



Idaho County Natural Resource Plan

April 2016



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Table of Contents

Document History	1
1. Introduction.....	1
1.1. General	1
1.2. Document Organization	1
1.3. Purpose	2
1.4. Idaho County	3
1.4.1. Government	3
1.4.2. Landownership.....	4
1.4.3. Economy/Stability	6
2. General Direction.....	7
2.1. Coordination.....	7
2.2. Economics	9
3. Physical and Biological Ecosystems.....	10
3.1. Air Quality.....	10
3.2. Aquatic Ecosystems.....	10
3.2.1. Floodplains, Wetlands, Riparian Areas, and Watersheds.....	10
3.2.2. Fisheries	12
3.3. Terrestrial Ecosystems.....	12
3.3.1. Vegetation—Forested	12
3.3.2. Vegetation—Grasslands, Rangelands	14
3.3.3. Fire Management.....	14
3.3.4. Wildlife	15
3.3.5. Invasive Plants (Noxious Weeds)	16
3.3.6. Land Disposition and Acquisition and Private Land	17
4. Human Uses	18
4.1. Energy and Mineral Resources	18
4.2. Livestock Grazing	19
4.3. Irrigation and Agriculture.....	19
4.4. Water Rights	19
4.5. Recreation.....	20
4.6. Access.....	22
4.7. Communication Sites	23

4.8. Cultural, Geologic, and Paleontological Resources	24
5. Other Resources	24
5.1. Miscellaneous Forest Product	24
5.2. Wilderness/Roadless.....	24
5.2.1. Wilderness	24
5.2.2. Roadless	25
5.3. Wild and Scenic Rivers	26
6. Literature Cited	31
Appendix A: Idaho County Workforce Trends and Labor statistics.....	33
Appendix B: Compensation to Counties for Federal Lands Forest Reserve PILT and SRS Payments.....	37
Appendix C: Citations of Federal Code and Case Law and Coordination Mandate.....	41
Bringing Control Back Home	43
Coordination of Federal Agencies with Local Government	44
U.S. Forest Service.....	44
National Environmental Policy Act (NEPA):42 USC 4321-4347.....	45
Federal Regulations Implementing NEPA	45
National Forest Management Act (NFMA) 16 USC 1600-1614	46
NFMA Planning Rules 36 CFR 221.3(a) (l)	46
Federal Land Policy And Management Act: 43 USC 1701-1785	46
Planning Rules 43 CFR 1600 et seq.	47
Endangered Species Act: 16 USC 1531-1544	48
Case Law Related to the Endangered Species Act	49
Wild and Scenic Rivers Act 16 USC 1271 - 1287.....	50
Historic Preservation Act 16 USC 470	52
Historic Preservation Act Planning Rules	52
Clean Air Act 42 USC 7401-7431.....	52
Clean Water Act 33 USC 1251 et seq.....	53
Soil And Water Resources Conservation Act 16 USC 2001 et seq.	53
Rural Environmental Conservation Program 16 USC 1501 et seq	53
Resource Conservation Act of 1981 16 USC 3401 et seq.	53
Data Quality Act: Uncodified, amends the PRA. 44 U.S.C. 3501 et seq.....	54
PRESIDENTIAL EXECUTIVE ORDER 12866.....	55
REGULATORY PLANNING AND REVIEW (September 30, 1993)	55

Presidential Executive Order 12630.....	55
Governmental Actions and Interference with Constitutionally Protected Property Rights (March 15, 1988)	55
Court Cases Upholding Local Land Use Planning.....	56
Appendix D: Letter to Mackay Bar Outfitters and Guest Ranch Inc.....	57
Appendix E: Public Involvement.....	63
Appendix F: Resolution	67

List of Tables

Table 1. Landownership within Idaho County.....	5
Table 2. Ownership and designation of federally managed lands within Idaho County.....	6
Table 3. Recreation opportunities available on the Nez Perce-Clearwater National Forest within Idaho County.....	20
Table 4. Current recreation opportunities available on the Payette National Forest within Idaho County.	20
Table 5. Current recreation opportunities available on the Hells Canyon National Recreation Area	21
Table 6. Current recreation opportunities available on the Salmon-Challis and Bitterroot National Forests	21
Table 7. Acres of designated Wilderness by Forest within Idaho County	25
Table 8. Roadless Area Recreation Opportunity Spectrum in roadless areas on the Nez Perce-National Forest in Idaho County.....	26

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Document History

2016/01/12: County Commissioners decide to contract out Draft Idaho Count Natural Resource Plan (ICNRP)

2016/04/05: Draft ICNRP Presented to County Commissioners

_____ : First Notice of public hearing Second Notice of public hearing Final Draft out for public comment Public hearing

_____ : Final Document adopted by Board of County Commissioners

1. Introduction

1.1. General

The Board of County Commissioners (Board) of Idaho County, Idaho, recognizes one goal of the county's citizens and, therefore, its government, is the continuation of a lifestyle ensuring quiet enjoyment of private property rights and interests and ensures the highest degree of protection of these rights. Property rights and interests are important to the people who live and work in this rural county. Many people who live in the county rely on the land and its productive use. Private ownership and the incentives provided by private ownership are a driving force supporting the livelihood of many of the county's citizens.

Idaho County also recognizes that the economic, business, and social structure depends on the county's natural resources. Federal and State-managed lands comprise approximately 85% of Idaho County. Moreover, Idaho County's economy is affected by the operations, activities, and policy decisions affecting federal and State land. State and federal agencies are charged by law with governing State-owned and federally managed lands located inside the county's political boundary in the best interest of all citizens. Federal and State planning decisions may benefit a great many citizens outside the county but can transfer a disproportionate amount of fiscal and social costs and responsibilities to the County and county residents.

The Board recognizes the need for a local government plan that clearly states the desires and objectives of the County regarding management of the natural resources located on public lands located within the county. This Idaho County Natural Resource Plan (ICNRP or Plan) is to be incorporated by federal and State agencies in their planning processes.

This document provides direction and specific actions and is intended and designed to be supplemented and/or amended as needs change, better information becomes available, and unforeseen problems may arise. This Plan may be updated and/or amended as approved by the Board.

Waivers: The county commissioners upon majority vote grant a waiver of any requirement of this ICNRP on a case-by-case basis.

1.2. Document Organization

This document is organized in six sections:

- 1.0—Introduction

- 2.0—General Direction
- 3.0—Physical and Biological Ecosystems Direction
- 4.0—Human Uses Direction
- 5.0—Other Uses Direction
- 6.0—Appendices.

The direction for this ICNRP is described in the following 4 components which follow or are similar to those used by federal agencies to provide for consistency in cooperating with federal and State agencies:

1. **Desired Condition**—A description of specific social, economic, and/or ecological characteristics of the county or a portion of the county toward which land and resource management should be directed. Desired conditions must be described in terms specific enough to allow progress toward their achievement but not include completion dates.
2. **Objectives**—A concise, measurable, and time-specific statement of a desired rate of progress toward a desired condition or conditions. Objectives should be based on reasonably foreseeable budgets.
3. **Standards**—A mandatory constraint on a project or activity decision-making, established to help achieve or maintain the desired condition or conditions, avoid or mitigate undesirable effects, or meet applicable legal requirements.
4. **Guidelines**—A constraint on a project or activity decision-making allowing departure from its terms as long as the purpose of the guideline is met. Guidelines are established to help achieve or maintain a desired condition or conditions, avoid or mitigate undesirable effects, or meet applicable legal requirement.

These components may be changed by the Board at any time as new information is received.

1.3. Purpose

The purpose of this Plan is to make clear the culture, heritage, custom, economic needs, and values of the citizens of Idaho County in regards to the natural resources found within the boundary of the county. These cultural realities must be taken into consideration by State and federal agencies when they are developing plans impacting the use of land and natural resources within the county.

Federal and State agencies are charged by law with managing lands under their jurisdictions within the county political boundary and in the best interest of all its citizens.

Laws and regulations of the State of Idaho (state laws) and the United States (federal laws) mandate planning and actions by federal and State agencies be coordinated with the plans of local government. Congress has long recognized the importance of local governance to the effective management of the nation's resources and has provided for involving units of local government in every federal land use statute passed in the past 35 years, including the National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), and National Forest Management Act (NFMA).

This Congressional directive to coordinate means federal agencies shall give prior notice to Counties of agency plans and management activities and requires agencies to make every effort to ensure their policies and management activities are consistent with local plans. Congress has

directed federal agencies to coordinate with local government because they recognize local authority must be consulted and involved in the decision-making process at the earliest stages and prior to the public input process.

In their decision-making, federal agencies must consider the effect their decisions will have on local customs and culture, community stability, and economic stability. Conservation and use of the environment and natural resources must be considered for the action taken.

For more information on the County's relationship to the federal and State government, refer to Appendices B and C.

The Board recognizes it is its duty and obligation to enter into official resource planning activities and requires federal and State agencies to coordinate with the County in accordance with federal and State laws. In accordance with federal and State laws regarding public land use planning and protection of private property interests, the Board seeks to maintain and revitalize the various multiple uses of federal- and State-managed lands.

The Board believes resource and land use management decisions made in a coordinated manner between federal and State agencies and County officials will not only maintain and revitalize the multiple use of all lands in the county but will also enhance environmental quality.

The Board commits all natural resource decisions affecting Idaho County will be guided by the following principles:

- Revitalize and maintain the concept of multiple-use on all lands within the county
- Maintain the concept of multiple-use as an inclusive rather than exclusive term; hence avoiding the setting of one use against another
- Protect private property rights and private property interests, including investment backed expectations that may be impacted by public land management decisions
- Protect local historical custom and culture. Protect places and uses (e.g., access to old mines and tailing, access to gold panning)
- Protect the traditional economic structures in the county that form the base for economic stability, including but not limited to, timber, mining, and agriculture
- Opening of new economic opportunities through reliance on free markets
- Protect and maintain the County's infrastructure
- Provide for the enjoyment of the natural resources located within the county by all citizens
- Provide for the safety of all county residents from flooding, fires, and landslides

1.4. Idaho County

1.4.1. Government

Idaho County (County) is a general law county and a political subdivision of the state of Idaho (State), having corporate powers and exercising the sovereignty of the State within its boundaries, as provided in the Idaho Constitution, those powers specified by statute and those necessarily implied therefrom.

Only the Board can exercise the powers of the County by agents and officers acting under the authority of the Board. The Board serves as the Chief Executive authority of the County government and is charged by law with performing all duties necessary to the full discharge of these specified and implied executive duties. The Board is charged with protecting the health safety and welfare of all of the citizens and land owners of Idaho County.

The customs and cultures of Idaho County are historically tied to the land. Idaho County exists as a direct result of the natural resources found here and the industries they support. Agriculture, mining, forestry, recreation, fishing, trapping, and hunting are examples of the resource-based industries on which we depend. Preserving our customs and culture and the stewardship that has subsequently evolved is a critical component in protecting the land for future generations. Local government has the responsibility to protect private property, the local tax base, economic stability, safety, and the general well-being of the local community. These critical functions are profoundly impacted by land management decisions made by federal and State agencies.

1.4.2. Landownership

Federal and State-managed lands comprise approximately 85% of Idaho County (Table 1). Within Idaho County, land is managed by several federal agencies, including, but not limited to, the Forest Service, BLM, U.S. Fish and Wildlife Service (USFWS), and National Park Service (NPS). State land managed by the Idaho Department of Lands, Idaho Department of Fish and Game, and Idaho Department of Parks and Recreation also exists within Idaho County.

Federally managed lands within Idaho County are managed by four national forests and one national recreation area (Table 2).

Table 1. Landownership within Idaho County

Ownership or Managing Agency	Acres	Square Miles	Percent of Total
Federally Managed Land			
Forest Service	4,433,846	6,928	82%
Bureau of Land Management	92,018	144	2%
U.S. Fish and Wildlife Service, National Wildlife Refuge	127	—	—
National Park Service	84	—	—
Other	13,124	21	—
Total	4,539,199	7,134	84%
State Managed Land			
Idaho Department of Lands	74,036	118	1%
Idaho Department of Fish and Game	1,499	2	—
Idaho Department of Parks and Recreation	159	—	—
State—Other	58	—	—
Total	75,648	1,182	1%
Other Lands			
Private Land	792,258	1,238	15%
Nez Perce Tribe	4,184	7	—
Other	26,354	41	—
Total	822,796	1,286	15%
GRAND TOTAL	5,437,643	8,496	100%

Source: IAC 2010 Table 1 and 2 used the information from different sources and therefore will not match, but are within 1% or less.

Table 2. Ownership and designation of federally managed lands within Idaho County

National Forest	Wilderness (acres)	Roadless Areas (acres)	Other (acres)	Total Land by National Forest (acres)
Nez Perce–Clearwater National Forest	1,138,999 (38%)	896,008 (30%)	979,601 (32%)	3,014,608 (100%)/(68%)
Payette National Forest	461,440 (57%)	240,040 (30%)	103,000 (13%)	804,480 (100%)/(18%)
Hells Canyon National Recreation Area	59,900 (56%)	35,400 (33%)	11,320 (11%)	106,620 (100%)/(2%)
Bitterroot National Forest	460,612 (99%)	0 (0%)	3,552 (1%)	464,164 (100%)/(10%)
Salmon-Challis National Forest	62,080 (100%)	0 (0%)	0 (0%)	62,080 (100%)/(2%)
Total National Forest System Lands	2,183,031 (49%)	1,171,448 (26%)	1,097,473 (25%)	4,451,952 (100%)/(100%)

Source: Data derived from GIS maps provided from the Forest Service, map estimates, and the Idaho Roadless Rule
Table 1 and 2 used the information from different sources and therefore will not match, but are within 1% or less.

