

# The Idaho Roadless Rule

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Forest Service

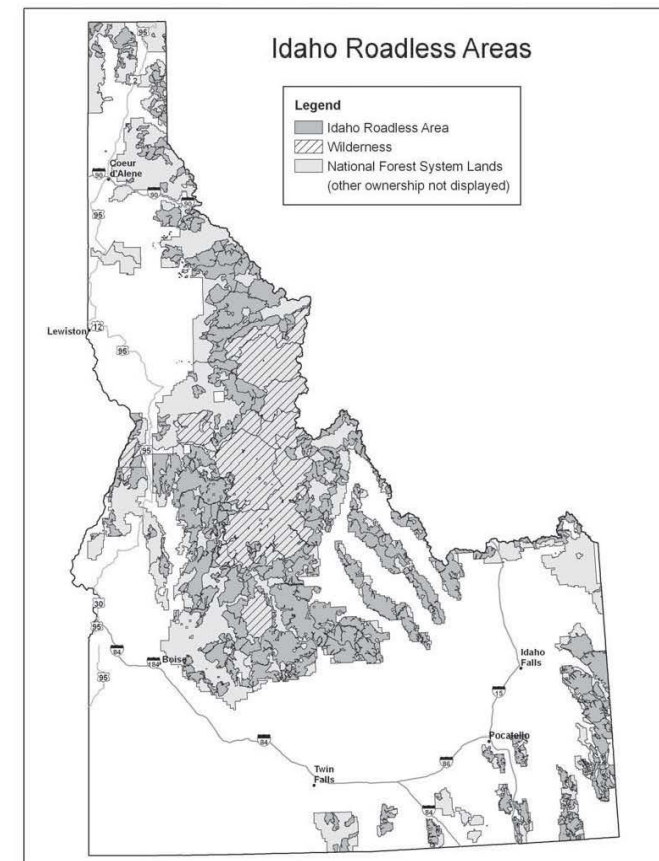
Idaho  
National Forests

August 2008



## Roadless Area Conservation National Forest System Lands in Idaho

### Final Environmental Impact Statement *Summary*



# Idaho Inventoried Roadless Areas: Decades of Conflict and Contention

## RARE I & II

### 2001 Roadless Rule

#### Idaho Petition

- Petition submitted by Governor Risch in 2006 under the Administrative Procedure Act.
- Utilized existing Forest Management Plans as the basis for petition.
- National Advisory Committee reviewed petition and issued recommendations.
- Final rule was issued in 2008; it was upheld by a unanimous (3-0) decision by the 9th Circuit of Appeals in 2013.
- Rule had a broad base of support including local governments, certain conservation groups, Tribal and timber/mining interests.

*“This final rule .... represents a compromise that balances the nationally recognized need for conservation of IRAs with being more responsive to local communities and citizens.”*

#### Specifically, the final rule..

- conserves the undeveloped/unroaded character for the vast majority of the IRAs;
- allows limited fuel treatment activities to reduce the risk of wildland fire effects to private and public property and municipal water supply systems; and
- accommodates limited exceptions for some communities highly dependent on the natural resources found on NFS lands.”

[Reference: Federal Register, Vol 73, No. 201, page 61457, October 16, 2008.]

# Idaho Roadless Rule (36 CFR Part 294, Subpart C)

- Designates a system of lands called “Idaho Roadless Areas”
- Establishes five management themes for individual roadless areas
- Provides prohibitions and limited permissions for
  - Road construction and reconstruction
  - Timber cutting, sale or removal
  - Discretionary mineral activities
- Allows for maintenance of temporary and Forest roads
- Provides for corrections and modifications

# The Idaho Roadless Rule does not apply to:

- Status of existing roads or trails
- Motorized equipment and mechanical transport
- Appropriate management response to fires
- Mining activities associated with the 1872 mining law
- Existing rights, including responsibilities to Tribes
- Forest Plan Special Areas

**Any activity permitted still requires environmental review and consistency with Forest Plan standards and guidelines.**

# Idaho Roadless Area Continuum

## Management Direction

Most Restrictive

Least Restrictive

Wild Land Recreation

• 1,479,000 acres

Special Areas

• 48,500 acres

Primitive

• 1,722,700 acres

Backcountry /  
Restoration

• 5,312,900 acres

General Forest,  
Rangeland, Grassland

• 405,900 acres

Higher Quality

Lower Quality

## Roadless Character

Figure adapted from  
Federal Register, Vol  
73, page 61463.

