

CHAPTER II: DESCRIPTION OF THE PROPOSED ACTION

A. Action Area – The MIRR proposes direction for management of 250 roadless areas in Idaho¹, establishing prohibitions and permissions related to road construction/reconstruction, timber cutting, and discretionary mining. There are some IRAs that cross administrative boundaries resulting in 281 roadless areas, if considered by individual Forests. Consequently, the project area for this Federal action consists of 281 IRA's which are dispersed across portions of 12 National Forests in Idaho.

There are more roadless acres in Idaho than any other state in the lower 48 States. IRAs comprise approximately 9,304,300 acres of public lands managed by the USFS that stretch from the Selkirk Mountains on the Canadian border to the Wasatch Range that Idaho shares with Utah. IRAs occur on portions of twelve National Forests including the Boise, Caribou, Clearwater, Idaho Panhandle, Kootenai, Nez Perce, Payette, Salmon, Challis, Sawtooth, Targhee, and Wallowa-Whitman². Acreages of roadless area by Forest are listed in Table 2.

Table 2. Acres of Roadless Area by Forest

Forest	Acres of Roadless Area
Boise	1,108,900
Caribou	741,700
Challis	1,437,600
Clearwater	984,400
Idaho Panhandle	797,100
Kootenai	35,100
Nez Perce	497,000
Payette	908,200
Salmon	827,700
Sawtooth	1,194,900
Targhee	149,600
Wallowa-Whitman	35,400

¹ There are 250 roadless areas in Idaho, however, several of these roadless areas cross administrative boundaries resulting in 281 roadless areas, if considered by individual Forests.

² Although the Salmon-Challis and Caribou-Targhee are administered as combined National Forests, they are considered separate in this Opinion because each area is guided by its own LRMP.

IRAs encompass a wide variety of terrestrial and aquatic habitats (Figure 1). Roadless area characteristics include:

- High quality or undisturbed soil, water and air.
- Sources of public drinking water.
- Diversity of plant and animal communities.
- Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land.
- Primitive, Semi-Primitive Non-motorized, and Motorized classes of dispersed recreation.
- Reference landscapes.
- Natural appearing landscapes with high scenic quality.
- Traditional cultural properties and sacred sites.
- Other locally identified unique characteristics.

B. Purpose and Need of the Proposed Action – The purpose of the Idaho Roadless Rule is to provide State-specific direction for the conservation and management of inventoried roadless areas within the State of Idaho. The MIRR integrates local management concerns with the national objectives for protecting roadless area values and characteristics noted above. The management direction is based on a range of individual roadless characteristics for lands: (1) containing outstanding or unique features, where there is minimal or no evidence of humans; (2) containing culturally significant areas; (3) containing general roadless characteristics, where human uses may or may not be more apparent; and (4) displaying high levels of human use, while:

- protecting communities, homes, and property from the risk of severe wildfire or other risks existing on adjacent Federal lands;
- protecting forests from the negative effects of severe wildfire and insect and disease outbreaks; or
- protecting access to property, by ensuring that States, Tribes, and citizens owning property within roadless areas have access to that property as required by existing laws.

The Secretary of Agriculture, aware of the long, unresolved debates over the management of inventoried roadless areas in the absence of wilderness legislation for the State of Idaho, considered the State's 2006 Petition, the advice, and recommendations of the Roadless Area Conservation National Advisory Committee (RACNAC), and associated public comments. The Secretary determined that there is a need to develop roadless area management direction specific to the State of Idaho.

C. The Proposed Action – The USFS is proposing to promulgate a State-specific rule in response to the Idaho State Petition presented by Governor Risch on November 29 and 30, 2006, to the RACNAC. The MIRR is one of the alternatives presented in the final FEIS which is herein considered the Proposed Action for consultation purposes. The Proposed Action also provides for the ability to accommodate necessary corrections and modifications in the future. The Service's analysis and conclusions in this Opinion are predicated on the proposed action as described in the final Assessment of September 12, 2008 and reflected in this Opinion, and the USFS assurance that the MIRR rule will be consistent with this action.