1.4.3. Economy/Stability

Idaho County had an estimated population of 16,215 in 2014; a 4% increase from 2004. Idaho County’s population rose to its highest level in 2011, approaching 16,500. Population then slightly declined in 2012 and 2013 and increased very slightly in 2014.

The unemployment rate was lowest in 2007 at about 5%. Idaho County’s unemployment rate peaked in 2010 at about 12.5 % and has since steadily dropped to about 7.5 in 2014. However, the Idaho County’s unemployment rate has always been higher than the national average or the state of Idaho average.

Average per capita income has risen from \$23,313 in 2004 to \$31,502 in 2013. Idaho County’s per capita income runs about 31% less than the national average and 13%–20% less than the average for the state of Idaho. See Appendix A for a more complete discussion on the wages and trends in Idaho County as compiled by the Idaho Department of Labor.

Idaho County has a history of utilizing its natural resources (both renewable and non-renewable), particularly timber, grazing, mineral, wildlife, and fisheries. These resources were either used locally or shipped from the county in raw form or manufactured and shipped in a “value added” state. One major goal of the Board is to show support for manufacturing in the county to create finished products from natural resources extracted within the county boundaries.

Idaho County’s economy depends greatly on industries operating on private lands as well as federal and State lands. These industries include timber harvesting, agriculture, mining, livestock grazing, recreation, and other commercial activities. Businesses in these industries create the base for economic stability within the county. Because only 15% of the land in the county is privately owned, effective use of private land depends on the management style and techniques of federal and State land and water managers.

Because 84% of Idaho County is federally owned, compensation from the federal government is critical to its stability. Idaho County receives compensation in three areas:

- 25% Funds—This revenue is derived from timber sales, grazing fees, land use fees, recreation charges, utility fees, mineral revenues, and admission or user fees. This compensation has not been utilized by Idaho County for many years as they have opted for Secure Roads and School payments instead (a county must choose between these two payments).
- Secure Roads and School (SRS)—SRS funds are payments made to Idaho County with a formula splitting funds mostly between roads and schools. See Appendix B for SRS funding since 2007.
- Payments in Lieu of Taxes" (PILT)—PILT are federal payments to local governments that help offset losses in property taxes due to non-taxable federal lands within their boundaries. The law recognizes the inability of local governments to collect property taxes on federally owned land, which can create a negative financial impact. See Appendix B for PILT funding since 2007.

Recognizing the critical tie between the use of the federal and State lands and the economic stability of the county, the Board will actively work to provide a voice for individual citizens and local communities when planning future management decisions, practices, and uses of the public lands in the county.

2. General Direction

2.1. Coordination

Existing Condition: Within Idaho County, land is managed by several federal agencies, including, but not limited to, the Forest Service, BLM, USFWS, and NPS. State land managed by the Idaho Department of Lands, Idaho Department of Fish and Game, and Idaho Department of Parks and Recreation also exists within Idaho County. Idaho County interacts with all of these agencies concerning management of these lands.

GIS software utilized by the federal and State agencies vary, but are compatible. However, GIS software used by Idaho County does not interface well with the software of these agencies. Because Idaho County does not have any resource information in its GIS system, an opportunity exists to upgrade the County's GIS software to gain access and share resource information gathered and used by the other agencies.

The National Environmental Policy Act (NEPA) guides most resource decisions made by federal agencies. The County must understand and be involved early in the federal agency decision-making processes. NEPA direction for the Forest Service is outlined in Forest Service Handbook (FSH) 1909.15.

The following are the desired conditions, objectives, standards, and guidelines for coordination:

1. **Desired Condition:** Decisions and actions of the federal and State agencies regarding public lands within and adjacent to Idaho County are consistent with this Plan.
2. **Desired Condition:** Clear and efficient communications, documentations, and processes enable and enhance coordination between federal and State agency planning and activities and the County.

3. **Objective:** In the next 5 years, Idaho County will upgrade its GIS system to interface with all federal and State agencies that manage land within Idaho County.
4. **Objective:** In the next 10 years, Idaho County will develop an agreement (may include a cost share agreement) to integrate and share all GIS layers with each federal and State agency that manages land within Idaho County.
5. **Objective:** In the next year, Idaho County will work with the Forest Service to develop a memorandum of understanding (MOU) for the development and implementation of the Nez Perce-Clearwater National Forest Land and Resource Management Plan as well as site-specific planning efforts or project plans implementing site-specific actions in which the County expresses interest.
6. **Standard:** Idaho County will transmit an announcement of the existence or modification of this Plan and the method of obtaining a copy of this Plan to the Federal and State agencies.
7. **Standard:** Federal or State agencies proposing policy changes, rules promulgation, planning actions or regulations within Idaho County must publish written notice in the Lewiston Tribune.
8. **Guideline:** To ensure the County is informed of federal actions, written notice should be provided to the Board prior to consideration of any federal or State policy changes, rule promulgations, planning actions, or regulations affecting Idaho County.
9. **Guideline:** To provide federal and State agencies and the public with information in this Plan, the County will provide, upon request, a current copy of this Plan, with all supplements, amendments, appendices, and attachments, to any federal or State agency or any member of the public.
10. **Guideline:** To allow the County to recover its cost of providing copies of this Plan; a per-copy fee may be assessed consistent with fees charged by the State for documents of a similar nature. The County may waive the fee at its discretion.
11. **Guideline:** To provide a clear and efficient understanding of this Plan, new Line Officers for any federal or State agency with jurisdiction in Idaho County should meet with an Idaho County Commissioner to review this Plan within 30 days of their report date.
12. **Guideline:** To promote coordination at the earliest time possible, federal and State agencies should include a County Commissioner, or their representative, in the development of proposed projects, regulations, or policy changes during their development. For federal agencies development is defined as the “Proposal Development” portion or “Left Side” of the triangle of the NEPA process, prior to scoping, see FSH 1909.15, Chapters 10 and 11.
13. **Guideline:** To provide for adequate coordination with project analysis, the Board will request “cooperating agency status” (FSH 1909.15, Chapter 11.31b) for all or selected projects. The selected projects will be identified at an annual meeting with each federal and State agency, usually scheduled around January 1 of each year.
14. **Guideline:** To ensure federal and State agencies receive County concerns about projects, the Board should review and comment on all draft plans and environmental documents affecting public land and land-based resources in Idaho County.

2.2. Economics

Existing Condition: The County provides needed services, including but not limited to, schools, health care, police protection, search and rescue, disaster coordination, and road maintenance. Industry and commerce within the county must be encouraged and strengthened to provide tax revenue to provide these services. These industries include but are not limited to timber, agriculture, mining, recreation, fisheries, wildlife and all other activities related to, and reliant upon, the availability of natural resources on private as well as federal- and State-managed lands.

The local economy depends greatly on wood products production and manufacturing. The economic impacts of the wood product industry on Idaho County and the regional economy are substantial, representing approximately 18%–25% of the economy, depending on the measure reported (Peterson 2011). Timber harvests on the Nez Perce–Clearwater National Forests have been sharply declining for nearly 20 years, resulting in the closure of most local mills and the loss of thousands of regional jobs. Timber harvest has declined 90% from the peak harvest year of 1989 (Peterson 2011). The decline of wood products manufacturing (and other primary industry jobs) has hit rural Idaho regional economies hard. The average job in Idaho County paid about the same as the average job in Boise (Ada County) in 1973. By 2008, the average job in Idaho County paid only 59% of the average job in Boise (Peterson 2011).

Counties and States are not allowed to tax federally managed lands, including tribal trust lands, within their boundaries. The County must understand how agency activities and management actions on federally and State managed and privately owned lands impact the economic underpinnings of the local community.

The SRS program has provided levels of federal financial support to the County through State distribution since 2000; SRS was renewed in 2008 through 2016. When this funding is no longer available, the County must promote a sustained revenue stream to replace this federal subsidy or make drastic cutbacks in services. Replacing County revenue includes increasing taxes. Proper management of federal lands will ensure a stable, long-term income stream for both State and County.

The County also receives PILT funding, (see section 1.4.3 and Appendix B for funds received for the last 8 years.)

The following are the desired conditions, objectives, and guidelines for economics:

1. **Desired Condition:** An economic environment exists that increases the local economic benefit from resources contained on private and public lands.
2. **Desired Condition:** Open market economic conditions are used to benefit economically from resources on private and public lands.
3. **Objective:** In the next 5 years, obtain funding for research to address economic issues related to the county.
4. **Objective:** In the next 10 years, natural resource–based employment increases by 10%.
5. **Objective:** In the next 10 years, develop a system for input-output studies which will measure and monitor the economic impacts of actions of federal and State agencies and to be used by all federal and State agencies.
6. **Guideline:** To promote economic development within Idaho County, federal and State agencies should include alternatives that attempt to increase opportunities for local

economic development for all projects by increasing the use of resources by the private sector. These alternatives would be displayed in the analyses.

3. Physical and Biological Ecosystems

3.1. Air Quality

Exiting Condition: Air quality within Idaho County is clean and clear. It is most affected by smoke in the summer and fall. Most of the smoke originates from wildfire, field burning on private lands, and prescribed burns on federal and state lands. These activities occur within and adjacent to the county. Wildfire effects can originate more than 100 miles away from the county.

Wildfires, which are largely unscheduled, can dominate the air quality and adversely affect agriculture in the county. Agricultural business can be forced to wait weeks to accomplish their agricultural burner because of wildfires on federally managed lands, which can interrupt and adversely affect agricultural businesses. In effect, the Forest Service gets to go first, and then when the air is clear, agriculture gets to go.

The following are the desired condition and guideline for physical and biological ecosystems:

1. **Desired Condition:** Air quality supports human and ecosystem health and quality of life. It enhances visibility and the visual aesthetics of the county and contributes to the economic sustainability of the local economy.
2. **Guideline:** To minimize cumulative air quality impact during the active burning season, federal, State, and private landowners should coordinate their planned burning activities with the Idaho/Montana Airshed Group.

3.2. Aquatic Ecosystems

3.2.1. Floodplains, Wetlands, Riparian Areas, and Watersheds

Existing Condition: The mountainous character of the county and its geographical orientation combine with prevailing weather patterns to produce a climate of considerable variability with the higher mountains receiving more precipitation than valley bottoms. Precipitation, in the form of rain, is normally absorbed into the mountain soil profile and is generally not a major contributor to annual run-off. Rivers and streams collect heavy run-off of from snowmelt during the winter, spring, and early summer. Floodplains, the relatively narrow and variable valley floors constructed by active streams, exist along rivers in the lower valleys. Floodplains usually include riparian and wetland areas and are a part of the active erosional and depositional activity of river channels. A number of floods have occurred in the county.

Future water flows may be altered by excessive vegetation, fire, and/or changes in climate. These changes could adversely affect natural resources and Idaho County's economics.

Idaho County is blessed with clean water. Rivers, like the Lochsa, Clearwater, Salmon, and Snake, dominate surface water sources. Primary drainages include the Clearwater, South Fork Clearwater, Middle Fork Clearwater, Selway, Salmon, South Fork of the Salmon, Locsha, and Snake rivers. Numerous streams drain into each of these large river drainages. These watersheds and related subbasins encompass land that is primarily timbered mountains and valleys. Bottomlands are generally privately owned with considerable lands dedicated to grazing and

agriculture. The Idaho Water Quality Act provides the authority and standards for water quality in the county. In addition, Section 303(d)(1)(A) of the Clean Water Act requires that each State identify waters within its boundaries for which water quality standards are impaired.

Approximately 321 stream segments (366 miles) are listed as impaired in Idaho County, primarily from sediment and elevated temperatures (Forest Service 2016). Forty-five of these segments are identified with high mercury. Nineteen have total maximum daily load (TMDL) plans. Federal and State agencies and private landowners have undertaken efforts to resolve these issues, and considerable progress has been made. These efforts will continue in the future to fully restore streams to the required standards.

Wetlands help regulate water levels within watersheds; improve water quality; reduce flood and storm damages; provide important fish and wildlife habitat; and support hunting, fishing, and other recreational activities. Wetlands are most common on floodplains along rivers and streams (riparian wetlands). They also occur in isolated depressions surrounded by dry land (for example basins and "potholes"); along the margins of lakes and ponds; and in other low-lying areas where the groundwater intercepts the soil surface or where precipitation sufficiently saturates the soil (vernal pools and bogs). Wetlands include marshes and wet meadows dominated by herbaceous plants, swamps dominated by shrubs, and wooded swamps dominated by trees. Wetland sites may provide critical habitat for many species, and they support a greater concentration of wildlife species, recreation, and other activities than any other type of location on the landscape.

Riparian areas are the zones bordering lakes; reservoirs; potholes; springs and seeps; wet meadows; vernal pools; and ephemeral, intermittent, or perennial streams. They are of prime importance to water quality, water quantity, stream stability, and fisheries habitat. Abundant water, forage, and habitat attract a proportionately greater amount of use.

The following are the desired conditions, objectives, and standards for floodplains, wetlands, riparian areas, and watersheds:

1. **Desired Condition:** Watersheds are maintained for a high-level of water quality. Forested and grassland environments are maintained in a condition providing for water quality that meets State requirements, which supports the Clean Water Act's focus of achieving fishable and swimmable water quality standards.
2. **Desired Condition:** Non-water-consumptive processes for electrical or other power generation are developed.
3. **Desired Condition:** Current and future community drinking and irrigation water sources are protected and preserved to State standards or existing condition if higher than State standards.
4. **Desired Condition:** Riparian management and multiple use plans are developed in coordination with landowners; ranchers; water rights owners; and the appropriate local, State, and federal agencies.
5. **Desired Condition:** The Idaho County Soil and Water Conservation District is consulted for advice and direction for the planning, development, and management of Idaho County water resources.
6. **Objective:** In the next 10 years, restore approximately 20% of the impaired streams.
7. **Standard:** Any land use inventory, planning, or management activities affecting point or non-point sources and water quality in the county, either directly or indirectly, shall be consistent with applicable State and federal requirements.

