

## **Coeur d'Alene Resource Advisory Council Meeting Minutes September 14, 2010**

**Idaho Department of Labor and Commerce  
1350 Troy Road  
Moscow, ID**

**RAC Members in Attendance:**

Category 1:

Alan Harper, Linda Rider

Category 2:

Jerry Boggs, Tom Crimmins, Kimberly Brown, Jerry Shriner

Category 3:

Randy Doman, Greg Taylor, James Kingery, Aaron Miles, Chris Goetz

**BLM Staff in Attendance:**

Stephanie Snook – Designated Federal Official and RAC Coordinator

William Runnoe – Cottonwood Field Manager

Kurt Pavlat – Coeur d'Alene Field Manager

Desiree Struble – Administrative Assistant – note taker

Via conference call: M.J. Byrne – Boise BLM RAC Coordinator, Gil Green – Boise RAC Chair and Michael Borkoski – Boise BLM, Four Rivers Realty Specialist

**Other Attendees:**

Mark Williams - Senator Minnick's Lewiston office

Peter Stegner – Senator Crapo's Lewiston office

Mitch Silvers – Senator Crapo's Lewiston office

Kathy Judson – Friends of the Palouse Ranger District

Becky Haag – Idaho Department of Fish and Game

Joe Hinson – NW Natural Resource Group, LLC

Bob Boeh - Idaho Forest Group

Mark Tate – M3 Eagle, LLC

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

The meeting began at 10:15 a.m.

Opening Remarks

Linda Rider – RAC Chair called the meeting to order.

Introductions – RAC Members, BLM Staff, Guests

Old Business

Reviewed agenda (Handout 1).

Reviewed and approved Minutes of the June 21, 2009 (Handout 2).

Follow-up/Action items: Stephanie Snook will forward comments and suggestions from the RAC on the Wild Horse and Burro issues to appropriate officials.

New Business

M3 Land Exchange Proposal

M.J. Byrne, Gil Green and Michael Borkoski joined the meeting via conference call at 10:30 a.m. BLM Boise District RAC recommendations concerning the M3 exchange were faxed to the meeting location, are summarized below and included as Handout 3:

At the September 8, 2010, Boise RAC meeting, Stephanie Snook and Kurt Pavlat gave a presentation about the BLM land exchange process and the exchange parcels in northern Idaho as well as a presentation from M3. Gil went over the main bullets/highlights from the meeting.

- RAC subgroup polled interested parties w/questions regarding the land exchange process, public benefits, etc. Comments were considered and given to the Boise RAC.
- Boise DO and CdA DO will coordinate w/ each other and consider:
  - ✓ Best public interest
  - ✓ Provide contact for up to date information. Contact is Michael Borkoski.
  - ✓ NEPA process information
  - ✓ Provide notice when the exchange process is initiated.
  - ✓ Study the desirability of exchange/lands.
- Boise RAC recommended that BLM be paid contributing funds for the work they do.
- RAC voted to forward recommendations to the Boise District BLM.

K. Brown wants coordination between the Boise and CdA District offices; to receive the latest information shared down the line through the RACs; and for the CdA RAC subcommittee to communicate its thoughts and concerns with the Boise RAC.

A. Miles indicated that the Federal Government should be trying to acquire lands in the public's best interest and feels the process is steamrolling – wants time to discuss disposal of public lands in an open forum.

MJ Byrne (Boise) expressed Tribal concerns and the loss of public lands.

J. Shriner expressed concern over legislative options and asked for information on options being considered [from the congressional representatives]. In response, those present indicated they are attending to listen and learn, and don't have information to share.

R. Doman stated there is already a large amount of public land in southern Idaho and the northern Idaho lands marked for disposal are not really for disposal but could be used for an exchange.

Michael Borkoski (Boise) commented that land exchanges are looked at from a statewide perspective. Communication between the northern and southern districts is key.

J. Shriner expressed concern for the need to complete the normal BLM NEPA process being done if legislation dictates the exchange.

A. Harper encouraged the group to listen to the presentation as it will answer many of the questions and concerns.

S. Snook provided information about the BLM land exchange process, as presented to the Boise RAC on Sept. 8 (Handout #4).

