

Coeur d'Alene District Resource Advisory Council

Minutes of May 17 and 18, 2005
Sacajawea Inn, Lewiston, Idaho

May 17, 2005

In Attendance:

BLM: Lew Brown (District Manager), Stephanie Snook (RAC Coordinator) and guest presenters from BLM:

- Eric Thomson – Coeur d'Alene Field Office (CdA FO) Manager
- Kurt Pavlat – Coeur d'Alene Program Manager
- Greg Yuncevich – Cottonwood Field Office (COT FO) Manager
- Mark Craig – Cottonwood Program Manager

RAC Members Present: Bill Barteaux, Cora Patterson, Sheila Barteaux, Ronald Hood, Doug Boggan, John Barker, J.R. VanTassel, Mark Taylor, Sandy Emerson, and Cliff Osborne. **RAC Members Absent:** Bruce Brewer, Jerry Shriner, James Kingery (Two members have resigned and are no longer on the RAC: Bob Barry and Paula Laws).

Guests: Jeff Sayre, Regional Director for Senator Larry Craig, and Bonnie Butler, State Assistant to Congressman Butch Otter, and Ron Hanson an intern in Congressman Otter's Lewiston Office.

Welcome: Lew Brown started the RAC meeting at 10:35 a.m. and welcomed the RAC members and guests. Introductions were made around the room. Lew discussed items that were recent topics at the Idaho RAC Chair meeting in Boise on May 11, 2005.

- Budget: BLM is facing a flat to declining budget. Of the 800 employees state-wide, need to have a reduction of 35-40 employees to keep up with the reduced budget.
- Litigation: In the past three years litigation cases have grown astronomically. Of particular importance is the ruling in the recent decision on The Lands Council or Iron Honey project involving the Forest Service and the requirements the court is now placing on cumulative impacts analysis in NEPA documents. As a result, NEPA documents will take longer to complete and fewer projects will be completed.
- Tort Claims and Equal Access to Justice Act (EAJA) fees are increasing; we are required to pay attorney fees of the person/group who takes us to court and wins. In a recent tort claim involving using of the chemical OUST, the costs could be \$900 million.
- Emphasis on the good work BLM does in the Coeur d'Alene District: river program, recreation sites, land exchanges (state-wide), timber sales, forest management and land use planning efforts.

D. Boggan emphasized what he sees as one of the roles of the RAC – to keep BLM out of court. To be able to do this, the RAC must be involved, informed and help address issues before a case goes to court. Are we doing a good job?

D. Boggan asked what effect the declining budget will have on seasonal employment and, in particular, weed control. L. Brown emphasized that weed control efforts will continue to be a

high priority with funding about the same as in the past. G. Yuncevich explained that due to less funding, there will be no left over herbicide or money at the end of this year to buy herbicide for next year as we have done in the past. The COT FO will be down a couple of people but this shouldn't affect what we hope to get done.

Housekeeping/Agenda: S. Snook reviewed the housekeeping items, agenda, and expectations for the two day meeting.

RAC Updates and Nominations (S. Snook): Two RAC members have resigned; Paula Laws and Robert Barry.* We included these two positions in the recent Nomination period. These two positions will remain vacant until new RAC appointments are made in late September, 2005 and those appointees will fill the remaining term of those RAC members (one year each). We received 13 applications to fill seven positions – an excellent list of highly qualified individuals.

*R. Barry has moved out of Idaho and can no longer be on this RAC – the Charter requires the members be a resident of the state of Idaho. P. Laws resigned due to lack of time to serve on the RAC because her business is thriving. Since Paula Laws was elected as your Vice-chair at the December 2004 meeting; you will need to nominate and select a new Vice-Chair.

Field Office Issues – Healthy Forest Initiative and Healthy Forests Restoration Act
Eric Thomson provided a brief introduction into these two laws as well as an overview of the National Fire Plan. BLM has been involved with the local communities and counties to identify fire hazards and risks and has been involved with the counties in developing fire mitigation plans. Presentations and handouts were provided by Kurt Pavlat and Mark Craig (see handouts).