8. **Standard:** Required permits or fees must be from established federal or State agencies or dike and drainage districts with authority to make such requirements of landowners. All other permits or fees must be coordinated with the Board.

3.2.2. Fisheries

Existing Condition: In the early days, fishing was a necessary part of survival. Although less essential, it still provides an important resource for many people. The county is renowned for excellent fishing opportunities for residents and visitors. Steelhead, salmon, trout, and bass fishing dominate the river systems, while lakes contain a variety of cold and warm water fisheries. County residents earn income from activities such as acting as guides, selling supplies and equipment to anglers, and providing meals and housing to anglers.

The following are the desired conditions for fisheries:

1. **Desired condition:** The fisheries resource (steelhead, salmon, and west coast cutthroat trout) in Idaho County increases to 50% of historic levels. Other fisheries are at levels to meet the recreational needs.
2. **Desired Condition:** A balance is achieved between native and introduced fish species where both are currently present in a fishery.

3.3. Terrestrial Ecosystems

3.3.1. Vegetation—Forested

Existing Condition: Idaho County has productive soils and lands highly suitable for growing commercial timber. Major species include Douglas-fir, ponderosa pine, western larch, grand fir, western red cedar, white pine, spruce, and lodge pole pine. Varying tree stands may have a different rotation age, stocking density, species diversity, access availability, or environmental and economic viability.

A report commissioned by the Clearwater Basin Collaborative (CBC) in 2014 examined the “Forest Composition and Structure Restoration needs within the Clearwater Basin, Idaho” (Haugo and Benton 2014). Most of Clearwater Basin is located in Idaho County and is representative of most of Idaho County. This report made several findings (Haugo and Benton 2014):

- Approximately 61% of coniferous forests across the Clearwater Basin assessment area (4,204,000 acres) are moderately-to-severely departed from historic conditions
- Historic mixed-severity fire regime forests are the most common and most consistently departed forest type
- Of the 1,262,000 acres of low-severity forest across the assessment area, 55% are moderately-to-severely departed
- Approximately 19% (1,322,000 acres) of coniferous forests across the Clearwater Basin assessment area are in need of active restoration
- Across the assessment area, forests located on the Nez Perce-Clearwater National Forest had the highest proportion of forested lands in need of active restoration

A need exists for federal agencies to address forested lands that are departed from historic conditions.

Forested private lands are managed for a variety of uses, ranging from timber production for income to maintaining lands for visual and/or wildlife concerns. Federal lands are managed for a variety of uses while State lands are managed for an economic return to the State.

Historically, the Forest Service has allocated lands for timber production; identified the desired conditions, goals, objectives, and standards resulting in output; but failed to implement the plan, resulting in a reduction in timber outputs.

Within Idaho County, the largest block of forested land is located on National Forest System (NFS) lands. On the Nez Perce-Clearwater National Forest, 2,035,007 acres (68%) of lands is located in congressionally designated Wilderness or Idaho Roadless Areas (Table 2). These lands do not provide an economic timber base for Idaho County. The remaining lands (979,601 acres or 32%) have multiple regulatory requirements placed on them, including but not limited to restrictions to protect species listed under the Endangered Species Act (ESA) or soil as identified under NFMA. Furthermore, only 540,159 acres (18%) of these lands are considered suitable timber base and available to produce an annual predictable timber harvest (Table 2). Therefore, the remaining NFS lands available for timber harvest are very important to the County and its economic viability. Further reductions or restrictions on timber products from these lands have exponential impacts to Idaho County and its residents.

Approximately 29,809 acres of lands managed by the BLM are available for timber harvest.

The Idaho Department of Lands manages 56,700 acres of State Endowment Lands for timber production in Idaho County,

Many wildland-urban interface (WUI) areas are located within the County. These areas are threatened by wildfire as demonstrated by the 2015 fire season. Implementing vegetation projects on private, State, and federal lands to minimize the risk from wildfires is critical.

The following are the desired conditions, objectives, and guidelines for forested vegetation:

1. **Desired Condition:** A sustainable flow of commodities from NFS lands through vegetation treatments designed to reduce the risk of wildfire, reduce the risk of insect and disease outbreaks, maximize growth, and promote a healthy forest.
2. **Desired Condition:** Forested NFS lands with the potential for timber production are allocated to timber production and managed with timber production as an emphasis.
3. **Desired Condition:** In areas suitable for timber production, dead and dying trees (due to fire, windthrow, insect outbreaks, or disease) are salvaged to recover economic value.
4. **Desired Condition:** Timber harvest is utilized as a tool to achieve objectives on lands not suitable for timber production but still allow for timber harvest.
5. **Desired Condition:** The County, private landowners, and federal and state agencies pursue and develop new technologies to remove, process, and utilize forest products.
6. **Desired Condition:** WUI areas and Community Protection Zones have buffer areas at least 0.5 miles around them in a condition that will not support crown fires and will have a maximum predicted flame length of less than 4 feet.
7. **Desired Condition:** Vegetation is in a condition that is resilient to the effects of fire, insect and disease outbreaks, or drought.
8. **Objective:** In the next 10 years, develop, construct, and implement at least one biofuel co-generation plant in Idaho County.

9. **Objective:** In the next 10 years, 90% of all Community Protection Zones, within federal lands, are within the desired condition.
10. **Objective:** In the next 5 years, Idaho County will review the Idaho Roadless Rule's Backcounty Restoration mapping to determine if mapping errors exist that should be corrected and removed.
11. **Guideline:** To maximize the use of woody material and promote economic conditions, all woody material will be evaluated and analyzed by the proposing agency, for utilization prior to burning.

3.3.2. *Vegetation—Grasslands, Rangelands*

Existing Condition: Large acres of grasslands and shrublands exist within Idaho County. These lands provide habitat for a variety of species, including winter range for deer and elk. These lands also provide economic resources, mostly for grazing of domestic livestock and ranches depend on these federal and State lands for the survival of their business.

Grasslands and shrublands on federally and State-managed lands are leased out to private entities for grazing livestock. These permits are also important to the economic survival of the rancher who depends on them.

The following are the desired conditions for grasslands and rangelands:

1. **Desired Condition:** Grassland plant communities are dominated by native bunchgrasses and conifers are absent or occur as scattered individuals. Non-forested breakland vegetation is dominated by bluebunch wheatgrass, Idaho fescue, prairie junegrass, and Sandburg's bluegrass, along with a variety of native forbs, including arrowleaf balsamroot, lupine, cinquefoil, geranium, lomatium, phlox, and yarrow. Lower elevation grasslands also include sand dropseed, three-awn, and needle-and-thread grass.
2. **Desired Condition:** Mid-to-high elevation grasslands and dry meadow communities are dominated by native species, including Idaho fescue, mountain brome, blue wildrye, and western needlegrass, and by assorted sedges and forbs. Conifers do not encroach on riparian meadows, upland meadows, grasslands, or climax shrub communities. Subalpine grasslands are dominated by native grasses, sedges, and forbs.
3. **Desired Condition:** Shrubland plant communities on cool, moist, and northerly exposure sites are dominated by ninebark, ocean spray, alder, maple, snowberry, menziesia, and huckleberry, as well as native grasses, sedges, and forbs. On warm, dry sites, mountain mahogany (primarily a nonsprouting species), hackberry, and smooth sumac comprise the dominate shrub vegetation, while the understory is comprised of a variety of native grasses, sedges, and forbs. Cold subalpine shrublands support a variety of native shrubs, including heather and grouse whortleberry, as well as native greases, sedge, and forbs.
4. **Desired Condition:** Riparian meadows on all settings are dominated by native species, such as water sedge and other riparian grasses, sedges, forbs, and shrubs. Riparian meadows are primarily maintained in an open condition by a seasonally high water table and by fire or mechanical treatment of encroaching trees.

3.3.3. *Fire Management*

Existing Condition: Fire has been a part of the evolution of the environment in Idaho County for thousands of years. Fires have ranged from high-intensity fires in a few dense vegetation type

to mixed-severity fires in most forested landscape to lower intensity fires of the canyon grassland or ponderosa pine vegetation type.

Fire has been used as a tool for decades in Idaho County, including by the Native Americans. Fire is used by private landowners and State and federal agencies to meet many resource objectives.

Wildfires have also had a history in Idaho County, including some of the more famous fires in the United States in 1910 and the 1930s. However, devastating fires have a recent history as was seen in 2015 when many homes were destroyed.

Fuels across the landscape have changed due to fire suppression. Changing landscapes have resulted in larger and more intense fires which are expected to continue with predicted climate changes for this area.

Because fuels have accumulated over time, management actions are needed to move stands from their current condition to one that is more resilient to the effects of fire, insect and disease outbreaks, and drought.

The following are the desired conditions, objectives, and guidelines for fire management:

1. **Desired Condition:** Fuel conditions in the WUI, lands suitable for timber production, and Community Protection Zone are in a condition that will not support a crown fire and have a maximum predicted flame length of less than 4 feet.
2. **Desired Condition:** Private lands within the WUI have defensible spaces.
3. **Objective:** Annually Idaho County updates the County Wildfire Protection Plan.
4. **Guideline:** To protect private property and timber resource values, wildfire on federally managed land should be aggressively suppressed on lands suitable for timber production or if it has the potential to leave and threaten lands suitable for timber production or private property. Wildfires should be aggressively suppressed on all non-federally managed lands (i.e., privately owned and State managed lands).

3.3.4. *Wildlife*

Existing Condition: Hunting big game, furbearers, waterfowl, and upland game birds has been a traditional part of life in Idaho County. Historically, hunting and trapping were a necessity for subsistence, and they remain prevalent today. Idaho County offers excellent hunting and trapping opportunities for residents and visitors. Income for county residents is provided by working as guides, harvesting and selling furs, selling supplies and equipment to hunters and providing meals and housing to out-of-town guests and hunters.

The USFWS has listed several wildlife species that are present or have habitat within Idaho County as Threatened or Endangered in accordance with the ESA. Listing wildlife species can have adverse economic impacts. Recognizing threats to wildlife and being proactive is an important strategy to preventing future species listings.

The following are the desired conditions, objectives, and guidelines for wildlife:

1. **Desired Condition:** Wildlife habitats (for native and non-native species) exist in abundance in order to sustain viable and harvestable populations of big game, furbearers, waterfowl, and upland game species and a diversity of other game and non-game species.

2. **Desired Condition:** Private landowners, IDFG, and the public coordinate to allow hunting and trapping on private lands whenever populations are in conflict with landowner objectives.
3. **Desired Condition:** Various historic trapping and hunting methods for controlling wildlife, including predators, are utilized to manage wildlife.
4. **Desired Condition:** Disease-bearing vectors, predators, rodents and insects that are a recognized threat to public health are controlled.
5. **Objective:** Annually, initiate cooperative studies between willing private landowners and the IDFG regarding wildlife (including predators) damage and related concerns when identified.
6. **Objective:** In the next 5 years, develop an animal damage control plan for protecting livestock and crops.
7. **Objective:** In the next 2 years, develop strategies with federal and State agencies for protecting fisher, wolverine, and lynx.
8. **Objective:** In the next 3 years, petition the USFWS to delist the lynx in Idaho County.
9. **Guideline:** To address adverse wildlife impacts to private land, project proposals by State and federal agencies should identify and evaluate impacts the proposal may have on wildlife and their impact to private lands, including mitigation measures to minimize any adverse impacts.

3.3.5. *Invasive Plants (Noxious Weeds)*

Existing Condition: The Board is the noxious weed control authority for Idaho County as stated in Idaho Code, Title 22, Chapter 24-02, 05, and 06.

Idaho law encourages the development of and the structure for weed management cooperative relationships with federal and other land and water management agencies (Idaho Code, Title 22-04 (c, n,p,q,s &t)). Idaho County has been organized into four Cooperative Weed Management Areas (CWMAs): Frank Church CWMA, Upper Clearwater CWMA, Joseph Plains CWMA, and Salmon River CWMA. Steering committees are appointed to each CWMA, and the Idaho County Weed Superintendent operates as the steering committee chairman for all CWMAs except the Frank Church CWMA. Idaho County implements a weed management strategy incorporating strong partnerships with federal, State and private landowners within and adjacent to Idaho County.

Approximately 319,443.5 acres of weed populations have been inventoried in Idaho. Lower to mid elevation sites, characterized as hot/dry and warm/dry habitats (dry grasslands and ponderosa pine forest), have native plant communities that have been converted or are in the process of being converted entirely to weed populations within Idaho County. Noxious weeds exist to a lesser extent within mid-elevation sites, characterized as warm/moist habitats (ponderosa pine/Douglas-fir or mixed conifer and Douglas-fir/shrub forests). Cool/moist habitats at upper elevations are less likely to inhabit noxious weed populations. Slope aspect, moisture, sunlight, soil type, and ground disturbance create variability within the generalities listed above. Vectors, such as roads, trails, and rivers/streams, act as weed seed source introductions into susceptible landscapes due to past or current ground disturbing activities or forces creating bare ground coupled with human or animal use.

Landscape susceptibility to weed invasion in Idaho County are classified as high, moderate, or low. Ground-disturbing activities or processes, such as logging and wildfire, increase the susceptibility of county landscapes to weed invasion for a period of time.

