

APRIL 13, 2015

The Lincoln County Board of Commissioners met for a regular session on April 13, 2015, in the Lincoln County Courthouse. Present were Commissioner Mike Cole via VisionNet, Commissioner Greg Larson, Commissioner Mark Peck, Executive Assistant Bill Bischoff and Clerk and Recorder Robin Benson.

Commissioner Larson opened the meeting with the **Pledge of Allegiance**.

10:00 AM **USFS Update:** Present were Scott Mattheis, Forest Supervisor, Chris Savage and Forest Ranger, Nathan Gassmann.

Chris introduced Nate as the new Forest Ranger in the Libby district. Nate expressed that he is seeing a lot of excitement with new ideas as well as projects that have been in the works for a while. Nate updated the Commission on some of the current vegetation and recreational projects in the Libby District. The Forest Service will be hosting public meetings to receive feedback from the public about snowmobiling, cross country skiing and other recreational activities in the KNF.

Chris is here to discuss a letter from the Commission dated February 18, 2015 requesting clarification of the KNF Forest Plan ROD. The letter includes requests for specific documentation and answers to questions the Commission would like clarity on. **(The letter will be attached as part of the minutes)**

Chris told the Commission that if they are uncomfortable with the decisions that were made, some of the requests would have to go through a formal FOIA process. Chris said he could answer some questions to help clarify, but stated that a lot of the questions in the letter were discussed during the process before the ROD's completion. Chris said we can either go back or we can move forward and work together.

Commissioner Peck questioned the Scotchman's Peak expansion, stating he felt there was a lot of sound opposition to that issue. Historical use is still allowed in other counties and he does not understand justification of the Scotchman's Peak expansion. People have been snowmobiling in the area for 40 years. Is it a process issue?

Chris said the Forest Plan was very process oriented and there was a lot of broad planning around the travel analysis. We are currently looking at the Ten Lakes travel management area now, but we will be able to revisit other areas.

Commissioner Larson asked who decides the social and economic analysis for the ROD. Commissioner Larson expressed his belief that there are significant social and economic impacts, but feels confident that the record of decision probably states there is little to no social and economic impact. Commissioner Larson further stated that adding more wildernesses, automatically puts in more access restrictions and eliminates any potential for future resource extraction from these areas.

Commissioner Peck said from a government standpoint, you have elected officials from two different counties that get over ridden by a collaborative group, and we cannot determine who this collaborative group is. This is indicative of the amount of access and influence the environmental side has over local entities. Commissioner Peck continued expressing his frustrations about the fact that congress, state and local elected officials are bypassed by a small group of people. Fundamentally I have a problem with that process, but I am very supportive of the collaborative group process. It seems the only alternative to the road less rule is it either goes into wilderness or it just sits there. I realize that local FS is in a position that cannot win, and that is what I am communicating to congress. But having said that, I just think the whole process is broken. From an economic standpoint, we have collaborated here locally with some great ideas but there is no way to implement it. If there is not some avenue to implement solutions then we need to empower local decision making vetted through local groups. Our frustration level is pretty high.

Commissioner Larson presented an example of the reality of impact by stating that Montanore is required to purchase 6700 acres of limited Lincoln County private land for Grizzly bear habitat. I realize the bears need territory, and I am not against habitat, but that is an economic impact that seems excessive when we have only 9% of the land owned by local individuals other than federal, state and industrial forest interests now. Commissioner Peck agreed that this industry vs. wilderness mindset combined with policy and laws have put us in this position. We were one of the wealthiest counties in the state just a few years ago. Commissioner Cole said he echoes the frustration being expressed by Commissioners Larson and Peck, and feels communication needs to improve. Commissioner Cole said he understands people do not understand and that the public has preconceived notions about the FS making all the policies which is why we need to continue open discussions on a broader scope. The question is where do we go from here to get the county back on its feet?

Chris said the FS approach has been as transparent as possible in the process. The FS has had open houses, public meetings and group meetings with stakeholders and has provided a variety of avenues for engagement and discussions. Chris said he recognizes the FS is a big player in the county. The forest can only do what is in our control and in our budget. Chris stated he feels the new Forest Plan allows for increased flexibility for the FS to do things differently regarding timber sales and recreation strategy. These are the things we will be bringing to you for discussion as well as options for discussion to help the economic condition of our community.

Commissioner Cole said he feels it is critical to create an economy with diversification including tourism. Nate said we do need to ask ourselves how we are going to diversify so we are not solely dependent on the traditional side of the forest jobs being our main source of economy.

Commissioner Peck stated that we have given as much as we can give. Snowmobiling is so important, and if we take away the recreational side of things, where does that leave us? We are not going to get private sector business. From our perspective we have to stop the bleeding now which is adding more wilderness and road less areas. Commissioner Peck said he firmly believes Montana and Lincoln County are two places that we can set the standard on how to do this. I would like to see pilot projects and special authorities in place to see what different management may look like. We have everything in place right here to institute change; more local empowerment for common sense decisions.