11:00 Conference call with Boise ended.

Joe Hinson gave a PowerPoint presentation - N. Idaho/W Foothills Land Exchange, Sept. 14, 2010. Handout #5

- Explained what private lands M3 owns – lands either sold, developed
- What does M3 get out of this exchange?
- Went over M3's process to shape the exchange proposal. Who M3 met with and the whole proposal.
- Talked about public vetting efforts to date; M3's presentations to the RACs.
- Land Exchange Administrative process
  - ✓ Feasibility documents
  - ✓ Appraisals for timbered property
  - ✓ Documentation for land value: mineral, cultural, timber, etc.
- Talked about legislative sponsorship
  - ✓ All clearances must be met.
  - ✓ Mandates that the process must be followed.
  - ✓ BLM will approve all documents.
  - ✓ Provisions for Tribal rights and public access must be met.
  - ✓ Legislation will include direction for land adjustments between the Coeur d'Alene District BLM and Idaho Panhandle National Forest.

Comments/Questions generated:

C. Goetz asked about specific parcels in the Boise Foothills.

J. Boggs asked, "What would motivate BLM and FS to consolidate"? Seems like a low priority.

J. Shriner commented that with legislation, the exchange will take place and suggested that BLM acceptance is a cover.

K. Brown is uncomfortable with seeing public lands disposed of w/o public input or knowledge. She mentioned a news article that surfaced after the last RAC meeting w/o all the information given to the public.

J. Hinson talked about the exchange maintaining tribal rights, public access, etc.

K. Brown commented that public lands are currently public. She stated that the public is interested in preservation of current lands for public benefit.

J. Kingery reiterated K. Brown's comments and asked, "What guarantee do we have that the public's rights on any exchanged land will be assured?"

T. Crimmins expressed concern about the differences between the northern and southern Idaho parcels. He commented that many BLM parcels are not accessible by the public; many only have private easements and are not accessible by the public currently.

J. Shriner asked "What is the value of the land with or without the restrictions on the land?" He expressed concern about the effect to the appraised values if public access is reserved across parcels of public land.

Bob Boeh (Idaho Forest Group (IFG)) talked about exchange lands being accessible by M3 and the public.

R. Doman asked Boeh if the provisions (public access) stay with the lands when the lands are transferred. Boeh indicated he thought they would and indicated the reservation of public access and preservation of tribal treaty rights would need to be written and recorded so that provisions are not forgotten.

J. Kingery asked about assurances of maintaining Tribal rights on public lands after they are transferred and subsequently sold to IFG.

A. Miles said the best thing is to not allow public lands to go to private entities, that way we are assured of keeping the cultural integrity. He indicated that most people won't know the access has been reserved, there won't be anyone to enforce public or tribal access rights and it will soon be forgotten.

12:00 – 1:00 Meeting adjourned for lunch

1:00 Meeting Resumed

Joe Hinson talked about how legislation interacts with the exchange process to comply with NEPA, etc.

**Congressional Representatives**

Mark Williams (Walt Minnick's office) stated that his mission today was to take notes and information back to the Lewiston Office. Legislation may be introduced but is still in the works. Contact person in the Washington Office is Devin Nagy (202) 834-1834.

Peter Stegner (Senator Crapo's office) echoed Mark's reason for being here today. He said that discussions are going on between Boise and the WO. Send any questions to him via e-mail at: peter\_stegner@crapo.senate.gov or call (208) 743-1492.

Mitch Silver (Senator Crapo's office) also stated that he is here to gather information.

1:30 Floor open for public comment

Kathy Judson (Friends of the Palouse) asked if M3 has a paid lobbyist in D.C. working on this, and if there have been public meetings. Joe Hinson responded that the lobbyist is Doug Schildwacher, a Wildlife Biologist who worked for Environmental Quality in D.C. Doug has been working on this for about 6 months. Hinson indicated there have been public meetings and media coverage in the papers, seeking public comment and that there has been very little response.

Linda Rider asked: "What happens if the current Congressman, who supports M3, leaves the position?" Hinson replied: "Obviously that person would not support M3."

