characteristics over time. The RACNAC agreed to recommend 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, structure and function, or to reduce the risk of uncharacteristic wildfire effects.

Large tree retention will be required, as applicable.

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.

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Road Building for Forest Health Treatments Outside CPZs to Maintain or Improve One or More Roadless Area Characteristics Over Time:

The RACNAC discussed what provisions, if any, should be allowed for road building for forest health treatments outside CPZs to maintain or improve one or more roadless area characteristics over time. As a starting point, all members agreed that the exceptions listed for road building in CFR 294.12(b) of the 2001 Roadless Rule should apply.

Protection of Non-Federal Private Property Without Structures and Public Lands with Private Structures Adjacent to IRAs:

The RACNAC agreed to recommend that the USFS analyze the potential scope of the issue and consider options to address it in the FEIS.

Management Themes:

Based on the progress that the State and USFS are making on adjusting management theme descriptions and allocations, the RACNAC elected not to provide any additional guidance to the USFS on this topic.

Motorized Recreation:

The Committee determined that it is beyond the scope of the RACNAC's advice on the Idaho rule to make a recommendation on motorized recreation.

Recommendation Letter:

Chris Wood and Robert Cope will draft the letter of advice to the Secretary of the USDA and the Committee will aim to submit the final recommendation letter to the Secretary by May 15th.

<u>Additional Meeting Highlights</u>

Welcoming Remarks and Introductions:

Dale Harris, RACNAC Co-Chair, welcomed the Committee. Tom Perry and Tom Tidwell thanked the Committee for its continued efforts. The discussions and advice thus far has been useful to the USFS and the State and can be a model for future collaborative efforts to address long-standing contentious issues. Kathleen Rutherford, Kearns & West, reviewed the ground rules and agenda.

Meeting Summary from 1-2 April:

A number of changes were made to the meeting summary including striking the "measure of last resort" language attached to temporary roads, striking the language about evacuation routes because it was not discussed and agreed to at that meeting, and adding acknowledgement of the discussion on non federal property without structures.

Review of Timber Cutting Recommendations within Community Protection Zones:

The Committee reviewed and affirmed its recommendations from the April 1-2, 2008 RACNAC meeting regarding the treatment of lands within Community Protection Zones (CPZs). The RACNAC clarified that timber cutting for hazardous fuel reduction inside CPZs can only involve

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the creation of a temporary road when the project or treatment cannot be reasonably accomplished without a temporary road and there are no other reasonable alternatives.

Protection of Lands Outside Community Protection Zones:

Evacuation route language was discussed. Issues addressed here were further assurances for community protection, consistency with HFRA, and the inability to fully know what the on the ground impacts might be vis a vis acreage. The committee expressed broad support to allow for hazardous fuel reduction in areas adjacent to evacuation routes for community identified high priority areas on a project-by project basis, subject to a significant risk test and in cooperation with the Secretary, as well as other standards and procedural requirements defined at the April 1-2, 2008 RACNAC meeting. In these projects, the committee assumes that temporary roads will not be required. Full consensus was not reached, however, as one Committee member was not able to support this addition due to the lack of clarity on the quantity of land this measure would affect. The Committee agreed to recommend to the Secretary that the USFS provide information in the Final Environmental Impact Statement (FEIS) regarding the acreage expected to be affected by this provision.

Ski Area Management:

The RACNAC discussed management of ski areas and sought explicit clarification that road building and timber removal would be permissible if associated with ski area expansion in special use authorizations, master development plans, or areas allocated under a special area plan. The RACNAC additionally sought consistency within the Idaho roadless rule regarding ski area treatment throughout the State.

The RACNAC agreed to recommend that the Idaho rule not prohibit road construction or reconstruction and tree removal associated with ongoing implementation of long-term ski area special use authorizations including areas inside ski area special use permit boundaries and areas addressed in a ski area's master development plan.

Phosphate Mining:

The State has been working with industry to more clearly define the footprint of phosphate mining in the Idaho roadless rule. Because of the need to provide mining areas with access to materials and equipment, determining the footprint can be tricky. The forest plans include half-mile buffer zones around access routes, which nearly doubles the affected acreage. Current estimates are that phosphate mining may occur in approximately 12,000 acres, including buffer zones. The State has been working to ensure that the most high-quality roadless areas are not included in the phosphate mining footprint. There will be no general exception in Backcountry/Restoration areas for phosphate mining, and the Backcountry/Restoration lands that had been identified for phosphate mining will move to a General Forest designation.

The RACNAC expressed support for the recommendation that the Idaho rule eliminate the exception for phosphate mining in Backcountry/Restoration lands, and move the appropriate acres of Known Phosphate Leasing Areas and an appropriate buffer zone into General Forest lands. Consensus was not reached on this recommendation. The estimated total acreage will be

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12,000-15,000 acres. Temporary roads would only be used for the specific project in question; would never be constructed without a mechanism and funding for road reclamation; would only be used for the limited amount of time necessary to complete the specified project; and would be bound by specific standards to minimize environmental effects. All applicable activities under the National Environmental Policy Act (NEPA) would apply. It was noted that the State and USFS should refine the mapping and acreage estimates so that the public understands the proposed changes.

Change Clause:

The RACNAC agreed that there should be text in the preamble to the Idaho roadless rule explaining that the change clause will use a NEPA-like determination of significance. There should be a 30-day public notice and comment period for all changes; that period can be used to determine whether changes are significant or insignificant. On significant issues, the 30-day public comment period should be extended or there should be a mechanism for requests for time extensions. The RACNAC agreed to recommend that the State Implementation Commission weigh in on whether changes are significant or insignificant. The RACNAC's previous recommendation to the Secretary of the USDA (December 19, 2006) regarding the use and composition of a RAC-like Implementation Commission still applies.