Noxious weeds have had serious impacts on the environment within Idaho County, with the greatest effects on grasslands. Many native grass areas within Idaho County have been replaced with noxious weeds, such as yellow star thistle.

The following are the desired conditions and objectives for invasive plants:

1. **Desired Condition:** All agencies adopt the CWMA's priorities and Focal Areas and work cooperatively to address invasive plants.
2. **Desired Condition:** Noxious weeds are eradicated to the extent possible within Idaho County, and any new infestations are eliminated. Cooperative agreements are utilized to ensure all public lands are protected from noxious weed invasion or occupation. Idaho County coordinates with federal agencies on the enforcement of the Noxious Weed Free Seed Forage Program on public land in the County.
3. **Objective:** Over the next 10 years, increase the County's weed budget by 10% by procuring alternative funding for weed control.
4. **Objective:** Over the next 10 years, Increase ongoing programs to identify the location of all noxious weeds and initiate management and eradication.

3.3.6. Land Disposition and Acquisition and Private Land

Existing Condition: The Board recognizes that land is essential to local industry and residents. Of the 5,437,643 acres in Idaho County, approximately 822,796 acres (15%) are under private tribal and other ownership (Table 2). Approximately 4,539,199 acres (84%) is federally managed and 105,796 acres (1%) is managed by the State. Only private land comprises the tax base that must support most County services, yet land exchanges are being discussed that would reduce the county's tax base even further.

Private landownership within Idaho County have been reduced over the last 3 decades by federal condemnation, purchase, or exchange. These acquisitions have resulted from the creation of the Hells Canyon Recreation Area and designation of Wilderness and Wild and Scenic Rivers. The Forest Service also purchased the Seminole Ranch and the John Day Seed Orchard. Land values are reduced when the federal government purchases scenic easements, which they have done along many of the designated Wild and Scenic Rivers.

This erosion of Idaho County's tax base has adversely affected revenues. The effect may be small when an individual exchanged is examined; however, the cumulative impact is becoming significant.

The following are the desired conditions, objectives, and guidelines for land disposition and acquisition and private land:

1. **Desired Condition:** Private landownership within Idaho County remains at or above 792,258 acres, with a goal of returning to 1970 levels, which was approximately 900,000 acres.
2. **Desired Condition:** Private lands within Idaho County are not adversely affected by State or federal land projects.

3. **Desired Condition:** Lands acquired by the State and assigned to the Idaho Department of Lands are managed under the strategy of multiple use public lands and include recreation as an acceptable use.
4. **Objective:** In the next 5 years, develop a land exchange/transfer plan with federal and State agencies. This plan will identify and recommend for sale or trade those isolated tracts of State and federally managed lands which could be better and more efficiently managed by the private sector.
5. **Guideline:** To protect tax base and/or to benefit Idaho County residents, the design and development of all federal and State land dispositions and acquisitions, including land adjustments and exchanges, should be carried out to the benefit of the residents.
6. **Guideline:** To protect private property, all project proposals affecting private property should include an alternative that eliminates or minimizes impacts to private lands.
7. **Guideline:** To ensure the public is informed and allowed to comment, the Board should notify the public and hold a public hearing for all federal and State land sales, trades, purchases, adjustments, or other changes in ownership or control within the county

4. Human Uses

4.1. Energy and Mineral Resources

Existing Condition: Mining production in Idaho County contributes to the livelihood and well-being of many of its residents and contributes to its economy. The County strives to protect its mining heritage, which includes small and large commercial operations. The County must protect the vital natural resources necessary to keeping these enterprises in operation.

The following are the desired conditions and guidelines for energy and mineral resources:

1. **Desired Condition:** Locatable minerals (lode and placer mining, including suction dredging) are available for prospecting, developing, and producing; contributing to local employment opportunities; and supporting traditional lifestyles and generational ties to the land.
2. **Desired Condition:** Saleable materials are available and accessible to support resource management (e.g., road surfacing or protective rip-rap); personal uses (e.g., landscape rock); and local government and commercial uses, and the lands are reclaimed in an appropriate manner. Saleable rock sources for internal use are devolved to minimize haul distances.
3. **Desired Condition:** Non-energy leasable minerals are available for prospecting, exploring, developing, and producing, and the lands are reclaimed in an appropriate manner.
4. **Desired Condition:** Energy resources in the form of biofuels are available and contribute to market demands.
5. **Guideline:** To maximize the availability of biofuels, all vegetation projects should be evaluated for biofuels.

4.2. Livestock Grazing

Existing Condition: Livestock production in Idaho County contributes to the livelihood and well-being of many of its residents and contributes significantly to its economy. The County must strive to protect its ranching heritage, which includes small and large commercial operations and subsistence operations. The County needs to protect the vital natural resources necessary to keeping these enterprises in operation.

On the Nez Perce-Clearwater National Forest, 33 allotments for a total 700,099 acres occur. The BLM has 142 allotments utilizing 5,126 animal unit months (AUMs). State land has 54,963 acres in allotments, utilizing 6,937 AUMs.

The following are the desired conditions and guidelines for livestock grazing:

1. **Desired Condition:** Federal lands provide 800,000 acres of allotments available for grazing, resulting in 40,000 AUMs (25,000–35,000 AUMs on NFS lands and 5,126 AUMs on lands managed by the BLM) of livestock grazing contributing to agricultural business and local employment opportunities, as well as supporting traditional lifestyles and generational ties to the land. Transitory forage on suitable forest lands is available for livestock grazing.
2. **Desired Condition:** Grazing is utilized as a land management tool to achieve specific objectives, such as weed management, shrub encroachments, and fire risk reduction.
3. **Desired Condition:** State lands provide 6,937 AUMs of livestock grazing that contributes to the local economy.
4. **Desired Condition:** Federal, State, and County agencies work cooperatively with ranchers/farmers to address resource concerns on a site-specific basis.
5. **Guideline:** To promote grazing within Idaho County, all grazing projects should evaluate an alternative that maximizes grazing.
6. **Guideline:** To promote grazing within Idaho County, all vegetation (including noxious weed control) projects should evaluate the use of grazing in one alternative.

4.3. Irrigation and Agriculture

Existing Condition: Irrigation and agriculture, which are largely conducted on private land, are important elements to the economic stability of Idaho County. Little irrigation and agricultural activities occur on federal or State lands.

The following is the desired condition for irrigation and agriculture:

1. **Desired Condition:** Irrigated and dry land agriculture contributes to the economic base of the county.

4.4. Water Rights

Existing Condition: The public use of water through the use of water rights is a critical part of the economic base within Idaho County. See Appendix C for text of applicable law.

The following is the desired condition for water rights:

1. **Desired Condition:** Surface and subsurface water rights historically established and used by Idaho County residents, including but not limited to, the purposes of agriculture

(irrigation and stock water), domestic, culinary, industrial, mining, and power uses are protected.

4.5. Recreation

Existing Condition: Recreation and tourism are an important part of local business viability and are enjoyed throughout the county. Many recreation activities occur, including fishing, hunting, trapping, mining, berry and mushroom picking, dispersed camping, picnicking, hiking, equestrian activities and using pack animals, snowmobiling, snowshoeing, cross-country skiing, mountain biking, rafting, boating, and using off highway vehicles. Local businesses depend heavily on those who enjoy the vast recreational opportunities within the county. Idaho County is interested in having a variety of recreational opportunities. Cumulatively, motorized experiences, particularly semi-primitive motorized experiences, are being reduced within the county. This reduction would be understandable if the county was largely motorized with little-to-no non-motorized or wilderness opportunities. However, as identified below, wilderness and non-motorized opportunities far exceed motorized opportunities (Tables 3–6). Within Idaho County, 66% of the Semi-primitive setting is non-motorized (Tables 3–6). Only 34% of the Semi-Primitive setting within the county is available for motorized use. To provide a more diverse opportunity, particularly in Semi-Primitive settings, for both winter and summer uses, the Semi-Primitive setting available for motorized use needs to increase.

Table 3. Recreation opportunities available on the Nez Perce-Clearwater National Forest within Idaho County

Type of Recreation	Acres	Percentage
Primitive	1,100,959	37
Semi-Primitive Non-motorized	648,514	21
Semi-primitive Motorized	252,981	8
Roaded Natural	561,281	19
Roaded Modified	450,872	15
Total	3,014,608	100

Source: Data derived from GIS maps provided from the Forest Service and other map estimates

Table 4. Current recreation opportunities available on the Payette National Forest within Idaho County

Type of Recreation	Acres	Percentage
Primitive	461,440	57
Semi-Primitive Non-motorized	103,000	13
Semi-primitive Motorized	137,040	17
Roaded Natural	103,000	13
Roaded Modified	0	0
Total	804,480	100

Source: Data derived from GIS maps provided from the Forest Service and other map estimates

Table 5. Current recreation opportunities available on the Hells Canyon National Recreation Area

Type of Recreation	Acres	Percentage
Primitive	59,900	56
Semi-Primitive Non-motorized	31,720	30
Semi-primitive Motorized	5,400	5
Roaded Natural	9,100	8
Roaded Modified	500	1
Total	106,620	100

Source: Data derived from GIS maps provided from the Forest Service and other map estimates

Table 6. Current recreation opportunities available on the Salmon-Challis and Bitterroot National Forests

Type of Recreation	Acres	Percentage
Primitive	522,692	99
Semi-Primitive Non-motorized	0	0
Semi-primitive Motorized	0	0
Roaded Natural	3,552	1
Roaded Modified	0	0
Total	526,244	100

Source: Data derived from GIS maps provided from the Forest Service and other map estimates

Several large rivers in the county provide for diverse recreational experiences. These rivers include the Selway, Lochsa, Middle Fork Salmon, Clearwater, Salmon, Lower Salmon, Upper Snake, and Lower Snake rivers. The Selway, Salmon, and Upper Snake rivers have limited use by a permit system for the main float season.

The following are the desired conditions and objectives for recreation:

1. **Desired Condition:** Idaho County provides a diverse and integrated recreation program, providing a balance of recreational opportunities in a variety of settings for both summer and winter recreation.
2. **Desired Condition:** The following recreational opportunities exist on the Nez Perce-Clearwater National Forest:

Type of Recreation	Acres	Percentage
Primitive	1,100,959	37
Semi-Primitive Non-motorized	501,495	17
Semi-primitive Motorized	400,000	13
Roaded Natural	561,281	19
Roaded Modified	450,872	15
Total	3,014,608	100

3. **Desired Condition:** Recreational opportunities on the Payette, Salmon-Challis, and Bitterroot National Forests and Hells Canyon National Recreation Area remain at current levels (existing condition):
4. **Desired Condition:** A system of hiking, horseback, and mountain biking trails are available within 5 miles of Grangeville, Kooskia, Kamiah, Cottonwood, and Riggins.

5. **Desired Condition:** A system of cross-county skiing, snowshoeing and snowmobiling trails are available within 5 miles of Grangeville, Kooskia, Kamiah, Cottonwood, and Riggins.
6. **Desired Condition:** The Salmon River between Vinegar Creek and the Snake River provide unlimited opportunities for rafting and motor boating.
7. **Desired Condition:** Private land managers are encouraged to work with County, State and federal land managers to develop route systems through intermingled ownership for recreational activities.
8. **Desired Condition:** All federal trails are maintained to federal standards.
9. **Desired Condition:** The Grand Exploration Motorized (GEM) trail traverses Idaho County from Valley County to Clearwater County.
10. **Objective:** Identify 2 large motorized trail systems in a semi-primitive setting in the next 2 years. One motorized trail system would be in the Meadow Creek area.
11. **Objective:** In the next 2 years, identify, sign, and maintain the GEM trail system.

4.6. Access

Existing Condition: Travel ways within Idaho County have been created gradually over hundreds of years, beginning with Native Americans and early Europeans who created trails for travel by foot and horse. Later, wagon roads were developed. With the development of trains and other motorized vehicles, railroads and motorized routes were created. Rivers were also used for travel: first for hiking alongside, and then for use with canoes, raft, boats, and motor boats.

Access to forested lands is necessary for numerous reasons, including hunting, fishing, wood cutting, and/or gathering of other food or special products. Mining, timber harvest, and recreationists also need access to these lands.

As technologies, resource concerns, and landownership changes, access needs and routes also change. New routes are created and old routes are abandoned.

Over the years, federal agencies have been aggressively obliterating roads. This approach has resulted from a road system that evolved, in some regard, without an understanding of the effects of roads on the landscape. Obliterating roads attempts to reduce or eliminate the impacts these roads have had on natural resources, especially water quality. However, road obliteration can also eliminate public access and access needed for forest management, including forest product removal and fire suppression.

Obliterating roads only to rebuild them later is inefficient. Or, in many instances, harvest opportunities are lost because constructing new roads is not possible. Road obliteration can and will significantly affect Idaho County's economy.

Idaho County receives limited federal funding for roads. Yet, the County has been pressured to provide funding for road maintenance of federal roads. To take additional federal roads with no additional funding is not viable. Since such a large portion of the county is federally managed, for which taxes are not collected, federal agencies should maintain their own roads and not shift the burden to county tax payers.

The following are the desired conditions and objectives for access:

1. **Desired Condition:** The system of roads and trails is well planned and maintained to facilitate efficient travel between developed and undeveloped areas, creating an integrated system for recreation and extractive uses.
2. **Desired Condition:** Federal lands provide a range of motorized public access reflecting the desired conditions across the landscape. Motorized public access via roads and motorized trails is as follows:
 - Semi-primitive-motorized setting by hunting unit: 1.0 mile per square mile (mi/mi²)
 - Roaded Natural settings by hunting unit: 2 mi/mi²
 - Roaded Modified setting by hunting unit: 2.5 mi/mi²

Access may be modified by opening or closing roads. For example, access may increase for a specific time period (30 days or less) to allow for special opportunities like mushroom picking, fire wood gathering, or special events.