Hinson displayed a letter addressed to M3 (Bob Boeh) from the Coeur d'Alene Tribe indicating support for the exchange (Handout #6). Snook asked what item #3 refers to – concerning "successful negotiations". Hinson and Tate indicated they didn't know what this was in reference to. Snook said that the BLM has learned that Item 3 references a specific parcel of land - one of BLM CdA District's developed recreation sites (Windy Bay Boater Park), which is not identified for disposal in the RMP. Hinson denied knowing what this referenced and indicated he wasn't aware the parcel is a developed recreation site.

Snook /Kurt Pavlat - Northern Idaho Perspective (Handout #7)

By November 1, the BLM will complete an in-house review of the northern Idaho parcels to identify land use conflicts, resource concerns, etc. Pavlat indicated BLM is seriously questioning whether this exchange is in the best interest of the public; stressed the importance of not rushing through the review; and the need for carefully weighing the issues involved including:

- Public involvement – scoping meeting
- Staffing
- Timeline – if this goes legislative, we will have a timeline
- RAC involvement
- NEPA

RAC Questions/Comments:

K. Brown expressed concerns about past legislative land exchanges, such as one with Potlatch, and how northern Idaho did not get what it was promised (as written in the legislation) in exchange for timbered lands in northern Idaho.

This generated a discussion about what is beneficial to N. Idaho/CdA District, what should be considered, how to make the public interest determination.

Concerns were expressed about over the legislative vs. non-legislative process.

J. Shriner asked what the definition for disposal is according to BLM. Pavlat clarified that the term is "potential disposal."

Snook cited the Federal Land Policy and Management Act (FLPMA) which directs the BLM to retain the public land unless it is in the best public interest to dispose of it.

T. Crimmins noted that legislative action gets an agency (such as BLM) to move quicker.

R. Doman stated the "public interest" in the Northern Idaho lands have increased dramatically. Most federal lands are in the West. He is concerned about missing out on an opportunity; wants to give a different perspective. The acreage gained from this exchange would give the public more land; albeit in southern Idaho.

K. Brown reiterated that we (public servants) do not want to lose control of the process.

Kathy Judson stated that legislation would make it happen [exchange] regardless of any public comment.

Snook clarified that even with legislation, the NEPA and other processes must still take place.

C. Goetz asked what Boise's reaction/take is on this whole exchange. Mark Tate stated that Boise is not interested in more public lands.

J. Boggs asked if the CdA Office thinks legislation will push the process too quickly. Pavlat stated that we haven't gotten far enough along in the process to determine whether this would be in the best interest of the public.

R. Doman stated that each year the Interior Appropriations bill is passed. This sets priorities for BLM. A land exchange will not be a priority unless legislation is passed-this would set the wheels in motion, however legislation is not a closed process. It is a public process.

K. Brown stated that this has been a difficult issue to get information on. For the RAC (serving the public), we are getting very little information to relay and this is frustrating.

T. Crimmins noted that we are not in the public participation part of this process yet.

J. Boggs asked "Will BLM (CdA) be sharing with the RAC, which parcels of lands will be involved in the exchange?" Pavlat informed the RAC that as of November 1, the CdA staff specialists will come to the table prepared with specifics so that CdA can make a determination based on the Land Use Plan.

## 2:30 New Business

### **Field Office Updates**

#### Cottonwood FO (Will Runnoe)

- No new information on the efforts by Idaho Rivers United to have the Lower Salmon River designated under the Wild and Scenic Rivers Act.
- Bighorn Sheep
  - ✓ Payette NF completed their EIS and issued a decision in August.
  - ✓ If there are any bighorn sheep within a 40-50 mile radius of domestic sheep; Forest grazing allotments will be closed.
  - ✓ The BLM Partridge Creek allotment is already closed due to litigation and a restraining order is in place.
  - ✓ BLM allotments: Marshall Mtn., Lake Cr. and Big Cr. - working with the grazing lease holders to see if they are willing to give up those allotments.
  - ✓ Cottonwood will consider how to adopt the Payette NF decision.