Snake River Basin Adjudication - G. Yuncevich provided a brief summary about the Snake River Basin Water Rights Adjudication process involving the Nez Perce Tribe and the recent Settlement Agreement. Part of the settlement involves the transfer of 11,297 acres of BLM land within the Nez Perce Reservation to the Bureau of Indian Affairs (BIA) that will be held in trust for the Nez Perce Tribe. To meet BLM's commitment, we were to transfer up to \$7 million worth of land, based on appraised values. We fell short of that amount due to the production costs involved on the steep lands. A Memorandum of Understanding was developed on how to manage the lands in the Reservation. An Implementation Plan was developed for the transfer of lands including management of valid existing rights such as rights-of-way and grazing permits (10 years). There were no mining claims on any of the BLM land involved. Water right interests on BLM land was released to the Nez Perce for lands outside of the Nez Perce Reservation. The Nez Perce will, in turn, drop their claim to water rights in the Snake River Basin except for minimum stream flows in certain listed streams (stated in the legislation).

Lower Salmon River Proposed Mineral Withdrawal – Ron Grant, Realty Specialist in the COT FO, provided the background information on the proposed mineral withdrawal (see handout). Under the 1872 Mining Law BLM has limited ability to restrict uses once someone files a mining claim. A withdrawal is a tool used by BLM to set aside the lands, or restrict them, from certain uses. Only the Secretary of the Interior has the authority to approve a withdrawal.

The COT FO has filed a petition-application asking for concurrence to process a proposed mineral withdrawal. If the petition-application is approved by the Headquarters Office, the public involvement process will begin. A Notice of the proposed withdrawal will be published in the Federal Register. This Notice will provide for a temporary (2 year) segregation of the land to allow time to process the withdrawal without the possibility of nuisance mining claims. The

Notice will also advise the public that there will be two public meetings held on this topic. The Lower Salmon River provides recreational opportunities for many visitors; international, national and local. The recreational uses provide a lot of revenue to the Riggins area.

The RAC needs to become familiar with the issues involved and make recommendations. Items to consider include: River use levels (visitor days); monetary values of the river and the income its use generates; potential conflicts between mining and recreation (1980's visitor survey information); and other sources of information from the Fish and Wildlife Foundation, Economic Development Council and others.

Questions and answers regarding:

- Presence/absence or number of mining claims on the BLM stretch of the river. There are none on the lower portion and there were only five or six on the upper portion prior to the existing withdrawals. Don't know how many of those five or six are still active.
- Are there any Stockraising Homestead Entry (SRHE) patents, which reserved all minerals to BLM, in the area and what effect would the mineral withdrawal have on oil and gas leasing? There may be some SRHE in the area but there is little if any potential for leasable minerals and the withdrawal would only close the area to locatable minerals (hard rock mining under General Mining Act). BLM has discretion to restrict leasable mineral entry but not locatable mineral entry; which is the reason for the proposed withdrawal.
- Wild and Scenic Rivers Act (W&SRA)- recommendations on this stretch of the river include a portion as recreational and a portion as scenic. The proposed mineral withdrawal would not change anything regarding the W&SRA.
- Would the mineral withdrawal restrict small dredging operations? The State of Idaho manages the river up to the ordinary high water line and permits dredge mining on the open portion. No change would occur to this process as a result of the proposed mineral withdrawal.

Other Hot Topics for Cottonwood Field Office:

Whiskey-South Fuel Treatment Project and litigation – G. Yuncevich provided information about the litigation and court decision. The COT FO wrote an Environmental Assessment (80 pages) and the decision was made in full force and effective upon signing the decision. The stewardship and restoration portions of this project were started immediately including culvert replacement and road improvements to prevent sedimentation. An appeal was filed and the Interior Board of Land Appeals ruled on the appeal in BLM's favor. Litigation was filed in District Court (Boise). The expedited review took two months and the 31-page judgment had 13 references to the 9th Circuit ruling on the recent The Lands Council decision (Iron Honey FS project). We are currently evaluating what needs to be done to meet the new standards required by the 9th Circuit court decision.