3. **Desired Condition:** Idaho County has a complete mapping layer of all roads and trails within the county.
4. **Desired Condition:** Federal and State roads are maintained by their responsible agencies. County funds are not used to maintain federal or State roads.
5. **Desired Condition:** All backcountry airstrips in existence at the time of Wilderness designations are maintained by the Forest Service.
6. **Objective:** Federal and State land management agencies provide the County with a complete inventory of all roads and trails, including rights-of-way in the county annually. This information will be submitted in a GIS layer.
7. **Objective:** Within one year, the County and federal agencies will cooperatively develop a written road management strategy to develop criteria regarding when roads should be obliterated, closed, or converted to trails.

4.7. Communication Sites

Existing Condition: Vast areas within Idaho County are designated as Wilderness and Roadless. These areas are used by the public with little-or-no communications available. This provides for a great primitive experience, however, requirements (OSHA and/or FFA) require communication for search and rescue operations, private companies doing business (like aerial flights), and firefighting.

The County has a County Communication Plan that identifies communication needs for the County.

The following are the desired condition and objective for communication sites:

1. **Desired Condition:** Radio communication or equivalent is provided that services the entire County. See County Communication Plan
2. **Objective:** In the next 2 years, identify two new communications sites (one on the Payette National Forest) that provide for service in to the Frank- Church Wilderness and surrounding areas.

4.8. Cultural, Geologic, and Paleontological Resources

Existing Condition: Idaho County contains many special features, which by their remote and rugged nature are largely self-protected. Where an imminent threat to these special features is identified, mitigation efforts necessary to protect significant scientific, educational, and recreational value will be identified. Many other special features are susceptible to damage by recreation seekers.

The following are the desired conditions for cultural, geologic, and paleontological resources:

1. **Desired Condition:** The integrity of significant archaeological sites remains intact for present and future generations.
2. **Desired Condition:** Historical cultural sites, including trails and travel ways; bridges; backcountry airstrips; homesteads; mining camps, historical dredge tailings and ruins; railroads logging sites; Depression-era relief programs' sites and features; and historical landscapes across federally and State-managed lands exist to provide a greater understanding and appreciation of local history and recent past.

5. Other Resources

5.1. Miscellaneous Forest Product

Existing Condition: Many products are derived from lands within the county, including mushrooms, huckleberries, firewood, and Christmas trees. These products are largely available on federal and State land but are also available on private land. These products are important to the people of the county, both culturally and economically.

The following are the desired condition and guideline for miscellaneous forest products:

1. **Desired Condition:** Miscellaneous forest products are available to meet the needs of Idaho County residents.
2. **Guideline:** To provide for access to the many misc. forest products, travel decisions made by federal and State agencies should evaluate the need for access to miscellaneous forest resources.

5.2. Wilderness/Roadless

Existing Condition: Approximately 1,171,448 acres (26%) of Roadless Area also occur within the county. When combined, Idaho County consists of approximately 3,040,999 acres (69%) of Wilderness or Roadless Areas.

5.2.1. Wilderness

Approximately 2,144,991 acres of designated wilderness (48% of NFS lands) occur in Idaho County (Table 7). Under the proposed Nez-Perce Clearwater Land and Resource Management Plan, an additional 108,497 acres are proposed for Wilderness designation.

There is release language from the designation of the Gospel Hump Wilderness pertaining to areas around the Gospel Hump Wilderness with respect to roadless and other activities. This language needs to be recognized and adhered to.

As previously mention in the “Recreation” section above, Idaho County is interested in hosting a variety of recreational opportunities. Motorized experiences, particularly Semi-primitive motorized experiences are being reduced in the county. This would be understandable if the County was largely motorized with little to no non-motorized or wilderness opportunities. However, as the identified in the Recreation section above, the wilderness and non-motorized opportunities far exceed motorized.

Table 7. Acres of designated Wilderness by Forest within Idaho County

Forest	Acres
Nez-Perce Clearwater National Forest	1,100,959
Hell Canyon National Recreation Area	59,900
Payette National Forest	461,440
Bitterroot National Forest	460,612
Salmon-Challis National Forest	62,080
Total	2,144,991

The BLM has identified 10,856 acres as recommended wilderness in two different areas. The Snow Rapid Recommended Wilderness (5,332 acres) runs along the lower Salmon River by Snow Hole Rapid. This section of the river currently allows for motorized use. Designating this area as wilderness would directly conflict with river use and management of the area as Wilderness. The second area is Marshal Mountain Recommended Wilderness, which contains 5,524 acres. Both of these recommended areas are small and would be difficult to manage as wilderness.

A concern with the federal road decommissioning program is that as roads are eliminated, there are some who would like those areas classified as roadless and therefore, severely restricting the ability to manage these acres. Areas that have been identified as suitable for timber production or harvest should not be reallocated to roadless just because roads are eliminated in between scheduled entries.

Over the years, the federal budget for maintaining Wilderness trails has been reduced. Forest Service policy is very conservative when it comes to utilizing all of the tools that Congress has provided the agency for trail maintenance. Because of dwindling funds, the public’s ability to access Wilderness areas continues to be limited, largely due to trails being blocked by downed trees.

5.2.2. Roadless

On March 29, 2011, the Idaho Roadless Rule was published in the Federal Register and became management direction for all roadless areas on NFS lands in Idaho County. Approximately 1,171,448 acres of roadless areas occur in Idaho County. In current and previous Land and Resource Management Plans, these roadless areas were allocated to a variety on management strategies, ranging from recommended wilderness to suitable for timber production. The Idaho Roadless Rule ended a long debate over the management of these roadless areas, but by in large, this decision has had a negative effect on Idaho County by removing large timber ground from timber harvest.

Table Current Recreation Opportunity Spectrum in roadless areas in the Nez Perce-Clearwater National Forest

Roadless Area Designation	Acres	Percentage of Idaho County
Primitive	45,566	5
Semi-primitive-Non-Motorized	468,180	52
Semi-Primitive-Motorized	153,152	17
Roaded Natural	182,695	20
Roaded Modified	47562	5
Total	897,155	100

The following are the desired conditions for roadless areas:

1. **Desired Condition:** Areas designated as Roadless are at or below the levels in the 2015 Idaho Roadless Rule. Roadless areas are not increased because of road decommissioning as these lands have already been allocated to other management strategies.
2. **Desired Condition:** No additional areas are recommended for or designated as wilderness. The acreages listed in Table 7 remain as designated wilderness within the county:
3. **Desired Condition:** The Nez Perce-Clearwater National Forest roadless areas provide recreational opportunities as outlined in Table XXX below.

Table 8. Roadless Area Recreation Opportunity Spectrum in roadless areas on the Nez Perce-National Forest in Idaho County

Roadless Area Designation	Acres	Percentage of Idaho County
Primitive	45,566	5
Semi-primitive-Non-Motorized	341,000	38
Semi-Primitive-Motorized	280,332	31
Roaded Natural	182,695	20
Roaded Modified	47562	5

4. **Desired Condition:** Trail access into Wilderness is maintained at a level similar to that when the Wilderness was created. Trails are logged out in the spring and early summer to provide access throughout the season. All of the tools available to the federal agencies, including the use of chainsaws, are used to provide public access into the wilderness.
5. **Desired Condition:** The entire Lower Salmon River (Vinegar Creek to the Snake River) allows for motorized and mechanized recreation opportunities. (No area is designated as Wilderness.)

5.3. Wild and Scenic Rivers

Existing Condition: The National Wild and Scenic Rivers Act (W&SR Act) provides the guidance for identifying and designating individual river segments for study and for recommendation for inclusion as a Wild and Scenic River. The W&SR Act calls for protecting “certain selected rivers of the Nation which, with their immediate environments, possess

outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.”

Section 5 of the W&SR Act states, “The study of any said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible...”

Forest Service Handbook (FSH) 1909.12, Chapter 82.73 “Outstandingly Remarkable Values” states, “For a river to be eligible for inclusion in the National System, the river and its adjacent land area (referred to as the ‘river area’), must have one or more outstandingly remarkable values.”

Under the W&SR Act, the categories of outstandingly remarkable values include scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values (Section 1(b) of the W&SR Act and Chapter 82.73a of FSH 1909.12).

To be identified as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale. Unique, rare, or exemplary features are those that are conspicuous examples of these values, among the best representatives of these features, within a region or the nation.

While the spectrum of resources that may be considered is broad, all features considered should be directly river-related. River values should meet at least one of the following criteria:

- Be located in the river or its corridor
- Contribute substantially to the functioning of the river ecosystem
- Be river-dependent and owe their location or existence to the presence of the river

The determination that a river area does or does not contain one or more outstandingly remarkable values is a professional judgment on the part of the Responsible Official as informed by the Interdisciplinary Team, best available scientific information, and public participation. As part of this determination process, the Responsible Official should solicit and document input from organizations and individuals familiar with specific river resources. Other sources of information for identifying outstandingly remarkable values include the Nationwide Rivers Inventory; State river assessments; tribal governments; other federal, State, or local agencies; and the public.

Once the region(s) of comparison is (or are) identified, a river’s values can be analyzed in comparison with other rivers in that region. A region of comparison should be large enough to encompass similar type rivers that provide a wide representation of river values so that rivers with outstandingly remarkable values can be identified.

The W&SR Act, supported by FSH 1909.12, makes it clear that only the best of the best are to be identified as having outstandingly remarkable values. It is not the intent of the W&SR Act to identify most, every, or even some river just because it has important values.

Currently, virtually every large river in Idaho County is designated as a Wild and Scenic River under the W&SR Act, including the Middle Fork Clearwater, Lochsa, Selway, Main Salmon, West Fork Rapid, Rapid and Snake rivers. These rivers all have similar outstandingly remarkable values and include scenic, recreational, geological, fish, wildlife, historic, and cultural values; all the values identified in the W&SR Act. Currently, 15 more rivers are being studied for inclusion into the W&SR system by the Forest Service, including the South Fork of the Salmon River. All

of these rivers identify similar outstandingly remarkable values: recreation, scenery, fisheries, wildlife, geology, historic, and/or cultural.

The BLM has recommended the lower Salmon River from Vinegar Creek to the Snake River for inclusion in the W&SR system and is studying 4 other rivers for inclusion under their current Resource Management Plan (BLM 2009).

Numerous W&SRs are identified in the areas surrounding Idaho County as well, including rivers on the Payette, Idaho Panhandle, and Wallowa-Whitman National Forests. These rivers also have similar outstandingly remarkable values as the W&SRs in Idaho County.

The number of W&SRs identified in the regional area, with similar outstandingly remarkable values seems to be pushing the intent of the W&SR Act and the intent of outstandingly remarkable values.

Additional direction for Study Rivers identified in FSH 1909.12, Chapter 83.2 states, “A suitability study provides the basis for determining which eligible rivers or river segments should be recommended to Congress as potential additions to the National System.” The content of a suitability study is described in section 83.3 of this Handbook. A suitability study will address these questions:

- Should the river’s free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?
- Will the river’s free-flowing character, water quality, and outstandingly remarkable values be protected through designation?
- Will the benefits of designation exceed the benefits of nondesignation?
- Is designation the best method for protecting the river corridor?
- Is there a demonstrated commitment to protect the river by any non-Federal entities that may be partially responsible for implementing protective management?

All rivers in Idaho County are protected by the ESA, Clear Water Act, Nation Forest Management Act, and the Historic Preservation Act, and many are protected by the Wilderness Act.

Designating a river as a Study River or as a designated Wild and Scenic River has adverse impacts on private property, commercial and recreational uses, and in some cases, restoration or management of an area. Examples of these adverse impacts are demonstrated by the recent restrictions on Highway 12 along the Locsha Wild and Scenic River and an interpretation by the McCall District Ranger, Payette National Forest, in a letter to an outfitter (Appendix D).

The following are the desired conditions, objectives, and guidelines for Wild and Scenic Rivers:

1. **Desired Condition:** The number of W&SRs remains constant at 6 rivers for the outstandingly remarkable values identified. Additional rivers that have outstandingly remarkable values not currently identified or are not similar to those identified may be designated.
2. **Desired Condition:** In accordance with Section 5(c) of the W&SR Act, the Forest Service and BLM cooperate closely with the Board when studying any river located in Idaho County.

3. **Desired Condition:** The Lower Salmon River (Vinegar Creek to the Snake River) is open to floating and motorized use and free from a permit system which allows opportunities for boating for those recreationists who do not draw a permit, and is not included in the W&SR system.
4. **Objective:** In the next 6 months, an MOU clarifying the cooperation between the Forest Service, BLM, and County concerning W&SRs will be developed. W&SR Act Section 5 and FSH 1909.12.
5. **Guideline:** To minimize adverse impacts to private property and other recreational activities, including outfitter and guides, private property as well as a buffer should be excluded from any study river being considered under the W&SR Act.
6. **Guideline:** During further evaluation of the Eligible South Fork Salmon River (identified in the Payette National Forest Land and Resource Management Plan), the boundary is modified to stop at the wilderness boundary, excluding the private property.