Timber Cutting for Forest Health Treatments Outside CPZs to Maintain or Improve One or More Roadless Area Characteristics Over Time:

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- To maintain or restore the characteristics of ecosystem composition, structure and function, or to reduce the risk of uncharacteristic wildfire effects.

Large tree retention will be required, as applicable.

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.

Road Building for Forest Health Treatments Outside CPZs to Maintain or Improve One or More Roadless Area Characteristics Over Time:

The RACNAC discussed what provisions, if any, should be allowed for road building for forest health treatments outside CPZs to maintain or improve one or more roadless area characteristics over time. All members agreed that the exceptions listed for road building in CFR 294.12(b) of the 2001 Roadless Rule should apply. The Committee did not formulate any additional

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consensus recommendations. Beyond the road building exceptions, two key options emerged from discussion, each with partial support from the RACNAC:

1. No roads should be built for forest health treatments outside CPZs for reasons other than protection from wildland fire
2. Roads may be built under extraordinary circumstances, and where treatments are not possible without roads, if:
 - a. The need for the roads meets the significant risk standard;
 - b. A collaborative process defines a clear need for the roads; and
 - c. The temporary roads are defined as being available only for their intended use; are constructed with verifiable funding mechanisms to reclaim the land after the use period; are used for a limited period of time; the reclamation plan precedes road building; and the roads are engineered to minimize environmental effects.

Protection of Non-Federal Private Property Without Structures and Public Lands with Private Structures Adjacent to IRAs:

Building off that which was initiated on April 2, 2008 in Washington, DC, the RACNAC had a lengthy discussion on whether to allow for forest health treatments in IRAs adjacent to non-federal private property without structures and public lands with private structures to protect those lands from wildland fire.

Some Committee members felt that the issue of protection to these lands has been sufficiently dealt with through other protections provided for wildland fire. Additionally, there was question about whether the legal framework exists to raise this issue within the scope of the Idaho roadless rule. These Committee members wanted to remain silent rather than make a recommendation to the Secretary on this issue.

Others felt that these properties are in need of some additional protection from wildland fire. These Committee members felt that protection could be provided in a similar manner to properties outside CPZs (using a significant risk test, operating on a project-by-project basis, etc.). However, these Committee members were split as to whether roads could be built for this purpose under extraordinary circumstances, or whether no roads should be built to protect non-federal private properties and public properties with private structures from wildland fire. In either case, these Committee members felt that consideration should be given to counties that have well-developed, scientifically based CWPPs.

The RACNAC agreed to recommend that the USFS analyze the potential scope of the issue and consider options to address it in the FEIS.

Management Themes:

USFS provided an update to the RACNAC on management themes. USFS has been reviewing public, tribal, and RACNAC input regarding the language in the rule regarding management themes and reviewing the management theme assignments. The efforts are likely to result in a net reduction of acres in the General Forest management theme. There will be additional changes

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of acreage from Backcountry Restoration to Primitive themes and from Primitive to Wildland Recreation. Many of the changes to land designations will occur in the Caribou-Targhee National Forest.

Based on the work in progress, the RACNAC elected not to provide any additional guidance to the USFS on management themes.

Motorized Recreation:

The Committee discussed whether to provide a recommendation to the Secretary regarding motorized recreation. Through discussion it was determined that motorized recreation will be dealt with thoroughly in the travel management process and that it would be beyond the scope of the RACNAC's advice on the Idaho rule to make a recommendation on motorized recreation. The Committee noted that motorized recreation might be a topic for potential future discussions not specifically associated with a state roadless rule.

Next Steps:

Chris Wood and Robert Cope will draft the letter of advice to the Secretary of the USDA. The letter will be circulated to the committee for review a week prior to submittal to the Secretary. The RACNAC will aim to submit the final recommendation letter to the Secretary by May 15th. The Committee may expect to meet again in July or August to discuss the draft Colorado roadless rule and Draft Environmental Impact Statement.

Public Comment:

The following oral public comment was offered to the Committee regarding the proposed Idaho roadless rule:

- Scott Stouder (Trout Unlimited). I want to thank you all for the time and effort you have put into this effort.
- Jeff Cook (Idaho Snowmobile Organization). In Idaho the State used funds to make trails for ATVs and then closed all the single-track trails to motorcycles. The State funds benefited only user group and took away from another user group.
- Kit McGurn (Greater Yellowstone Coalition). I also want to thank you for your work and note that from the Greater Yellowstone Coalition's perspective, the Idaho rule still has a long way to go. Hopefully we will get there.
- Jonathan Oppenheimer (Idaho Conservation League). Regarding the issue of potential USFS action on non-federal private lands, there are extensive opportunities to modify fire behavior, treat fuels, change fire severity, and construct fuel breaks on private land. The primary interest is to protect economic interest on private lands and federal dollars should not be assisting that effort. If this effort was so important, industry would currently be happening all over Idaho and it is not. This is a non-issue. Regarding the construction of roads outside Community Protection Zones to do forest health

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treatments. I think they add to the problem. The Idaho DEIS looked at the increasing fire risk associated with roaded areas including increase weeds, impacts to water quality, wildlife, and fish, and the backlog of needed maintenance activities on roads. We have already made a lot of concessions when it comes to creating exceptions for protecting communities. A lot of progress has been made on this issue, and allowing new exceptions outside the CPZ for forest health treatments may cause additional ecological threats in the Backcountry.

No written comments were received by the Committee.