Meeting adjourned for the day at 4:45 p.m.

May 18, 2005 Meeting called to order by Chairman Jerry Shriner at 8:15 a.m.

Attendance: BLM: Lew Brown (District Manager), Stephanie Snook (RAC Coordinator) and guest presenters from BLM: Greg Yuncevich and Carrie Christman (Cottonwood FO), Scott Pavey (Coeur d'Alene FO), and Barry Rose, BLM Idaho State Office (Boise).

RAC Members Present: Bill Barteaux, Cora Patterson, Sheila Barteaux, Ronald Hood, Doug Boggan, John Barker, J.R. Van Tassel, Mark Taylor, Sandy Emerson, Cliff Osborne, and Jerry Shriner. **RAC Members Absent:** Bruce Brewer and James Kingery (no longer on RAC: Bob Barry and Paula Laws).

Guests: Ken Stauffer, Salmon-Challis National Forest, and Sarah Bigger, Boise State University.

Public comment period: Dave Bream, a concerned citizen, addressed the RAC about the construction of a trail across a conservation easement along the Salmon River. Mr. Bream read portions of the conservation easement and presented arguments regarding construction of the trail on the Shroyer Ranch.

J. Barker and C. Osborne had questions about the potential for an Army Corps of Engineers permit. D. Boggan asked what part of the Shroyer Ranch is under a scenic easement.

Motion: J. Barker made a motion that the RAC ask L. Brown to look into the matter.

Motion Seconded by B. Barteaux; no further discussion.

Motion carried.

Lew Brown said he will visit the area and provide information back to the RAC.

Minutes of December 2004 Meeting

Motion: C. Osborne made a motion to approve the minutes as presented.

Motion Seconded by J. Barker.

Motion Carried.

Nomination of Vice-Chair

J. Shriner declared Nominations Open – Cora Patterson was nominated.

Motion: J. Barker made a motion to close the nominations.

Motion Seconded by C. Osborne; no further discussion.

RAC members voted Cora Patterson as Vice-Chair.

Idaho RAC Chair Meeting

J. Shriner reported on K Lynn's statement about the declining budget and reductions that are needed in order to stay even. The following priority programs were identified by the RAC Chairs:

- Noxious weeds control
- OHV plan
- Energy issues including powerline issues in southern Idaho
- Fee Demo
- Healthy forest issues
- Sage Grouse
- K Lynn will consider weed free hay on public land

Fee Demo Subgroup Report – Salmon-Challis & Nez Perce National Forests recreation fee demo project:

Doug Boggan, RAC Subgroup lead, gave a report on the March 2005 meeting (see handout).

There was concern of FS spending money on smaller projects and not getting the biggest bang for the buck. As a result of this concern, the FS dropped two small projects. Weeds were a concern because two outfitters didn't want any of the fee demo money spent on weeds. A discussion of weed control followed as well as river patrols.

Motion: B. Barteaux made a motion to accept the report.

Motion Seconded by R. Hood.

Discussion: S. Emerson, as a subgroup member had recommended that, even though the Native American Interpreters were given a lower priority, they should continue. He also recommended improving the educational aspects about Invasive Species such as zebra mussels and snails. River patrols were not supported by outfitters because they would like the money used to improve the launch sites.

Motion Amended: B. Barteaux amended the motion to have the RAC report reflect the support for river patrols in the amount of \$90,000.

Motion Seconded by S. Barteaux

Motion to amend the report to include the \$90,000 for river patrol passed.

Abstaining: J. Barker abstained from the discussion and voting due to a conflict of interest as a river outfitter on the Salmon River.

Chairman Shriner asked D. Boggan to prepare the Fee Demo Subgroup report and send it, along with a letter to Lew Brown.

A question was asked of Ken Stauffer why the lottery system is so expensive (\$87,155). Stauffer explained that it is a very labor intensive process. The Forest receives 13,000 applications for 600 permits (300 private and 300 outfitter permits). There is a \$6 application fee that covers administrative costs for lottery mailings and computer upgrades but the cost to process the applications exceeds the fees received.