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**Appendix A:
Idaho County Workforce Trends
and Labor statistics**

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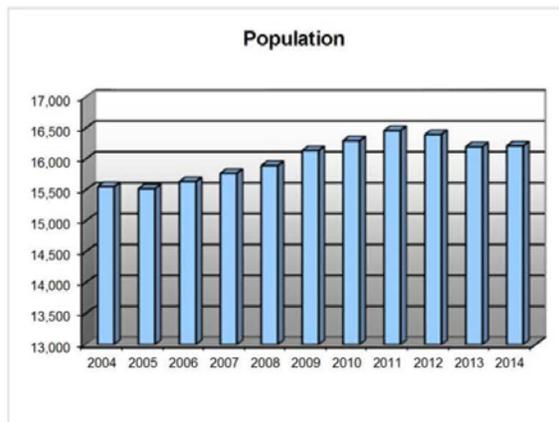
Population

Idaho County's population rose 4 percent from 15,555 in 2004 to 16,215 in 2014, while U.S. population grew 9 percent and the state's population grew 17 percent.

Many of the county's youth leave the area after high school, and are unable to return. Most newcomers to the county are retirees from other parts of the Pacific Northwest and California, drawn by the scenic beauty, outdoor recreational opportunities and rural lifestyle.

The 2014 populations of Idaho County's incorporated cities were 3,141 in Grangeville, 918 in Cottonwood, 604 in Kooskia, 416 in Riggins, 221 in Stites, 160 in Ferdinand and 93 in White Bird.

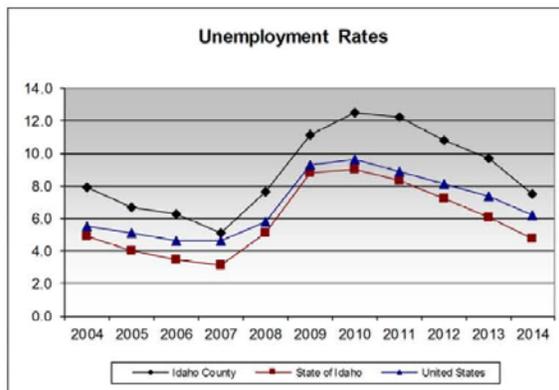
Workforce Trends



Labor Force & Employment

Idaho County's economy remains heavily dependent on natural resources – both forest products and agriculture. The U.S. Forest Service employs more than 300 people. One in eight of the county's private sector jobs is in logging or wood products manufacturing. Unfortunately, the decline in U.S. housing starts depressed lumber prices, forcing local mills to reduce employment. The county lost more than 150 logging and mill jobs in 2008 and 2010. Most of those jobs have returned in the last three years. Idaho Forest Group in Grangeville employs more than 160 people, as many as before the recession.

Other manufacturers continued to expand job opportunities. Among the larger manufacturers are Advanced Welding and Steel in Grangeville, Pacific Cabinets in Ferdinand, and Militec in Cottonwood.



Although graced by mountains, forests and rivers, the county is just beginning to fully tap its tourism potential. Its lodging, restaurant, and tourist shops have become more sophisticated.

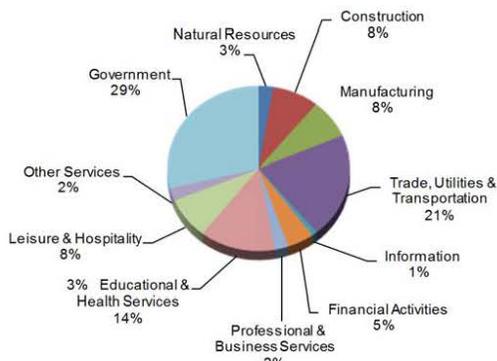
Some of the economic improvement since 2010 resulted from a stabilizing lumber market and some from higher wheat, beef, and other commodity prices, which allowed farmers and ranchers to increase their spend-

Labor Force	Nov 14	Nov 15
Civilian Labor Force	6,368	6,478
Total Employment	5,938	6,104
Unemployed	430	374
% of Labor Force Unemployed	6.8	5.8
State of Idaho % Unemployed	4.5	3.9
U.S. % Unemployed	5.8	5.0

Labor Force	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Civilian Labor Force	7,065	7,135	7,122	7,079	7,133	7,358	6,653	6,673	6,638	6,565	6,455
Unemployment	559	477	444	382	543	817	830	814	717	636	486
% of Labor Force Unemployed	7.9	6.7	6.2	5.1	7.6	11.1	12.5	12.2	10.8	9.7	7.5
Employment	6,507	6,658	6,678	6,717	6,591	6,541	5,823	5,860	5,920	5,929	5,969

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Nonfarm Payroll Jobs for 2014



Economic Development

The Ida-Lew Economic Development Council is the nonprofit organization that recruits new businesses, help existing businesses expand and otherwise strengthens and diversifies the economic base of Idaho and Lewis counties. It promotes the area's low costs of doing business, favorable business climate and quality of life. It also is working with local businesses and school districts to improve workforce training. It also hosts the annual Warbird Weekend in July, showing off the economic assets of the Idaho County Airport in Grangeville..

Major Employers	
Advanced Welding & Steel	
Grangeville Health & Rehabilitation	
Idaho Forest Group (mill)	
North Idaho Correctional Institution	
Salmon Rapids Lodge	
Seubert Excavators Inc.	
St. Mary's Hospital (Cottonwood)	
Syringa General Hospital (Grangeville)	
U.S. Bureau of Land Management	
U.S. Forest Service	

Occupational Wages*	Starting Pay
Bookkeepers	\$10.90
Carpenters, Journey-Level	\$13.60
Cashiers	\$7.70
Cooks, Restaurant	\$8.50
Guards	\$10.70
Laborers, Construction	\$9.00
Loggers	\$13.90
Nurse Aides, Certified (CNAs)	\$9.30
Nurses, Registered	\$24.50
Salespersons, Retail	\$7.80
Secretaries	\$10.50
Teachers	\$23.10
Truck Drivers, Heavy	\$13.80

* Additional occupational wage data can be found on the Idaho Department of Labor website at imi.idaho.gov.

Covered Employment & Average Annual Wages Per Job for 2004, 2013 & 2014	2004		2013		2014	
	Average Employment	Average Wages	Average Employment	Average Wages	Average Employment	Average Wages
Total Covered Wages	4,387	\$26,044	4,217	\$33,541	4,293	\$35,048
Agriculture	193	\$34,032	121	\$25,736	132	\$24,867
Mining	85	\$31,765	67	\$40,389	61	\$40,013
Construction	260	\$22,685	293	\$30,332	335	\$32,684
Manufacturing	486	\$36,161	391	\$40,270	328	\$45,502
Trade, Utilities & Transportation	887	\$22,254	821	\$36,877	873	\$38,411
Information	33	\$22,148	40	\$29,921	40	\$31,054
Financial Activities	133	\$25,859	183	\$42,202	192	\$41,615
Professional and Business Services	77	\$26,170	107	\$42,398	103	\$39,491
Educational and Health Services	452	\$24,220	578	\$30,006	582	\$30,171
Leisure and Hospitality	379	\$9,631	363	\$10,855	347	\$11,474
Other Services	88	\$14,452	75	\$21,903	78	\$22,759
Government	1,315	\$30,226	1,177	\$37,629	1,224	\$39,853

Per Capita Income	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Idaho County	\$23,313	\$24,367	\$25,124	\$26,668	\$27,329	\$26,664	\$27,792	\$28,833	\$30,490	\$31,502
State of Idaho	\$28,974	\$29,989	\$32,036	\$33,057	\$32,819	\$31,888	\$32,100	\$33,677	\$35,142	\$36,146
United States	\$34,300	\$35,888	\$38,127	\$39,804	\$40,873	\$39,379	\$40,144	\$42,332	\$44,200	\$44,765

Information provided by Bureau of Economic Analysis



This county is served by the office listed below:
 Idaho Department of Labor
 305 N. State St.
 Grangeville, ID 83530-0550 Ph: (208) 983-0440

labor.idaho.gov

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**Appendix B:
Compensation to Counties for Federal Lands Forest
Reserve PILT and SRS Payments**

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These payments are calculated annually and are based on the federal land within the county. The 25% funds are based on revenue derived from timber sales, grazing fees, land use fees, recreation charges, utility fees, mineral revenues, and admission or user fees. Counties may choose between the 25% fund or SRS payments. Idaho County has chosen to receive the SRS funds. The funds when sent to the counties are earmarked for schools and roads.

Historically Idaho County has received an average of \$6,810,199 per year (the last 8 years) from these funds. However, revenues have been declining due to lack of timber sales due to environmental groups and Forest Service policy changes. This decline in revenues adversely effects the funding for schools in the county.

Idaho County has received an average of \$4,526,026 per year (the last 9 years) from the PILT funds.

Idaho County has Resolution 2008-07 in effect allocating these funds within the county.

PILT and SRS Payments						
YEAR	PILT PAYMENT	TOTAL ACRES	\$/ACRE	SRS PAYMENT	TOTAL ACRES	\$/ACRE
2007	\$970,143	4,526,026	\$0.21	\$4,550,485	4,526,026	\$1.01
2008	\$900,076	4,526,026	\$0.20	\$4,541,146	4,526,026	\$1.00
2009	\$1,422,343	4,526,026	\$0.31	\$10,144,546	4,526,026	\$2.24
2010	\$1,473,450	4,526,026	\$0.33	\$9,901,421	4,526,026	\$2.19
2011	\$1,512,520	4,526,026	\$0.33	\$8,259,193	4,526,026	\$1.82
2012	\$1,557,909	4,526,026	\$0.34	\$7,670,090	4,526,026	\$1.69
2013	\$1,521,412	4,526,026	\$0.34	\$7,017,696	4,526,026	\$1.72
2014	\$1,644,514	4,526,026	\$0.36	\$6,497,019	4,526,026	\$1.44
2015	\$1,498,809	4,526,026	\$0.33			
Totals	\$12,501,176	40,734,234	\$0.31	\$54,481,596	36,208,208	\$1.50
Averages	\$1,389,020	4,526,026	\$0.31	\$6,810,199	4,526,026	\$1.50

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**Appendix C:
Citations of Federal Code and Case Law
and Coordination Mandate**

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Bringing Control Back Home

As a result of the political domination of the environmental movement in America over the last 30 years, federal and state land use management agencies have dramatically increased their regulatory power, impacting virtually every use of land in America.

During this time, the anti-grazing, anti-logging, anti-natural resource industry groups have maintained regular, often daily, contact with federal agency personnel. They influence such personnel just as special interest lobbies influence congressional staff, thrusting their concepts and strategies directly into the decision making process. Often they have filed lawsuits to successfully impact agency decisions. As a result of the lawsuits, agency personnel are often heard to say, "If we do what you ask, the environmentalists will sue us." As this outside influence over resource management has intensified, the agency staffs have also been infiltrated by individuals with an anti-resource industry bias.

These dynamics have diverted the management agencies from their original purpose of managing for the betterment of the resource and the nation. Meanwhile, landowners and workers within the resource industry have tried to influence management decisions by reason and through members of Congress. They have been less intrusive to the daily activities of the agency, more reluctant to make daily efforts to persuade, cajole or harass agency personnel. These efforts have not and cannot match the personal, up close impact of the conservation groups. So, the economic stability of local citizens and the social cohesiveness of rural counties have suffered.

Local governments have felt powerless as they watch the agencies control their citizen's property rights and destroy the local economy and social structure.

County officials, in particular, have the responsibility to protect the local tax base, value of private property, economic stability of towns intimately associated with natural resource production, the well-being of the school system and, in general, the well-being of the local community. These critical functions are closely entangled with federal management decisions. Congress has long recognized the importance of local authorities to the management of the federal lands and to the actions of resource management agencies. It has provided for the involvement of local authority in every federal land use statute passed over the past 35 years.

Not only has Congress recognized the importance of county input, but they have also provided for input from local units of government, giving water districts and school districts and other local entities the same ability to protect their citizens.

Congress has expressed this mandate most clearly by directing federal land use agencies to "coordinate" their policies and management activities with local government.

The rule of coordination is clearly defined at 43 USC 1712 (c).

As local governments have witnessed the drift of federal agencies to the anti- resource persuasion, many different approaches have been pursued in an attempt to give local governments a say in how their communities will be affected. Some have even attempted to place the local entity in a higher status or more "supreme" position than is allowed by law. These approaches have failed.

The "coordination" process developed by Fred Kelly Grant, first implemented by Owyhee County, Idaho and Modoc County, California, and promoted by Stewards of the Range and the American Land Foundation, is different. It is not an attempt to gain supremacy over federal agencies. It is not an attempt to become a "cooperative agency" which lowers the local government to agency status. Neither does it place local government on equal footing with the

federal government. Rather, it places local government on a level of working government to government with the federal agencies through coordination.

The “Coordination” mandate is simple. It requires federal agencies to coordinate their plans and management activities with local government. It requires prior notice be given to the local government of agency plans and management activities, prior to the notice given the general public which includes environmental organizations, and prior to implementation. It requires that the agencies make their policies and management activities consistent with local plans.

The burden to comply is on the federal agencies. The federal agencies often resist efforts at coordination. They would prefer that local government believe it has no real seat at the table except to hear what the managers have decided. But this is not what Congress has mandated. Local governments, which understand the rule of coordination, are in an important position to insist that their community not become endangered by federal and state land use regulations.

When local governments require federal agencies to coordinate with them, they are simply requiring the agency to follow federal law. Failure on the part of the agency to coordinate means it is breaking the law.

Using the Congressional mandate of “coordination” is a way to bring the decision making process back to the local level. It is a way that the citizens can have meaningful input themselves by participating on a coordination workgroup where they can help write, implement and enforce local plans and ensure the policy pursued by the local government respects all the elements of private property and individual liberty that ensure a strong community.