# Idaho Roadless Rule Implementation Commission

- Established by Executive Order #2006-43 and codified in Idaho Code Section 67-826 as amended in 2020
- Ensures implementation of the Idaho Roadless Rule
- Maintains a broad collaborative approach for the conservation and management of Idaho's roadless areas
- An Advisory Commission to the Governor
- Key role is to review, develop common understanding, make recommendations to the Governor, and provide support for projects.
- A 12-member commission representing forest users, conservation groups, elected officials/tribal interests.

# Corrections and modifications (36 CFR 294.27)

- The forests and regions cannot directly **change the designated boundaries** of IRAs, through plan revision or otherwise. The Rule provides a process for mapping administrative corrections and modifications; however the authority to make changes is reserved to the Chief and must undergo public comment.
- **Administrative corrections.** “...include, but are not limited to, adjustments that remedy clerical errors, typographical errors, mapping errors, or improvements in mapping technology.” 36 CFR 294.27(a)
- **Modifications.** The Chief may add to, remove from, or modify the designations and management classifications listed in §294.29 based on changed circumstances or public need...” The Chief shall provide at least a 45-day public notice and opportunity to comment for all modifications. 36 CFR 294.27(b)
- The USFS process for making modifications and administrative corrections to IRA boundaries was updated in 2016.





Questions?







# Wild Land Recreation Theme (1,479,700 acres)

Activity	Basic Rule	Exception
<b>Road construction and reconstruction.</b> <b>36 CFR 294.23(a)</b>	Prohibited	If pursuant to statute, treaty, reserved or outstanding rights, or other legal duty of the United States.
<b>Timber cutting, sale, or removal.</b> <b>36 CFR 294.24(a)</b>	Prohibited	(1) Personal or administrative use (see 36 CFR 223) OR (2) Incidental to implementation of management activity not otherwise prohibited by this subpart.

# Special Areas of Historic or Tribal Significance (48,600 acres) and Primitive (1,722,700 acres) Themes

Activity	Basic Rule	Exceptions	Limitations
<p><b>Road construction and reconstruction.</b>  <b>36 CFR 294.23(a)</b></p>	<p>Prohibited</p>	<p>Authorization "...if pursuant to statute, treaty, reserved or outstanding rights, or other legal duty of the United States."</p>	
<p><b>Timber cutting, sale or removal.</b>  <b>36 CFR 294.24(b)</b></p>	<p>Prohibited</p>	<p><i>(i) To improve threatened, endangered, proposed, or sensitive species habitat;</i>  <i>(ii) To maintain or restore the characteristics of ecosystem composition, structure, and processes;</i>  <i>(iii) To reduce the risk of uncharacteristic wildland fire effects to an at-risk community or municipal water supply system;</i>            (iv) Personal or administrative use (see 36 CFR 223)            (v) Where such cutting, sale or removal is incidental to implementation of management activity not otherwise prohibited by this subsection.</p>	<p>Any action authorized pursuant to paragraphs §294.24(b)(1)(i) through (iii) shall be limited to situations that:</p> <ul style="list-style-type: none"> <li>i. Maintain or improve roadless characteristics...</li> <li>ii. Use existing roads or aerial harvest systems;</li> <li>iii. Maximize the retention of large tree types as appropriate for the forest type, to the extent the trees promote fire- resilient stands;</li> <li>iv. are consistent with the land management plan components...</li> <li>v. is approved by the regional forester.</li> </ul>

# Backcountry/Restoration Theme (5,312,900)

Activity	Basic Rule	Conditions
<p><b>Road construction and reconstruction.</b></p> <p><b>36 CFR 294.23(b)</b></p>	<p>Permissions</p>	<p>(1) Road construction or reconstruction are only permissible...where Regional Forester determines:</p> <ul style="list-style-type: none"> <li>(i) A road is needed to protect public health &amp; safety in cases of an imminent threat of flood, wildland fire, or other catastrophic event that, without intervention, would cause the loss of life or property;</li> <li>(ii) A road is needed to conduct a response action or a natural resource restoration action under CERCLA...</li> <li>(iii) A road is needed is needed pursuant to statute, treaty, reserved right or legal duty of the U.S. ....”</li> <li>“(iv) A road realignment is needed to prevent irreparable resource damage from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur...only if the road is deemed essential for public or private access, natural resource management, or public health and safety;</li> <li>(v) Road reconstruction is needed to implement road safety improvement...on a road determined to be hazardous based on accident experience or accident potential...;”</li> <li>“(vi) The Secretary of Agriculture determines...Federal Highway project...is in the public interest or is consistent with the purpose for which the land was reserved or acquired and no other reasonable and prudent alternative exists.</li> </ul>
	<p>Authorizations</p>	<p>(2) A responsible official may authorize temporary road construction or reconstruction for community protection zone activities pursuant to §294.24(c)(1)(i) if in the official’s judgment the community protection objectives cannot be reasonably accomplished without a temporary road.</p>



