



Public Lands Steering Committee Meeting
Boise Centre | Firs/Cottonwoods
Tuesday, September 27, 2016

MEETING MINUTES

Members Present:

Chair - Brenda Richards, Owyhee Treasurer	Custer: Lin Hintze, Commissioner
Vice Chair - John Allen, Clearwater Commissioner	Custer: Wayne Butts, Commissioner
Adams: Mike Paradis, Commissioner	Idaho: Skip Brandt, Commissioner
Bonneville: Dave Radford, Commissioner	Owyhee: Brett Endicott, Assessor
Boundary: Dan Dinning, Commissioner	Owyhee: Jerry Hoagland, Commissioner
Clark: Greg Shenton, Commissioner	Valley: Gordon Cruickshank, Commissioner
	Washington: Kirk Chandler, Commissioner

Members Absent:

Adams: Bill Brown Commissioner	Fremont: Jordon Stoddard, Commissioner
Bannock: Steve Hadley, Commissioner	Fremont: LeRoy Miller, Commissioner
Blaine: Angenie McCleary, Commissioner	Jefferson: Jerald Raymond, Commissioner
Caribou: Earl Somsen, Commissioner	Lemhi: Rick Snyder, Commissioner
Cassia: Dennis Crane, Commissioner	Nez Perce: Doug Zenner, Commissioner
Clearwater: Don Ebert, Commissioner	Payette: Larry Church, Commissioner

Others Present:

Jefferson: Scott Hancock, Commissioner
Clearwater: John Smith, Commissioner
Kootenai: Marc Eberlein, Commissioner
Clark: Bart May, Sheriff
Gooding: Wayne Chandler, Commissioner
Lincoln: Cresley McConnell, Commissioner, Rebecca Wood, Commissioner and Ann Youts, Treasurer
Gem: Bryan Elliott, Commissioner, Mark Rekon, Commissioner
Fremont: Jordon Stoddard, Commissioner, Bill Baxter, Commissioner
Blaine: Larry Schoen, Commissioner
Owyhee: Angie Barkell, Clerk
Bonneville: Dave Radford, Commissioner
Teton: Kelly Park, Commissioner
Joshua Uriarte, Program Manager and Sam Eaton, Legal Counsel, Idaho Office of Species Conservation
Scott Pugrud, Legal Counsel, OER
Lindy Brunelle, Liaison, US Forest Service
Will Whelan, The Nature Conservancy
Chris Marklund, Associate Legislative Director, National Association of Counties
Teresa Baker, Director of Government Affairs, Idaho Association of Counties

Chair Richards called the meeting to order at 3:30 pm. Richards asked the members to review the minutes from the two previous meetings in September 2015 and February 2016.

Cruickshank moved to approve both sets of minutes, Kirkland seconded. Motion carried unanimously.

Public Lands Policy Statement Review

Richards reviewed the Public Lands Policy Statement submitted by the working group and asked for any changes. There were no changes or questions.

Public Lands Council Meeting

Richards provided a recap of the Public Lands Council Meeting as the IAC representative to the Council. Richards reported that there were four different counties represented at the meeting.

Sage Grouse Update

Sam Eaton and Josh Uriarte from the Idaho Office of Species Conservation provided an update on Sage Grouse.

Eaton updated the committee on the litigation filed by the State of Idaho and then on the plan that is currently in place dealing with sage grouse.

Uriarte updated the committee on the management of fire on public lands to assist the Rural Fire Protection Associations (RFPAs). He reported that there is also work on habitat restoration projects that are a high priority. He explained that the Idaho Legislature appropriated \$750,000 to the OSC and that they have been able to leverage these funds to secure other money for projects. For every \$1 appropriated it is matched with \$2.30 of other funds to work on projects on both private and public lands where there are sage grouse hotspots.

Richards asked if there was a method of credit for mitigation grazing in some areas? Eaton stated that there is an umbrella mitigation project that the BLM is working on that should be starting soon. Idaho will be working on trying to quantify the areas that are working well and replicating those efforts.

Uriarte stated that in Idaho the RFPAs must be trained as the BLM firefighters are. This makes them thought of as firefighting professionals. The RFPAs in Idaho are the gold standard as other states don't require the same training.

Dave Radford stated that on October 20th there will be a meeting in eastern Idaho to discuss forming an RFA after the Henry Fire. He asked Uriarte to explain the startup costs for an RFA. Uriarte stated that the main startup costs are for radios, different types of equipment and training. These costs are largely paid for by the Idaho Department of Lands and they start with a 30-man crew. In Idaho most of the RFPAs are set up to be self-funded through grants and/or member dues.