Idaho Sustainability Conference – Mark Taylor

300+ people attended the conference and there were wonderful speakers. There were various tracks you could choose to go to including economic, cultural, natural resources, and energy and how to mesh these for the sustainability of local communities. For more info go to:

www.sustainableidaho.org

Off-Highway Vehicle Outreach Campaign

Barry Rose, Public Affairs Specialist for BLM in Boise, gave a PowerPoint presentation on the state and federal efforts to promote responsible OHV use (see handout). The Outreach Project is sponsored by BLM, FS, IDL, IDF&G and IDP&R who are part of the Idaho Interagency OHV Coordinating Committee. He provided some background information and asked the RAC to consider the effectiveness of the Key Messages and the conceptual Billboards:

- ✓ Don't travel cross country;
- ✓ Use established/designated routes and
- ✓ Follow safe riding practices

Suggestions/Comments from the RAC:

- Use a tire track as the background on the billboards.
- Use *Stay on Trails* rather than *Blaze no Trails* – it is more positive and “Blaze” conjures up an image of a blazing fire, which is not the intent.
- The use of the word “Power” was confusing so the message was lost (horsepower or empowerment was the intent).
- On the Media Plan – Target the safety of children and do not encourage children's use of OHV's. Change the message to encourage a family activity: give your TV or couch a rest.
- Work with Tread Lightly materials.
- Look at existing materials and campaigns such as the state ATV safety program.

- County Commissioners may be a funding source as well as FS RACs, private timber companies (Potlatch, Forest Capitol) and ATV manufacturers.
- This campaign is not going far enough or lasting long enough to educate the public; should consider doing direct mailings to all OHV owners.

Idaho Comprehensive Wildlife Conservation Strategy (CWCS)

Sarah Bigger, Associate Director for the Environmental Science and Public Policy Research Institute (ESPRI) at Boise State University, gave a presentation on the efforts to get public input on the Idaho CWCS for the Idaho Fish and Game Department (IDFG). The Strategy can be used for all landowners: Federal, State, Tribal and private.

The CWC Strategy will identify and focus on the “species in greatest need of conservation, “yet address the “full array of wildlife” and wildlife-related issues. The main idea is to have a plan to aid declining species and prevent future Endangered Species Act listings and the unintended consequences on rural communities. “If you help one species, you help many.” There are currently 200 species that need conservation efforts. This strategy includes gathering data and putting it in one place. Currently there is \$1.5 million spent on 502 non-game species and \$4.1 million spent on 96 game species.

The RAC was in general agreement that the Strategy is appropriate and useful. No specific recommendations were made.

BLM Resource Management Plan (RMP) Updates – Carrie Christman and Scott Pavey provided brief updates on the status of the RMPs in Cottonwood and Coeur d’Alene (see handouts). Both offices are currently formulating Alternatives and are in the beginning stages of analyzing the impacts of these Alternatives (preparing the Draft EIS to accompany the RMPs). The RAC members are encouraged to review these draft Alternatives and impacts analysis and provide recommendations to BLM.

The Cottonwood FO asks that you help BLM determine which Alternative makes the most sense to you given your knowledge of local economic, social, resource and political conditions. Are there any proposed objectives or actions that could be improved?

The Cottonwood FO is developing four draft Alternatives:

1. Existing Management
2. Preferred Alternative
3. Resource Conservation Alternative
4. Resource Utilization Alternative

The Cottonwood RMP Alternatives and the Draft Analysis of these alternatives will be available for your review later this summer, probably late August. By February 2006, we expect the Draft EIS to be completed and will be accepting comments on this in February and March, 2006.

The Coeur d’Alene FO has developed three draft Alternatives:

1. Continue Current Management
2. Commodity/Amenity Emphasis Alternative
3. Conservation/Protection Alternative

The Coeur d’Alene FO would like the RAC to review these three alternatives and the impacts analysis and to make recommendations on which objectives within these three alternatives should

be included in the Preferred Alternative. You will have an opportunity to review and provide comments from June 13 through July 8. A meeting for the RAC subgroup members (from the Coeur d'Alene area) and Federal, state and Tribal partners has been scheduled for 2:00 p.m. June 13 in the Coeur d'Alene District Office.