Regarding the letter from the Commission, Chris reiterated that there is a lot of flexibility with the new plan which will help us work on projects differently and the Forest Plan also helps set the stage to forward thinking and looking at some areas. Chris said the FS can accommodate more dialogue. Commissioner Peck said he personally would like to know how we got to some of these decisions in the Forest Plan and the Commission will revisit the letter and questions the county has regarding the Forest Plan ROD.

11:45 PM The meeting was adjourned.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mike Cole, Chairman

ATTEST: _____
Robin A. Benson, Clerk of the Board

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LINCOLN COUNTY

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ROBIN A. BENSON
CLERK OF THE BOARD AND COUNTY RECORDER

February 18, 2015

Mr. Chris Savage
Forest Supervisor
Kootenai National Forest
31374 US Hwy 2
Libby, MT 59923

RE: Request for Clarification of the KNF Forest Plan ROD

Dear Chris:

In an effort to better understand both the USFS planning and decision making processes, we have compiled a list of questions and requests for clarification that we and several of our constituents have concerning the recently signed Kootenai National Forest (KNF) Plan Record of Decision (ROD). We ask that clarification of our questions and requests for additional information be completed at your earliest convenience. We have listed them per each page of the document in progressive order.

1. Page 5 of the ROD states:

"I will continue to defer to the 1985 Legislative Report to Congress, which recommends 26,000 acres of the 34,000-acre Ten Lakes Study Area for wilderness designation."

Request: Please provide us with a copy of the above referenced report or where we may find it electronically.

2. Page 5/6 states:

"The final EIS includes the site-specific analysis to support my decision to restrict over-snow motorized and mechanized uses in the management areas where these uses are not considered suitable for meeting the desired conditions. In addition to approving the programmatic direction of the revised Plan, this record of decision authorizes an accompanying closure order* as per 36 CFR 261 Subpart B to align the allowed uses within the management area direction as follows:

- Restrict mechanized use on 96,500 acres and 126 miles of trail in Research Natural Areas and the Scotchman Peaks, Roderick, and Cabinet Additions recommended wilderness.
- Restrict over-snow motorized use on 42,200 acres and 47 miles of trail in Research Natural Areas and the Scotchman Peaks, Roderick, and Cabinet Additions recommended

wilderness (most of the Scotchman Peaks and Cabinet Additions are currently under the 2001 order prohibiting motorized use)".

Request: We have been told that the Forest Plan is not about making site specific travel management decisions. Please provide us with a copy of the regulation that allows for these site specific travel management decisions within the framework of the forest plan.

3. Page 6 states:

"I have considered how the revised Plan and site-specific prohibition responds to public comments, internal management concerns, and national direction and policy."

Request: Please provide us with a copy of the document which illustrates the "national direction and policy", and defines the process by which that policy was adapted.

4. Page 11 states:

"The Lincoln and Boundary County commissioners do not support additional recommended wilderness in the revised Plan. The Bonner County Commissioners support wilderness designation for the Scotchman Peaks area."

Question: So why are both Scotchman Peaks & Roderick being designated as Recreation wilderness?

"The Roderick area was added as recommended wilderness in Alternative B Modified because interest in this area was supportive from a local collaborative group."

Question: What "local collaborative group" is referred to in this statement?

"The draft ROD included recommending a portion of the Whitefish Divide (16,000 acres) area as wilderness to provide consistency with management on the adjacent Flathead National Forest. The greater Whitefish Divide area on the Flathead National Forest has support for recommended wilderness from a collaborative group representing diverse interests."

Question: What consistency with management is she referring to? Adjacent lands on the Flathead NF are not Wilderness, or Recommended Wilderness. What collaborative group is she referring to?

Site-specific Decision to Restrict Over-snow Motor Vehicle Use and Mechanized Use

"As described on pages 5 and 6 of this ROD, in addition to the programmatic forest plan decision, this ROD also authorizes a prohibition on motorized and mechanized use in RNA's and the Scotchman Peaks, Roderick, and Cabinet Additions revised Plan recommended wilderness areas."

Question: Under what legal authority does the ROD authorize a site specific prohibition on motorized and mechanized use?

5. Page 20 – Under Revision Topic 5 – Access and Recreation

“Monitoring has demonstrated overall satisfaction with KNF recreation management (see the access and recreation section of the final EIS).”

Question: What monitoring is this referring to? Please provide copies of any recreation management monitoring data which has been collected?

“the Forest has increased the number of miles of roads with prohibition from 1,669 miles in 1987 to 5,041 miles in 2011. This reflects a change from 27 percent of the roads in 1987 having some form of prohibition to 64 percent of roads in 2011.

Question: What resource damage has been documented to justify these closures?

“The 1987 Plan projected that 57 percent of roads would need some form of prohibition in order to provide the issue resolution desired.”

Question: What is the specific issue or issues which need to be resolved? Where was that issue defined?