J. Boggs asked if the land owners (those with allotments) have property rights.

Snook explained that BLM leases land for the forage to the grazing permittee. In this case, BLM leases the land and no rights are conveyed with the lease so BLM can cancel, adjust the lease and it is not considered a compensable "taking" of rights.

- Runnoe and others will attend a meeting in Boise this week to discuss the bighorn sheep conflict and adopting/using the Payette NF research/decision.
- Working on 3 trespasses this summer (timber and roads).

- A group is interested in acquiring about 30 acres of public land north of Riggins for a shooting range. The parcel is within an area of critical and environmental concern along the Salmon River so will present some challenges.
- Bennett Lumber (IFG) has approached BLM – interested in exchanging 1000 acres in Elk City for lands around Lolo Creek – could be a potential recreation opportunity.
- Moving forward to acquire 170 acres along the Salmon.
- The Clearwater-Nez Perce Forest has changed their 14-day camp limit to 18 days. They'd like the BLM to follow suit.
- For FY-2011, we're looking at about a 25% budget cut. Staffs are taking on extra duties when people leave. Project work will also be reduced.
- Steve Ellis is the new Idaho BLM State Director, replacing Tom Dyer who retired.
- There have been 3 drownings on the Salmon River this season.

Coeur d'Alene FO (Kurt Pavlat)

- Passed around a summary of CdA FO programs.
- ARRA projects (recreation) just about all completed.
  - ✓ Dedication of Blue Creek Bay Rec site on Sept 25
  - ✓ Brian White will spend time w/RAC on Mullan Trail
- Forestry side
  - ✓ Awarded timber contract – south of Wallace – cable and tractor logging
  - ✓ Westmond/Mullan South and Murray South next year
  - ✓ Rochet Creek Watershed project
  - ✓ Realty Specialist, Janna Paronto, busy w/easements and land exchange
  - ✓ Bonner County Gold Mtn. Comm Site.
- Mike Stevenson, hydrologist, took over for David Fortier who retired.
- Will be hard pressed w/budget to hire any seasonal staff next year.
- Windy Bay project – doing vegetation inventory – in growth of Douglas Fir.
- M3 – how do we fit this in with all the budget cuts?
- Prescribed burns
  - ✓ Killarney (30 acres) this fall
  - ✓ Filly (near chain of lakes – 55 acres) west of Killarney
  - ✓ Mineral Ridge Trailhead area

Snook provided a flyer about the Owl Hoot Program at Blackwell Island on Sept 25 and encouraged the RAC members to attend.

Snook recognized and thanked four of the RAC members whose terms expire on September 20<sup>th</sup> for their dedication, time and efforts: Dave Brummer, Alan Harper, Kim Brown and Jim Kingery. The new RAC appointments are not expected until November or December.

Travel Closeout: Desiree Struble handed out forms for those eligible for mileage reimbursement.

Additional Questions:

R. Doman asked “What is expected of the RAC in regards to the M3 Exchange?” Snook suggests the RAC continue their interaction and dialog w/the public. RAC members should interact with those groups/interests they represent; share the information and direct the public w/questions/issues to appropriate staff and/or Congressional representatives.

J. Kingery asked to be kept abreast of BLM's progress in the M3 exchange process and wants to know what BLM wants as far as RAC input. J. Shriner also asked if the RAC exchange

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workgroup is needed for a specific purpose at this time. Linda Rider responded that the RAC needs to make recommendations to the BLM FO on issues presented. The BLM will share the parcel review information with the RAC.

Meeting adjourned at 3:20 p.m.

Minutes recorded by: Desiree Struble

Minutes prepared by: Stephanie Snook, RAC Coordinator

Minutes approved by: Linda B. Rider

Date: 01/05/2011

Next Meeting: No date set; pending appointment of four positions.

Handouts:

1. Agenda
2. RAC Meeting Minutes from June 21, 2009
3. Boise RAC recommendations (Sept. 8, 2010)
4. BLM Land Exchange Process
5. M3"N. ID /W Foothills Land Exchange Proposal-PowerPoint
6. Coeur d'Alene Tribe letter to Bob Boeh (IFG) dated July 28, 2010
7. M3 (IFG)/BLM Proposed Land Exchange-PowerPoint