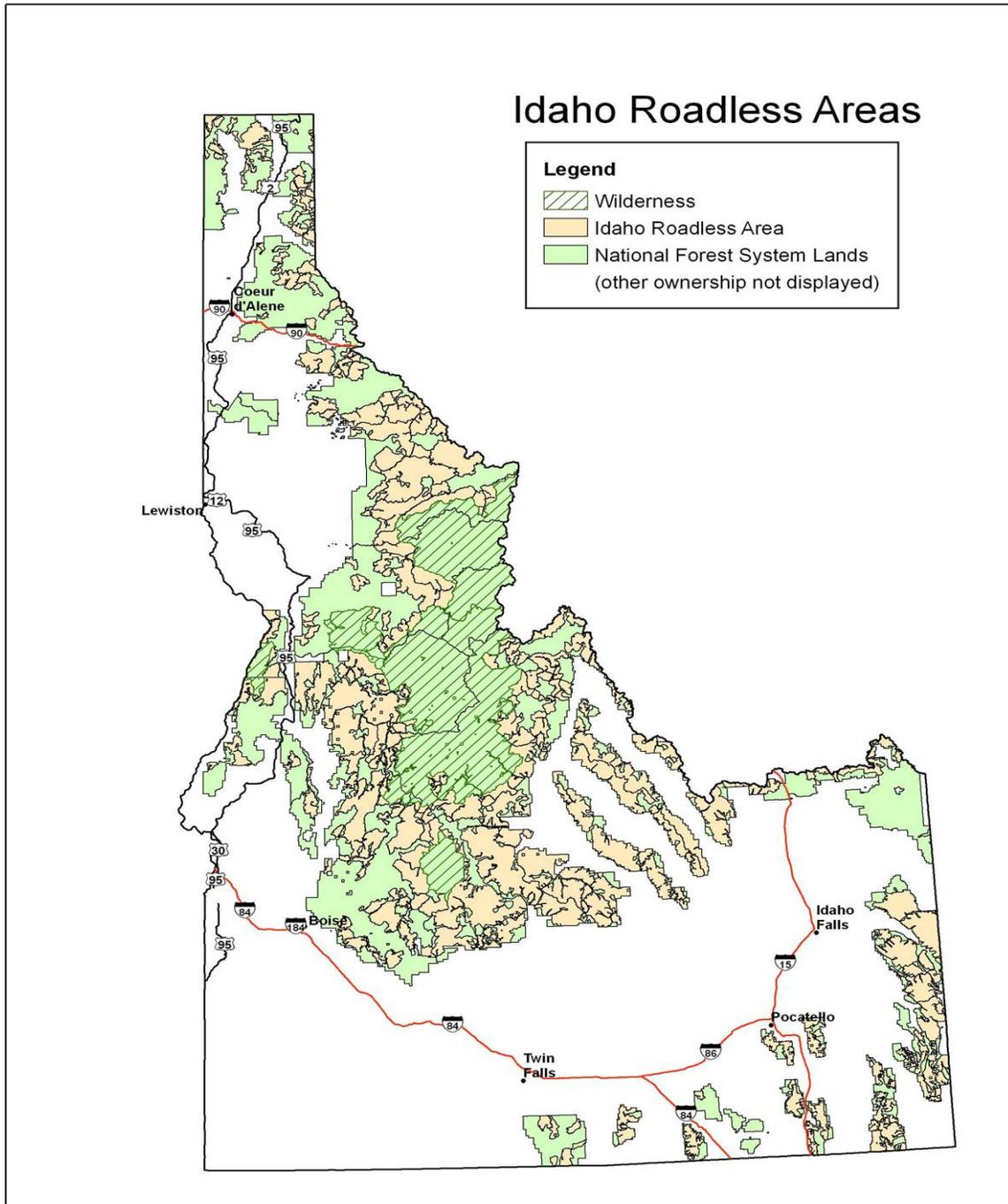


Figure 1. Map of Idaho Roadless Areas

The following description of the Proposed Action is summarized from the USFS Assessment, which contains specific details pertinent to the MIRR, not all of which are provided in this Opinion. The MIRR would designate a system of lands called Idaho Roadless Areas and establish five management area themes for individual roadless areas: Wild Land Recreation (WLR); Primitive (PRIM); Special Areas of Historic and Tribal Significance (SAHTS); Backcountry/Restoration (BCR); and General Forest, Rangeland, and Grassland (GFRG). The proposed themes span a continuum that includes both prohibitions and permissive allocations. This continuum accounts for stewardship of the uniqueness of each individual roadless area's landscape and the quality of roadless characteristics in that area.