Those local governments and their citizen workgroups, that have properly implemented a coordination plan and diligently insisted on agency compliance, have had tremendous success protecting the land, resources and livelihoods of their citizens. American Land Foundation & Stewards of the Range. Copyright 2007

Coordination of Federal Agencies with Local Government

This Plan provides a positive guide for Federal agencies to coordinate with Bonner County. This will insure that the development and implementation of land use plans and management actions are compatible with the best interests of the County and its citizens. The Plan is designed to facilitate continued, revitalized, and varied usage of federally managed lands in the county.

The Board recognizes that federal laws mandate coordinated planning of federally managed land with local government. They positively support varied use of these lands. This varied usage necessarily includes continuation of the historic and traditional economic uses, which have been made of federal and state managed lands within the county. It is therefore the policy of the County that federal agencies will inform the Board of all pending or proposed actions affecting local communities and citizens, and coordinate with the Board in planning and implementation of those actions. Federal laws governing land management mandate this planning coordination. They include, but are not limited to, the following particulars:

U.S. Forest Service

Federal laws which regulate the Federal agencies including the US Forest Service are found in the United States Code (USC) and the Code of Federal Regulations (CFR).

The citations listed here are not all-inclusive but are the most pertinent to the basis for coordination.

National Environmental Policy Act (NEPA):42 USC 4321-4347

The National Environmental Policy Act requires that all federal agencies consider the impacts of their actions on the environment and on the preservation of the culture¹, heritage, and custom² of local government.

42 USC 4331(a) “...(I)t is the continuing responsibility of the federal government to use all practicable important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.”

Thus, by definition, the National Environmental Policy Act requires federal agencies to consider the impact of their actions on the custom of the people as shown by their beliefs, social forms, and “material traits”. It is reasonable to read this provision of the National Environmental Policy Act as requiring that federal agencies consider the impact of their actions on rural resource-dependent counties. Sanders County is such a county. For generations, families have depended upon the “material traits” of ranching, farming, mining, timber production, wood products, hunting, fishing, outdoor recreation, and other resource- based lines of lines of work for their economic livelihoods.

42 USC 4332 (2) (c) All federal agencies shall prepare an environmental impact statement (EIS) or an environmental assessment (EA), (i.e. a NEPA document) for “every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment.”

42 USC 4332 (c) (iii) “...such EIS or EA shall include, among other things, alternatives to the proposed action.”

Federal Regulations Implementing NEPA

1 The term “culture” is defined as “customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations.” See Webster’s New Collegiate Dictionary, G. & C. Merriam Co., (1975).

2 A custom is a usage or practice of the people, which, by common adoption and acquiescence, and by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject-matter to which it relates. See Bourier’s Law Dictionary 417 (1st ed.1867).

40 CFR 1502.16(c) Each NEPA document shall include a discussion of possible conflicts between the proposed federal action and local land use plans.

40 CFR 1506.2 (b) Federal agencies shall “cooperate to the fullest extent possible” to reduce duplication with state and local requirements. Cooperation shall include:

- (1)Joint planning
- (2)Joint environmental research
- (3)Joint hearings
- (4)Joint environmental assessments

40 CFR 1506.2 (d) Environmental impact statements must discuss any “inconsistency of a proposed plan with any approved state or local plan and laws (whether or not federally sanctioned).” Where inconsistencies exist, the EIS should describe the extent to which the agency would reconcile the proposed action to the plan or law.

40 CFR 1508.20(e) Mitigation includes (a) avoiding the impact altogether, (b) limiting the degree of the impact, (c) repairing, rehabilitating or restoring the affected environment, (d) reducing the impact by preservation opportunities, or (e) compensating for the impact by replacing or providing substitute resources or environments.

Douglas County v. Lujan 810 F. Supp. 1470 (1992)

A local government, because of a concern for its environment, wildlife, socio- economic impacts, and tax base, has standing to sue federal agencies and seek relief for violations of NEPA.

National Forest Management Act (NFMA) 16 USC 1600-1614

16 USC 1604(a) "The Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies."

NFMA Planning Rules 36 CFR 221.3(a) (I)

The Forest Service is obligated to consider and provide for "community stability"³ in its decision-making processes. See also S. Rept. No. 105.22; 30 Cong. Rec. 984 (1897); The Use Book at 17.

3 "Community stability" is defined as a combination of local custom, culture and economic preservation.

36 CFR 219.7(a) The Forest Service is obligated to coordinate⁴ with equivalent and related planning efforts of local governments.

36 CFR 219.7(d) The Forest Service is obligated to meet with local governments, to establish a process for coordination. At a minimum, coordination and participation with local governments shall occur prior to Forest Service selection of the preferred management alternative.

36 CFR 219.7(d) The Forest Service in its decision-making processes is obligated to coordinate⁴ with local governments prior to selection of the preferred management alternative.

36 CFR 219.7(c) The Forest Service is obligated, after review of the county plan, to display the results of its review in an environmental impact statement. See also 40 CFR 1502.16(c) and 1506.2

36 CFR 219.7(c) (4) The Forest Service is obligated to consider alternatives to its proposed alternative if there are any conflicts with county land use plans.

36 CFR 219.7(f) The Forest Service is required to implement monitoring programs to determine how the agency's land-use plans affect communities adjacent to or near the national forest being planned.

Federal Land Policy And Management Act: 43 USC 1701-1785

43 USC 1701(a)(13) "the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation."

43 USC 1712(c) "In the development and revision of land use plans, the

Secretary shall (9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments

within which the lands are located , including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601–4 et seq.], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource

4 "coordinate" is defined as "equal, of the same rank, order, degree management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act."

Summary: Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

Planning Rules 43 CFR 1600 et seq.

43 CFR 1601.0(5) Definitions:

- (b) "Conformity or conformance means that a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment."
- (c) "Consistent means that the Bureau of Land Management plans will adhere to the terms, conditions, and decisions of officially approved and adopted resource related plans, or in their absence, with policies and programs, subject to the qualifications in Sec. 1615.2 of this title."
- (d) "Guidance means any type of written communication or instruction that transmits objectives, goals, constraints, or any other direction that helps the District and Area Managers and staff know how to prepare a specific resource management plan."
- (e) "Local government means any political subdivision of the State and any general purpose unit of local government with resource planning, resource management, zoning, or land use regulation authority."
- (g) "Officially approved and adopted resource related plans means plans, policies, programs and processes prepared and approved pursuant to and in accordance with authorization provided by Federal, State or local constitutions, legislation, or charters which have the force and effect of State law."

43 CFR 1601.0(7) Scope.

- (a) "These regulations apply to all public lands."
- (b) "These regulations also govern the preparation of resource management plans when the only public land interest is the mineral estate."

Endangered Species Act: 16 USC 1531-1544

16 USC 1533(b)

(5) "With respect to any regulation proposed by the Secretary to implement a determination, designation, or revision referred to in subsection (a)(1) or (3) of this section, the Secretary shall—

(A) not less than 90 days before the effective date of the regulation—

(ii) give actual notice of the proposed regulation (including the complete text of the regulation) to the State agency in each State in which the species is believed to occur, and to each county, or equivalent jurisdiction in which the species is believed to occur, and invite the comment of such agency, and each such jurisdiction, thereon;"

16 USC 1533(i) "Submission to State agency of justification for regulations inconsistent with State agency's comments or petition If, in the case of any regulation proposed by the Secretary under the authority of this section, a State agency to which notice thereof was given in accordance with subsection (b)(5)(A)(ii) of this section files comments disagreeing with all or part of the proposed regulation, and the Secretary issues a final regulation which is in conflict with such comments, or if the Secretary fails to adopt a regulation pursuant to an action petitioned by a State agency under subsection (b)(3) of this section, the Secretary shall submit to the State agency a written justification for his failure to adopt regulations consistent with the agency's comments or petition. "

Summary: The Fish and Wildlife Service must directly respond to the "State agency"5

16 USC 1533(f) (5) "Each Federal agency shall, prior to implementation of a new or revised recovery plan, consider all information presented during the public comment period under paragraph (4)."

16 USC 1533(b)(1)(A) "The Secretary shall make determinations required by subsection (a)(1) of this section solely on the basis of the best scientific and commercial data available to him after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation, or any political subdivision of a State or foreign nation, to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction; or on the high seas."

Summary: The listing of a species as threatened or endangered by the Fish and Wildlife Service is to be based on the best scientific and commercial data available.

5 Under the ESA, a "state agency" is a division, board, or other governmental entity that is responsible for the management and conservation of fish, plant, or wildlife resources within a state. 50

C.F.R. Section 424.02(1) The Fish and Wildlife Service shall list species only after taking into account efforts of state or political subdivisions to protect the species.

16 USC 1533(b)(2) "The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) of this section on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the

best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned."

Summary: Critical habitat designations must take economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species.

16 USC 1533(f)(1) "The Secretary shall develop and implement plans (hereinafter in this subsection referred to as "recovery plans") for the conservation and survival of endangered species and threatened species listed pursuant to this section, unless he finds that such a plan will not promote the conservation of the species. The Secretary, in developing and implementing recovery plans, shall, to the maximum extent practicable—

(A) give priority to those endangered species or threatened species, without regard to taxonomic classification, that are most likely to benefit from such plans, particularly those species that are, or may be, in conflict with construction or other development projects or other forms of economic activity;

(B) incorporate in each plan—

(i) a description of such site-specific management actions as may be necessary to achieve the plan's goal for the conservation and survival of the species;

(ii) objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of this section, that the species be removed from the list; and

(iii) estimates of the time required and the cost to carry out those measures needed to achieve the plan's goal and to achieve intermediate steps toward that goal."

Summary: The Fish and Wildlife Service shall develop and implement recovery plans for the survival of endangered species unless it finds that such a plan will not provide for conservation of the species.

Case Law Related to the Endangered Species Act

Douglas County v. Lujan, 810 F. Supp. 1470 (1992)

The Fish and Wildlife Service is required to complete full National Environmental Policy Act (NEPA) documentation when designating critical habitat.

Montana Farm Bureau Federation, et al. v. Babbitt, No. 93-0168-E-HLR (Dec. 14, 1993)

The Fish and Wildlife Service is required to follow all procedural mandates in the Endangered Species Act (ESA) when listing a species as threatened or endangered, including (1) listing the species within one year of publication of the notice of proposed listing, otherwise Fish and Wildlife Service must withdraw the regulation. (2) providing actual notice to local governments prior to listing; (3) providing adequate public review of data used to list the species; and (4) adequately considering and responding to public comments regarding the proposed listing.

National Wildlife Federation v. Coleman, 529 F2d 359 (1976) cert. denied

429 U.S. 979 (1977)

Pursuant to the Endangered Species Act, the Fish and Wildlife Service is responsible for species listing, the designation of critical habitat and the development of protective regulations and recovery plans. Once a species is listed, federal agencies have the responsibility to consult with the Fish and Wildlife Service under Section 7 of the ESA. However, once consultation has

occurred, the agency is then free to make the final determination. The Fish and Wildlife Service does not have veto power over federal agency actions.

54 Fed. Reg. 554 (January 6, 1989)

Comment: The Sensitive Species Program was created on January 6, 1989 by the Fish and Wildlife Service and is implemented by all federal agencies. These federal agencies are to give “special consideration” to those plant and animal species that the Fish and Wildlife Service is considering for listing but lacks the scientific data to list.

Wild and Scenic Rivers Act 16 USC 1271 - 1287

16 USC 1271 “It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.”

Summary: It is Congressional policy to protect “... historic, cultural or other similar values in free-flowing rivers or segments thereof.”

16 USC 1279 (b) “Lands constituting bed or bank of river; lands within bank area

All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 1276 (a) of this title are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 1278 (b) of this title. Notwithstanding the foregoing provisions of this subsection or any other provision of this chapter, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 1276 (a) of this title are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 1278 (b) of this title.”

Summary: Wild and scenic river designations on federal lands cannot affect valid existing rights.

16 USC 1282 (b) “Assistance of Secretaries of the Interior, Agriculture, or other Federal agency heads; use of Federal facilities, equipment, etc.; conditions on permits or other authorizations

(1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the National Wild and Scenic Rivers System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

(2) Wherever appropriate in furtherance of this chapter, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 [16 U.S.C. 18g et seq.] and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a–558d).

(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 4601–8] (relating to the development of statewide comprehensive outdoor recreation plans).

(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deems necessary or desirable.

(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.

Summary: The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advice and cooperate with states or their political subdivisions to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise.

16 USC 1276(c) State participation

The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

16 USC 1281(e) "Cooperative agreements with State and local governments

The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands."

16 USC 1283 (b) "Existing rights, privileges, and contracts affecting Federal lands

Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without consent of said party."

16 USC 1277(c)

Curtailment of condemnation power in urban areas covered by valid and satisfactory zoning ordinances Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this chapter. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this chapter. The standards specified in such guidelines shall have the object of

(A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this chapter, and

(B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

Summary: The federal government is precluded from condemning or taking private land adjacent to a wild or scenic river so long as the local zoning ordinances protect the value of the land.

Historic Preservation Act 16 USC 470

16 USC 470 -1 "It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities."

Historic Preservation Act Planning Rules

36 CFR 800.5(e) When the effect is adverse. If an adverse effect on historic properties is found, the Agency Official shall notify the Council and shall consult with the State Historic Preservation Officer to seek ways to avoid or reduce the effects on historic properties. Either the Agency Official or the State Historic Preservation Officer may request the Council to participate. The Council may participate in the consultation without such a request.