“Generally, forest monitoring has not indicated a need for change regarding over-snow vehicle use on the KNF. Two exceptions include the over-snow vehicle use in the Ten Lakes Wilderness Study Area, which is currently undergoing site-specific travel management planning, and the boundary area of the Scotchman Peaks recommended wilderness area near Savage Peak.”

Question: Where is the forest monitoring data for over snow usage for these two areas? Please provide us with copies of this data.

6. Page 21 states:

“I felt Alternative C resulted in too many acres with motorized restrictions, which analysis shows is not needed to protect wildlife (see wildlife section in the final EIS chapter 3). Alternative D, on the other hand, would release from closure too many areas that may present an impact on wildlife and non-motorized users.”

Question: So the KNF has denied forest access to citizens of the U.S. by closing hundreds of miles of forest roads because removing these closures MAY present an impact on wildlife and non-motorized users. Is that correct?

7. Page 22 states:

“The Forest Service is directed to evaluate areas for recommended wilderness under 1982 Rule 36 CFR 219.17(a) where it states “roadless areas within the NFS shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process.”

Question: Is this direction to evaluate recommended wilderness areas or recommend wilderness?

"Our direction allows the potential wilderness inventory to contain improvements such as unauthorized and user-created roads, and evidence of historic logging activities where the use of mechanical equipment is not evident."

Question: There are more than "user created roads", and clear evidence of mechanical equipment, in numerous IRA's that were classified as Inventoried Roadless Areas, evaluated for wilderness characteristics, and then recommended as Wilderness. Please explain how this has been allowed to happen.

"The wilderness evaluation indicated 217,348 acres had potential and were suitable as recommended wilderness. Of these, Alternative C recommended the most acreage for wilderness at 242,800 acres."

Question: If there were only 217,348 acres identified that were suitable as Recommended Wilderness, why did Alternative C recommend 242,800 acres? Please explain.

8. Page 22/23 states:

"Thus, I am also making the site-specific decision to restrict over-snow vehicle and mechanized use (mountain biking) within recommended wilderness (with the exceptions allowed in the Montana Wilderness Study Act Ten Lakes area) as described on pages 5 and 6 of this ROD."

Question: What legal authority allows Regional Forester to use the ROD to make site specific travel management decisions without site specific analysis?

9. Page 23 states:

"I believe the analysis examined how mountain biking can lead to user conflicts and resource impacts and gave adequate consideration to site-specific trails in or near recommended wilderness,"

Question: What user conflicts and resource impacts have been documented? Please provide this information.

"I believe the Forest's analysis of over-snow use examines how this activity is incompatible with more primitive activities and the opportunity for solitude associated with wilderness character."

Comment: Please provide copies of this analysis, or reference where the analysis was done in the plan.

"The site-specific analysis for that project will identify the appropriate level of motor vehicle use to ensure the wilderness character that existed in 1977 is maintained."

Question: What baseline data will be used for that analysis?

10. Page 33 states:

"The plant BA determined the revised Plan would have *no effect* on the Spalding's catchfly. This

species has no known occurrences on the KNF; however, suitable habitat potentially exists for this plant and it is listed as "suspected." The protection measures offered for this species in the revised Plan result in the determination of no effect."

Comment: So the USFWS did a biological assessment, the results of which were included in the plan, for a plant species that has "no known occurrences on the KNF". Is that correct?

11. Page 34 states:

"In accordance with Executive Order 12898, the revised Plan has been assessed to determine whether it would disproportionately impact minority or low-income populations. The social assessments for the KNF (Russell and Adams-Russell 2003, Russell and Downs 1995) and the assessment of social conditions and trends (Russell et al. 2006) did not identify any disproportionate impacts from forest management. In addition, collaboration and public involvement on the revised Plan did not identify any concerns regarding disproportionate impacts to low-income or minority populations."

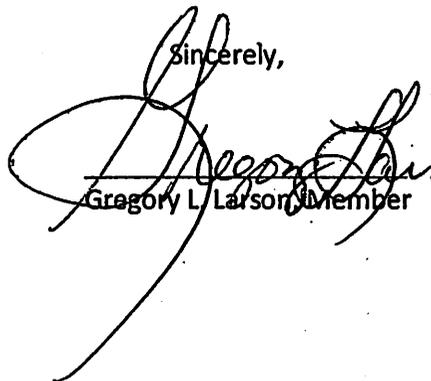
Comment: Please provide copies of the above referenced assessments, or reference where those assessments are located in the Final Plan or EIS.

Comment: The ROD quotes no less than six (6) Executive Orders that the KNF was obligated by law to consider in the forest plan revision. However, Regional Forester Kruger has stated that the KNF is in no way required to consider the language contained in EO #13575. Please explain why the KNF was not required to consider Executive Order #13575 in the Plan and Record of Decision.

We look forward to your timely reply of this request for KNF ROD clarification and want to thank you and your staff for their assistance.

Sincerely,


Mike Cole, Chairman


Gregory L. Larson, Member


Mark L. Peck, Member