ROUND-TABLE DISCUSSION ITEMS:

1. Draft National Scenic and Historic Trails Strategy and Work Plan - Stephanie reminded RAC members to review and provide comments on this by the July 1, 2005 deadline (copy previously mailed to the RAC members).
2. Federal Lands Recreation Enhancement Act (FLREA) (handout) provides for establishment of Recreation Advisory Committees. Twinkle Thompson-Seitts, the National RAC Coordinator in Phoenix had emailed all the RAC Coordinators and asked if the current RACs had been involved with recreation issues, to what extent, if subgroups were in place, and if we thought the existing RACs could meet the requirements of this Act. We don't know if or what decision has been made on the Recreation Advisory Committees.

B. Barteaux asked if, with all the emphasis on trails and OHV, anyone is considering Americans with Disabilities Act (ADA) issues and use of motorized wheelchairs on trails. Stephanie explained that generally BLM is required to provide reasonable accommodation to those with disabilities and to make new facilities ADA accessible. Budget and physical (geographic) limitations have to be considered as well as certain areas are managed to minimize development (WSAs, ACECs, etc.).

Chairman Shriner asked B. Barteaux to look into this question in more detail; perhaps contact Barry Rose to start with.

3. Weed Free Hay on public lands was discussed. This would be for recreational purposes only since the BLM grazing regulations do not allow livestock grazing permittees to place supplemental feed on public land. The Forest Service has required weed free hay for many years; most or all counties have an inspection process to certify hay as weed free.

Motion: M. Taylor made a motion that the RAC send a letter to the BLM Idaho State Director recommending that all BLM lands users require the use of weed free hay.

Motion Seconded by J. Barker.

Discussion: Who inspects the weed free hay? There is a certification process in place.

Who enforces it? It will take help from all public land users to notify the agency responsible.

Weed free hay is either tagged or has a multi-colored twine. Use of weed free hay needs to be consistent between Federal and State agencies; FS, BLM, IDF&G.

An option would be to use pellets which have been heated to sterilize the seeds.

Motion Carried: Chairman Shriner will write the letter.

4. S. Emerson would like to see an education program on noxious weeds; better signage to help people know which ones are the noxious weeds.//He would expect that, with funding reductions, BLM will need to pare back and focus on core mission.// He would like to see funding for recreational planning done on a five-year basis, to allow more flexibility based on the fees collected from use of the sites.

5. RAC Participation in Salmon River Fee Demo prioritization for the FS

Chairman Shriner asked if this RAC should still consider participating if asked again by the Salmon-Challis Forests. J. Barker said it is only an investment of time to help make decisions on where the money gets spent. This effort provides funding in Idaho County, within this RAC's jurisdiction. S. Emerson pointed out that there are also intangible benefits of working with the

Forest Service. With passage of FLREA, the new Recreation Advisory Committees may be involved instead of this RAC.

6. ATV Task Force- R. Hood said he would like to see BLM involved with this group. They deal with all wheeled mechanized uses (motorized and non-motorized) and not snowmobiles. The next meeting is June 8 at the Fernan Ranger District Office starting at 8:00 a.m. BLM will try to have someone attend.

7. Wild and Scenic Rivers (follow-up to yesterday's questions on the mineral withdrawal). G. Yuncevich said there are no legislated requirements on what can occur within segments of the river that are eligible; actions are administratively determined based on the original eligibility criteria. An example is the White Bird Rodeo grounds which had been located at Hammer Creek on annual permits. There were no permanent structures and all of the facilities were removed after the rodeo. This site is in a "Scenic" stretch of the Salmon River so annual permits with no permanent structures was the appropriate action. Now, the rodeo group has requested a more permanent facility, which is being considered in the "Recreational" portion of the river.