(1) Involving interested persons. Interested persons shall be invited to participate as consulting parties as follows when they so request:

(i) The head of a local government when the undertaking may affect historic properties within the local government's jurisdiction;

Clean Air Act 42 USC 7401-7431

42 USC 7401 "Congressional findings and declaration of purpose

(a) Findings The Congress finds—

(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

(3) that air pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source is the primary responsibility of States and local governments; and

(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

(b) Declaration

The purposes of this subchapter are—

(1) to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

(4) to encourage and assist the development and operation of regional air pollution prevention and control programs.

(c) Pollution prevention: A primary goal of this chapter is to encourage or otherwise promote reasonable Federal, State, and local governmental actions, consistent with the provisions of this chapter, for pollution prevention."

Clean Water Act 33 USC 1251 et seq.

33 U.S.C. Section 1251(g)

Summary: Federal agencies shall cooperate with state and local agencies to develop comprehensive solutions to prevent, reduce, and eliminate pollution in concert with programs for managing water resources.

33 U.S.C. Section 1252 (A)

The Environmental Protection Agency (EPA) "shall, after careful investigation, and in cooperation with other federal agencies, state water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs" for preventing water pollution.

Soil And Water Resources Conservation Act 16 USC 2001 et seq.

16 U.S.C. Section 2003(b) "Recognizing that the arrangements under which the federal government cooperates through conservation districts with other local units of government and land users have effectively aided in the protection and improvement of the nation's basic resources, it is declared to be the policy of the United States that these arrangements and similar cooperative arrangements should be utilized to the fullest extent practicable"

16 U.S.C. Section 2008 "In the implementation of the Act, the Secretary [of Agriculture] shall utilize information and data available from other federal, state and local governments."

Rural Environmental Conservation Program 16 USC 1501 et seq

16 U.S.C. Section 1508

"The Secretary [of Agriculture] shall, in addition to appropriate coordination with other interested federal, state, and local agencies, utilize the services of local, county, and state soil conservation committees."

Resource Conservation Act of 1981 16 USC 3401 et seq.

16 U.S.C. Section 3411 (5)

Congress finds solutions to "chronic erosion-related problems should be designed to address the local social, economic, environmental and other conditions unique to the area involved to ensure that the goals and policies of the federal government are effectively integrated with the concerns of the local community "

16 U.S.C. Section 3432 “The local unit of government is encouraged to seek information from and the cooperation of ... (2) agencies of the Department of Agriculture or other federal agencies “

16 U.S.C. Section 3451 “It is the purpose of this subtitle to encourage and improve the capability of state and local units of government and local nonprofit organizations in rural areas to plan, develop, and carry out programs for resource conservation and development.”

16 U.S.C. Section 3455 “In carrying out the provisions of this subtitle, the Secretary [of Agriculture] may? (2) cooperate with other departments and agencies of the federal government, state, and local units of government and with local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans “

16 U.S.C. Section 3456 (a) (4) The Secretary of Agriculture may provide technical and financial assistance only if “the works of improvement provided for in the area plan are consistent with any current comprehensive plan for such area.”

Data Quality Act: Uncodified, amends the PRA. 44 U.S.C. 3501 et seq.

Sec. 515 (a) "In General -- The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44,

United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States

Code, commonly referred to as the Paperwork Reduction Act.

(b) Content of Guidelines. –

The guidelines under subsection (a) shall –

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply –

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director –

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency. "

PRESIDENTIAL EXECUTIVE ORDER 12866

REGULATORY PLANNING AND REVIEW (September 30, 1993)

Introduction:

“The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory policies that respect the role of state, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable. We do not have such a system today.”

Section I (b) (9)

“Wherever feasible, agencies shall seek views of appropriate state, local and tribal officials before imposing regulatory requirements that might significantly or uniquely affect those governmental entities. Each agency shall assess the effects of

federal regulations on state, local, and tribal governments, including specifically the availability of resources to carry out those mandates, and seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives. In addition, as appropriate, agencies shall seek to harmonize federal regulatory actions with related state, local and tribal regulatory governmental functions.”

Section 5(b)

“State, local and tribal governments are specifically encouraged to assist in the identification of regulations that impose significant or unique burdens on those governmental entities and that appear to have outlived their justification or be otherwise inconsistent with the public interest.”

Section 6 (a) (1)

“In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those who are expected to be burdened by any regulation (including, specifically, state, local and tribal officials) Each agency also is directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rule making.”

Presidential Executive Order 12630

Governmental Actions and Interference with Constitutionally Protected Property Rights (March 15, 1988)

Section 1 (a)

“The Fifth Amendment of the United States Constitution provides that private property shall not be taken for public use without just compensation Recent Supreme Court decisions, however, in reaffirming the fundamental protection of private property rights provided by the Fifth Amendment and in assessing the nature of governmental actions that have an impact on constitutionally protected property rights, have also reaffirmed that governmental actions that do not formally invoke the condemnation power, including regulations, may result in a taking for which just compensation is required.”

Section 1(c)

“The purpose of this Order is to assist federal departments and agencies in undertaking such reviews and in proposing, planning, and implementing actions with due regard for the constitutional protections afforded by the Fifth Amendment and to reduce the risk of undue or inadvertent burdens on the public fisc resulting from lawful governmental action.”

Section 3(c)

“The Just Compensation Clause [of the Fifth Amendment] is self actuating, requiring that compensation be paid whenever governmental action results in a taking of private property regardless of whether the underlying authority for the action contemplated a taking or authorized the payment of compensation. Accordingly, governmental actions that may have significant impact on the use of value or private property should be scrutinized to avoid undue or unplanned burdens on the public fisc⁶.”

Court Cases Upholding Local Land Use Planning

California Coastal Commission v. Granite Rock Co., 480 U.S. 572 (1987) State land use planning is allowed on federal managed lands as long as such land use planning does not include zoning. Federal agencies cannot claim “Constitutional Supremacy” if the agency can comply with both federal law and the local land use plan.

Wisconsin Public U.S. Intervenor v. Mortier, 111 S. Ct. 2475 (1991)

When considering preemption, the U.S. Supreme Court will not assume that the State’s historic powers are superseded by federal law unless that is the clear manifest purpose of Congress

6 Fisc, noun [Latin fiscus]: A state or royal treasury. Webster’s Collegiate Dictionary

**Appendix D:
Letter to Mackay Bar Outfitters and Guest Ranch Inc.**

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United States
Department of
Agriculture

Forest
Service

Payette National Forest
McCall R.D.

102 W. Lake St.
McCall ID 83638
208 634-0400

File Code: 2720

Date: December 24, 2014

Buck and Joni Dewey
Mackay Bar Outfitters and Guest Ranch Inc.
PO Box 340
Grangeville, ID 83530

Dear Buck and Joni,

Thank you for your proposal dated November 25, 2014 outlining your proposed action to graze 10 head of stock from September 16 to June 14 on federal lands in the vicinity of Mackay Bar Ranch. You have proposed four specific areas for grazing with two of those areas located on the Payette National Forest, McCall Ranger District and two other areas on the Nez Perce - Clearwater National Forest, Red River Ranger District.

In discussions with the Nez Perce – Clearwater National Forest we have agreed that you will receive two responses regarding your proposal: this one and one from the Nez Perce – Clearwater National Forest. Depending on the outcome regarding your proposal on the Red River District the Krassel Ranger District may still be involved if changes to your existing outfitter and guide special use permit are warranted. As you know, the Krassel Ranger District issued your special use authorization and may handle incidental livestock grazing, if authorized on the Red River Ranger District, as part of your outfitter and guide permit.

I have reviewed the proposal submitted for the McCall Ranger District on December 17, 2014 with a team of specialists. Specifically, you propose to graze a 65 acre parcel called Area III and an 80 acre parcel called Area IV that lie within designated wilderness and the suitable South Fork Salmon Wild and Scenic River. The proposal requests 10 head of stock for each area for up to 30 days at various times throughout the fall or winter with temporary fencing and some level of spring developments.

X Before analyzing the proposal against our screening criteria several considerations were first discussed. Clem Pope, wilderness administrator and outfitter and guide permit administrator, provided information related to the overall operation of the outfitter and guide business, past activities and user days. Questions raised included: what is the demand for predator hunts, is there a market for such hunts, is there potential to develop a market, what level of activity justifies 10 head of stock? The answers to these questions, which are unknown, are tied to the ability to develop your business within a reasonable parameter.

The special use application process is defined at 36 Code of Federal Regulations (CFR) part 251, subpart B, section 251.54 and involves a “screening process”. Prior to acceptance of a proposal as a “formal” application, the Forest Service must screen the proposal for assurance of the appropriate use of NFS lands. A special use proposal must pass through both levels of screening to be accepted as an application for processing. Each screening criteria was discussed based on your proposal within the limitations of the management prescribed for the McCall Ranger District within your areas III and IV.



The proposal submitted November 25th does not meet the screening criteria and has been rejected for processing. I have attached a summary listing the screening criteria that has not been met and briefly describe the main issues below.

1. FSM 2700 Special Use Management 2703.2 provides direction for denial of use which fit this proposal.
2. A grazing proposal within the Frank Church River of No Return Wilderness requires compliance with the Wilderness Act, the Frank Church River of No Return Wilderness Management Plan and the Payette National Forest Land and Resource Management Plan 2003. There are reasonable options located outside the Wilderness.
3. A grazing proposal within the suitable South Fork Salmon River Wild and Scenic River corridor does not meet Forest Service Policy direction in FSM 2354.21 or FSH 1909.12 Chapter 80, 82.5 and the Payette National Forest Land and Resource Management Plan 2003.

The attachment provides more detail on these items. I am available to meet with you if you would like to discuss the issues listed above. If you have questions please call me at 634-0401.

Sincerely,



LISA J. KLINGER
District Ranger

cc: Anthony B Botello, Jeffrey Shinn, Terry Nevius



Screening Criteria 36CFR251.54

Mackay Bar Outfitters and Guest Ranch Inc's Request for Grazing Stock on National Forest Lands
December 24, 2014

Screening Criteria not met as summarized below:

(i). The proposed use is consistent with the laws, regulations, orders, and policies establishing or governing National Forest System lands, with other applicable Federal law, and with applicable State and local health and sanitation laws.

Management is directed by policy in the Forest Service Manual 2703.2(3) which states: "Deny uses of National Forest System land which can reasonably be accommodated on non-National Forest System lands..." There is private land near Mackay Bar which may provide a reasonable alternative.

Forest Service Handbook 2709.11, chapter 10, 12.32a states "Do not authorize the use of National Forest System lands just because it affords the applicant a lower cost and less restrictive location when compared with non-National Forest System lands." You have options to transport and store hay during the snow free season when the Main Salmon River and the road from Dixie are passable.

Forest Service Manual 2354.21, Management of Study Rivers "Manage wild and scenic river study areas to protect existing characteristics through the study period and until designated or released from consideration." The South Fork Salmon River is an eligible wild and scenic river per the Payette National Forest Land and Resource Management Plan 2003. Management requires protecting existing outstandingly remarkable values identified in the Forest Plan. This proposal is not consistent with management direction to protect existing characteristics.

Forest Service Handbook 1909.12 Chapter 80, 82.5 – Interim Management of Eligible or Suitable Rivers states that...To the extent the Forest Service is authorized by statute, a Responsible Official may authorize site-specific projects and activities on NFS lands within river corridors eligible or suitable only where the project and activities are consistent with all of the following:

...2. Outstandingly remarkable values of the identified river area are protected.
...4. For all Forest Service identified study rivers, classification must be maintained as inventoried unless a suitability study (decision) is completed that recommends management at a less restrictive classification (such as from wild to scenic or scenic to recreational). Identified outstandingly remarkable values for the South Fork Salmon River are not protected by this grazing proposal.

(ii) The proposed use is consistent or can be made consistent with standards and guidelines in the applicable forest land and resource management plan prepared under the National Forest Management Act and 36 CFR part 219.

The Frank Church River of No Return Wilderness Management Plan, page 2-38 and 39 discusses livestock grazing and outlines standards and guidelines. “B. Desired Future Condition...Forage will remain plentiful for wildlife.” “E. Standards and Guidelines, General Grazing. 1) Priorities for the use of available forage are: a. wildlife; b. domestic livestock under term grazing permits; c. Forest Service administrative pack and saddle stock; d. recreational pack and saddle stock (includes both outfitter stock authorized by livestock use permits and recreational non-outfitter stock, which may not require a permit).

Page 2-40 Outfitter Guide Livestock Grazing 1) Grazing of pack and saddle stock will be approved and authorized on a case by case basis considering season, forage availability, and needs of wildlife and other wilderness users.

It is not evident that the quantity of forage available is great enough to satisfy a grazing request that does not result in conflict with forage needs of wildlife species in the area. This area of the South Fork Salmon River is identified as elk winter range by Idaho Fish and Game and occupied Bighorn Sheep habitat per Payette National Forest Plan Amendment 2010. Given that the number one priority for forage is wildlife this proposal is inconsistent with the Wilderness Management Plan.

The Payette National Forest Land and Resource Management Plan (Forest Plan) Revised 2003 addresses management of wilderness and eligible/suitable wild and scenic rivers. The Forest Plan Record of Decision identifies the South Fork Salmon River as a “wild” segment of river in the area of the proposal. This segment’s outstandingly remarkable values have been identified as recreational, scenic, geological, cultural, botanical and fisheries...ROD-24. Forest plan standards for a wild segment of river assigns a visual quality objective of preservation (Forest Plan III-75). It is my determination that this proposal does not comply with existing Forest Plan standards and guidelines for eligible/suitable Wild and Scenic Rivers and does not protect the outstandingly remarkable values identified in the Forest Plan.

**Appendix E:
Public Involvement**

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	Public Involved	Results

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**Appendix F:
Resolution**

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