

EXHIBIT 8

Email from Joe Hudson to Kenneth Troyer
Nov. 5, 2014

From: Hudson, Joe B -FS
To: zanderson@idl.idaho.gov
Cc: [Windsor, Michele A -FS](#)
Subject: FW: Johnson Bar Project and Selway ROW
Date: Thursday, November 06, 2014 10:51:00 AM

FYI Zoanne.

From: Kenneth Troyer - NOAA Federal [mailto:kenneth.troyer@noaa.gov]
Sent: Wednesday, November 05, 2014 4:14 PM
To: Hudson, Joe B -FS
Cc: Windsor, Michele A -FS
Subject: Re: Johnson Bar Project and Selway ROW

That is a little different than i was trying to convey, Joe, but mainly because of one thing--we must consult on the road use permit. That is the only Federal action. The IDL activity on their land becomes interrelated/interdependent with that action, assuming they have no viable alternative to get the timber harvested and transported without use of that road. I don't know if they have given alternatives more thought, but i gathered (albeit third-hand) that they did not have one.

In terms of process:

1) there is just one consultation: we consult with you on your issuance of the road use permit. The IDL activities on their land become part of the "effects of the action" in that consultation.

(The road maintenance programmatic consultation can't be used for this road use permit action. It is a somewhat different action for one thing and also we didn't/couldn't analyze the effects of unknown interrelated/interdependent activities ahead of time in a programmatic.)

2) i can't pre-decide what our analysis will say, but Aurele and Sarah were encouraged by what Zoanne showed them (Sarah, like Zoanne, is very familiar with the SRBA requirements) and the "effects of the action" at first glance appear likely to meet the primary requirement of section 7 (no jeopardy/no adverse modification).

3) some measures might be needed to reduce take (via habitat effect) associated with the IDL activity, but those would be optional.

I'm doublechecking all this with our legal folks and getting a recent example of that type of consultation document that we can use as a template.

If you or Michele or Zoanne would like to talk, I think my work phone will be operational the next couple of days, but i have some doubts with the chaos of this office move, so here is my cell phone too:

work - 208 378-5692
cell - 208 (b) (6)

Thanks for your patience with this, Joe.

Ken

On Wed, Nov 5, 2014 at 3:10 PM, Hudson, Joe B -FS <jbhudson@fs.fed.us> wrote:

Thanks Ken, I have talked with IDL (Zoanne Anderson) and explained the process as I understood it from our discussion. She is going to discuss with her superiors on Friday, then contact me or contact you directly. I'm thinking it may be a good idea for all parties to get on a conference call at some point soon so we are all on the same page and have a common understanding of the process. Here is the process as I explained it to Zoanne:

- IDL requests commercial road use permit from FS. (Done)
- FS conducts Sec 7 consultation on FS action (Road Use Permit). (Done, falls under Programmatic Agreement.)
- IDL has no other viable option to remove timber except via FS access therefore IDL harvest action is considered interrelated/interdependent activity with road use permit.
- NOAA enters into Section 7 consultation with FS & IDL on IDL's timber harvest action via FS commercial road use permit to IDL.
- IDL provide harvest design information to NOAA and FS.
- NOAA/FS analyzes timber harvest effects.
- Consultation results in effects call (NLAA, LAA, etc.).
- If a take statement is involved it is issued to IDL.
- NOAA issues BO w/ conditions/recommendations to IDL.
- Conditions/Recommendations are voluntary and at the discretion of IDL.

Please correct if I have misinterpreted. I am also forwarding the Guidelines sheet you sent me to Zoanne.

From: Kenneth Troyer - NOAA Federal [mailto:kenneth.troyer@noaa.gov]

Sent: Tuesday, November 04, 2014 4:49 PM

To: Windsor, Michele A -FS

Cc: Hudson, Joe B -FS

Subject: Re: Johnson Bar Project and Selway ROW

Michele and Joe, thank you for the good discussion today. Do let me know if you find that there is either not an action or that IDL has a viable alternative. Otherwise we will proceed with analyzing that interrelated/interdependent activity and will appreciate any assistance we

can get from you/your staff. And if we continue on that path I will talk to IDL and explain things and answer their questions.

Attached is the page from the consultation streamlining guidance and the associated attachment that i mentioned. (I will find us a cleaner electronic copy of this. For today I just made a pdf of my hard copy, which is not high quality.)

We and USFS have refined this process in practice since this was written, but you can see that the basic idea is that the three parties work to understand the access proponent's activities and their effects and the reg agency recommends ways for the proponent to minimize those.

My computer will be functioning tomorrow (weds) but dismantled for the move on thurs and fri. If you'd like to reach me at the end of the week, don't hesitate to call my cell phone: [\(b\) \(6\)](tel:208(b)(6))

Ken

On Mon, Nov 3, 2014 at 2:35 PM, Windsor, Michele A -FS <micheleawindsor@fs.fed.us> wrote:

Joe – can we call Ken after our meeting tomorrow from Powell? I can pack a lunch and send my driver to lunch while we do this call.

Ken, will you be available tomorrow after 1PM your time?

From: Kenneth Troyer - NOAA Federal [mailto:kenneth.troyer@noaa.gov]

Sent: Monday, November 03, 2014 1:34 PM

To: Windsor, Michele A -FS

Subject: Re: Johnson Bar Project and Selway ROW

Friday unfortunately won't work because we are moving offices (from west Boise to downtown) and that is moving day. We will be down for some part of Thursday as well as computer system gets dismantled. Is Tuesday afternoon or Weds possible?

On Mon, Nov 3, 2014 at 1:46 PM, Windsor, Michele A -FS <micheleawindsor@fs.fed.us> wrote:

Ken –

Can Joe and I give you call on Friday morning to clear this up?

From: Kenneth Troyer - NOAA Federal [mailto:kenneth.troyer@noaa.gov]

Sent: Friday, October 31, 2014 2:57 PM

To: Windsor, Michele A -FS

Subject: Johnson Bar Project and Selway ROW

Michele, I think KT relayed some info from me to you. That info will be good, but we should talk both because this Selway Road special case can be confusing (but not hard in the end!) and because we should also get caught up on Johnson Bar and on wrapping up/next steps from the streamlining session last month.

Please give me a call when you can next week. Not urgent, but we have a bit of a backlog. Thankfully our staffs are quite competent and are working well together so they don't need us too much but i think we can help with a couple of things.

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