Meeting Evaluation

- Length of meeting is about right
- Agenda Items – suggest identifying them as either "Informational Only" or "Decision Needed"
- Cora suggested that a letter be sent to Dave Brems thanking him for coming to the meeting – Chairman Shriner agreed to do this and will send a copy to BLM.
- Based on the range of topics covered in this and other meetings, it reinforces the idea that individuals on the RAC can be as involved as they choose to be and in particular projects.

Next Meeting - Agenda Topics:

1. Lower Salmon River proposed mineral withdrawal
2. Invasive Species
3. Noxious weeds (Stephanie to provide info on past RAC subgroup work; invite subject-matter experts; discuss/update on the Statewide Biological Control position)
4. Weed treatment areas (would like to see treated and untreated areas)
5. Off-Highway Vehicle Task Force report by Ron Hood
6. Report/update on trail along Salmon River
7. Accessibility Issues (B. Barteaux update)

Location: Riggins, Idaho Date: September 8 and 9, 2005

Meeting adjourned at 3:05 p.m. (Motion by B. Barteaux, Seconded by C. Osborne, Motion carried.)

Minutes recorded by Stephanie Snook, BLM
Minutes Approved on September 9, 2005

Attachments:

List of Action Items, Decisions & Recommendations
List of Handouts Referenced

ATTACHMENT 1

ACTION ITEMS, DECISIONS, and RECOMMENDATIONS:

Minutes Approved (as presented) for the December 2 & 3, 2004 meeting.

Voted new Vice-Chairman – Cora Patterson was elected.

Trail Construction along Salmon River: Lew Brown said he will visit the area and provide information back to the RAC.

Fee Demo Subgroup Report and Recommendations - D. Boggan will prepare the Report and send it, along with a letter to Lew Brown. (The letter was received on 6/3/05 and a letter has been prepared to forward this report to the Salmon-Challis Forest Supervisor with thanks to Ken Stauffer for his leadership of this effort.)

Idaho OHV Outreach Campaign – the RAC made several suggestions during the meeting on how to improve the billboards and outreach efforts during the meeting.

Resource Management Plans – RAC members are asked to review the Alternatives prepared by the BLM and provide feedback as requested (Coeur d’Alene FO June 13 meeting to review Alternatives with feedback by July 8; Cottonwood FO comments needed in August).

BLM Draft National Scenic and Historic Trails Strategy and Work Plan - RAC members are asked to review this and provide comments by July 1, 2005 as instructed.

Americans with Disabilities Act (ADA) issues and use of motorized wheelchairs on trails – B. Barteaux was asked to research this topic.

Weed-free hay – J. Shriner will write a letter to the BLM Idaho State Director recommending that all BLM lands users be required to use only weed-free hay on public land.

ATV Task Force –BLM will try to attend the next meeting on 6/8/05.

Lower Salmon River Proposed Mineral Withdrawal – RAC members will visit the area in September and are asked to attend the public meetings which may occur in October.

ATTACHMENT 2

List of Handouts:

1. *RAC Meeting Minutes of December 2 & 3, 2004
2. *Salmon Rivers Recreation Fee Meeting notes from March 18, 2005, Grangeville, ID
3. *Idaho's Comprehensive Wildlife Conservation Strategy (CWCS)
4. *Draft BLM National Scenic and Historic Trails Strategy and Work Plan
5. Healthy Forests Initiative/Healthy Forests Restoration Act Fact Sheet
6. Hazardous Fuel Reduction & Forest Health Projects for the Coeur d'Alene FO
7. Lower Salmon River, Idaho – proposed mineral withdrawal
8. Idaho Off-Highway Vehicle Public Outreach Project
9. Cottonwood Resource Management Plan – Update
10. Coeur d'Alene FO RMP – update
11. Federal Lands Recreation Enhancement Act (FLREA) briefing

*items mailed to RAC members prior to meeting

Note to Readers: A copy of each attachment/handout listed in the text of, or at the end of these minutes is on file with the official copy of the minutes in the Coeur d'Alene District Office of the BLM. Persons desiring to view attachments should contact Stephanie Snook, RAC Coordinator at 208-769-5004