Richards stated that if you have your own disks and bulldozers that they can be used on a fire if they are certified equipment.

John Allen asked if other rural fire protection districts are taxing districts? Josh stated that some are taxing districts but that most are membership associations.

Larry Schoen asked about the litigation and what the State of Idaho hopes to gain by the litigation? Eaton stated that the ultimate goal was, is and will continue to be that the species is not listed.

Eaton explained that Idaho sought to come up with its own plan after Idaho was given notice that in 5 years it may be listed. Idaho put together a solid plan working with the BLM and then at the last minute the plan got nixed and that was why the litigation was filed.

Clearwater Forest Pilot Project

Will Whelan from The Nature Conservancy gave a presentation on the Clearwater Forest Pilot Project. He explained that the Clearwater Basin Collaborative Project (CBC) is a project with representatives from many different groups. The area includes a motorized trail from Elk City to Avery called the Gem Trail.

Whelan provided a handout on the Collaborative Forest Landscape Restoration Program (CFLRP) to the committee. He explained that the Clear Creek Project will be the flagship project of the CBC. He explained the groups were working well together when the Nez Perce Tribe pulled out and pointed out errors. The CBC supports fixing the errors and US Forest Service bringing the project back. The collaboration will hopefully work but that there is there is no longer a path forward for working on a wilderness area designation.

Skip Brandt provided insight into the CBC and where things stand with the membership.

Whelan believes that CFLRP will continue to be authorized by Congress.

Don Ebert updated the committee on his perspectives of the CBC and the work done by all and the hard discussions that have needed to be had.

Dave Radford asked can the board feet could be stopped by one group like the Nez Perce? Will stated that it could.

Federal Issues

Chris Marklund, NACo Associate Legislative Director, Public Lands and Western Interstate Region provided an update on federal issues that NACo is working on. These include official comments on BLM Planning 2.0 for the hearing record. The concern is that the BLM has not provided sufficient time for counties to offer comment on the proposed rule changes, has proposed changes that will reduce requirements to ensure federal consistency with local policies, and seeks to implement a multistate

landscape level of analysis that could diminish its ability to meaningfully assess the local impacts of management decisions.

Marklund stated that NACo will continue to advocate to ensure local government involvement is at the forefront of BLM resource management planning and that local governments have the time necessary to analyze the implications of the substantive regulatory changes presented in the Planning 2.0 rule. This includes counties being seen as co-regulators and intergovernmental partners in the BLM's mission as counties have significant interest in the impact Planning 2.0 will have on their local lands and communities. The Rule is currently in the OMB circular for internal review and the Final Rule will be published in late October or early November.

Marklund also updated the committee on the final rules published on September 26th from the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS). The rules govern how a member of the public may petition FWS and NMFS to list a species under the Endangered Species Act (ESA).

Among changes under the final rule, a petitioner will now be required to notify each state wildlife agency where the subject species occurs. Petitioners must notify states at least 30 days before submitting a petition to the federal government. The final rule also limits petitions under the ESA to no more than one species per petition. Though a petition may only address members of a single species, it may still address multiple subspecies or distinct population segments. The one species per petition was supported by NACo. However, as members of the National Endangered Species Reform Act Coalition (NESARC), NACo and the Western Interstate Region submitted comments on the proposed rule in September 2015 and again in May 2016. The comments encouraged FWS and NMFS to ensure that counties as well as states were notified by the petitioner at least 90 days before submission of a petition under ESA. The comments also requested that NMFS and FWS require petitioners to share all data that is central to the petition with states and counties and allow states and counties to provide substantive comments to the petitioner, FWS and NMFS for consideration as a part of the petition review.

FWS and NMFS responded that additional requirements to notify county governments as well as state governments and share applicable data with them would create unrealistic and burdensome requirements for the petitioners, expressing its belief that a simple notice to impacted states of intent to file a petition was sufficient. Though FWS and NMFS encouraged petitioners to coordinate with states, FWS and NMFS noted their belief that it is the services' responsibility to coordinate sharing of petition data with states.

NACo disagrees with FWS' and NMFS' assertions that notification and coordination with impacted county governments would create undue burdens on petitioners. As such NACo will continue to forge the policy that counties be treated as cooperating agencies with full rights of coordination, consultation and consistency to work jointly with federal agencies to list species and designate critical habitat and

will continue to advocate for the robust inclusion of the county voice in all ESA listing and delisting decisions.

Marklund stated that per federal law, the new regulations will go into effect on October 27, 2016, 30 days after they were made publicly available and published in the Federal Register.

Open Comment Period

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Richards adjourned the meeting at 5:30 pm.

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- Open Comment