# Backcountry/Restoration Theme (Continued)

Activity	Basic Rule	Conditions	Limitations
<p><b>Road construction and reconstruction.</b> <b>36 CFR 294.23(b)</b></p>	<p>Authorization</p>	<p>(3) The Regional Forester may approve <i>temporary road construction or road reconstruction</i> to reduce hazardous fuel conditions outside a community protection zone where in the Regional Forester’s judgment the circumstances set out below exist. Temporary road construction or road reconstruction to reduce hazardous fuel conditions under this provision will be dependent on forest type and is expected to be infrequent.</p>	<ul style="list-style-type: none"> <li>(i) There is significant risk that a wildland fire event could adversely affect an at-risk community or municipal water supply system. A significant risk exists where the history of fire occurrence, and fire hazard and risk, indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to an at-risk community or municipal water supply system.</li> <li>(ii) The activity cannot be reasonably accomplished without a temporary road.</li> <li>(iii) The activity will maintain or improve roadless characteristics over the long-term.</li> </ul>

# Backcountry/Restoration Theme

Activity	Basic Rule	Conditions	Limitations
<p><b>Timber cutting, sale or removal.</b> <b>36 CFR 294.24(c)</b></p>	<p>Permissions</p>	<p>(1) The cutting, sale, or removal of timber is permissible in Idaho Roadless Areas designated as Backcountry/Restoration only:</p> <ul style="list-style-type: none"> <li>(i) To reduce hazardous fuel conditions within the community protection zone if in the responsible official's judgement, the project generally retains large trees as appropriate for the forest type and is consistent with land management plan components as provided for in §294.28(d);</li> <li><u>(ii) To reduce hazardous fuel conditions outside the community protection zone where there is significant risk that a wildland fire disturbance event could adversely affect an at-risk community or municipal water supply system. A significant risk exists where the history of fire occurrence, and fire hazard and risk, indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to an at-risk community or municipal water supply system;</u></li> <li><u>(iii) To improve threatened, endangered, proposed, or sensitive species habitat;</u></li> <li><u>(iv) To maintain or restore the characteristics of ecosystem composition, structure, and processes;</u></li> <li><u>(v) To reduce the risk of uncharacteristic wildland fire effects;</u></li> <li>(vi) For personal or administrative use, as provided for in 36 CFR part 223;</li> <li>(vii) Where incidental to the implementation of a management activity not otherwise prohibited by this subpart; or</li> <li>(viii) In a portion of an Idaho Roadless Area designated as Backcountry/Restoration that has been substantially altered due to the construction of a forest road and subsequent timber cutting. Both the road construction and subsequent timber cutting must have occurred prior to October 16, 2008.</li> </ul>	<p>(2) Any action authorized pursuant to paragraphs §294.24(c)(1)(ii) through (v) shall be approved by the Regional Forester and limited to situations that, in the Regional Forester's judgment:</p> <ul style="list-style-type: none"> <li>(i) Maintains or improves one or more of the roadless characteristics over the long-term;</li> <li>(ii) Maximizes the retention of large trees as appropriate for the forest type to the extent the trees promote fire- resilient stands; and</li> <li>(iii) Is consistent with land management plan components as provided for in §294.28(d).</li> </ul>

# General Forest, Rangeland, Grassland Theme (405,900 acres)

Activity	Basic Rule	Exception
<b>Road construction and reconstruction.</b> <b>36 CFR 294.23(c)</b>	“may”	(1) A forest road may be constructed or reconstructed or a temporary road may be constructed in Idaho Roadless Areas designated as General Forest, Rangeland, and Grassland, unless prohibited in §294.25(e). (2) Forest roads constructed or reconstructed pursuant to §294.23(c)(1) must be conducted in a way that minimizes effects on surface resources and must be consistent with land management plan components as provided for in §294.28(d).
<b>Timber cutting, sale or removal.</b> <b>36 CFR 294.24(d)</b>	“may”	Timber may be cut, sold, or removed within Idaho Roadless Areas designated as General Forest, Rangeland, and Grassland but shall be consistent with the land management plan components as provided for in §294.28(d).