Allocation of roadless acres to a specific theme is not intended to mandate or direct the USFS to propose or implement any specific land management action. Instead, the themes provide an array of permitted and prohibited activities regarding timber cutting, sale, or removal; road construction and reconstruction; and discretionary mineral activities. The following paragraphs describe the themes comprising the MIRR.

Wild Land Recreation (WLR) – A classification of an Idaho Roadless Area assigned to lands that were generally identified during the forest planning process as recommended for wilderness designation. About 1,479,700 acres are classified as Wild Land Recreation.

Road construction/reconstruction – Prohibited unless provided for by statute or treaty, or pursuant to reserved or outstanding rights, or other legal duty of the United States.

Timber cutting, sale, or removal – Prohibited except for personal or administrative use (36 CFR §223); or when incidental to the implementation of a management activity not otherwise prohibited (e.g., trail clearing).

Mineral activities – No recommendation, authorization, or consent to surface occupancy, or road construction or reconstruction associated with new mineral leases. The sale of common variety minerals would be prohibited. Locatable mineral activities pursuant to the General Mining Law of 1872, including road construction and reconstruction, would not be affected.

Primitive (PRIM) and Special Areas of Historic and Tribal Significance (SAHTS) – About 1,722,700 acres are classified as Primitive, and 48,600 acres are classified as SAHTS.

PRIM and SAHTS Road construction and reconstruction – Prohibited, unless provided for by statute or treaty, or pursuant to reserved or outstanding rights, or other legal duty of the United States.

PRIM and SAHTS Timber cutting, sale, or removal – Prohibited except:

1. To improve threatened, endangered, proposed, or sensitive species habitat;
2. To maintain or restore the characteristics of ecosystem composition, structure, and processes;
3. To reduce the risk of uncharacteristic wildland fire effects to an at-risk community or municipal water supply system (Figures 2 and 3);
4. For personal or administrative use, as provided for in 36 CFR 223; or

5. Where such cutting, sale or removal is incidental to the implementation of a management activity not otherwise prohibited by this subpart.

Timber cutting, sale and removal shall be limited to situations that will:

- Maintain or improve one or more of the roadless characteristics over the long term;
- Use existing roads or aerial harvest systems;
- Maximize the retention of large trees as appropriate for the forest type;
- Be consistent with applicable land management plan components; and
- Be approved by the Regional Forester.

PRIM and SAHTS Mineral activities – No recommendation, authorization, or consent to surface occupancy or road construction or reconstruction associated with new mineral or energy leases. The sale of common variety minerals would be prohibited. Locatable mineral activities pursuant to the General Mining Law of 1872 including road construction and reconstruction would not be affected.

Assumptions related to activities in the PRIM theme –

- Timber harvest in PRIM – would rarely be done and would maintain one or more of the roadless characteristics. Timber harvest would primarily be associated with fuel reductions needed to reduce uncharacteristic wildland fire effects to communities or municipal water supply systems. About 150,000 acres of the Primitive theme are within 1½ miles from a community (Figure 2). Communities are based on the definition found in the Healthy Forests Restoration Act (HFRA) and are generally represented in areas with more than 16 housing units per square mile. Municipal water supply systems can be fed by either ground or surface water. However threats from wildland fire are to surface waters, not ground water; therefore hazardous fuel reduction projects would be done to reduce wildland fire risk to surface waters (Figure 3). Large trees would be retained.
- Timber cutting in PRIM – without removal of a commercial product would likely be the tool used further away from at-risk communities or municipal water supply systems (e.g. slashing for white bark pine restoration and burning).

Backcountry/Restoration (BCR) – About 5,312,900 acres are classified as Backcountry, of which about 442,000 acres are within the community protection zone (BCR-CPZ).

Within BCR, construction/reconstruction of temporary roads would be permitted under certain circumstances. Temporary roads could be constructed within the CPZ to facilitate hazardous fuel reduction projects. Temporary roads could also be constructed outside the CPZ where needed to reduce significant adverse effects of wildland fire on at-risk communities or municipal water supply systems. If these purposes applied, activities would be further subject to certain conditions for implementation which would likely reduce the likelihood that temporary roads would be constructed.

Similarly, timber cutting activities from existing roads or using aerial systems are permitted in BCR to improve TEPC habitat, restore or maintain characteristics of ecosystem composition and structure, and to reduce the risk of uncharacteristic wildland fire effects to the BCR theme.

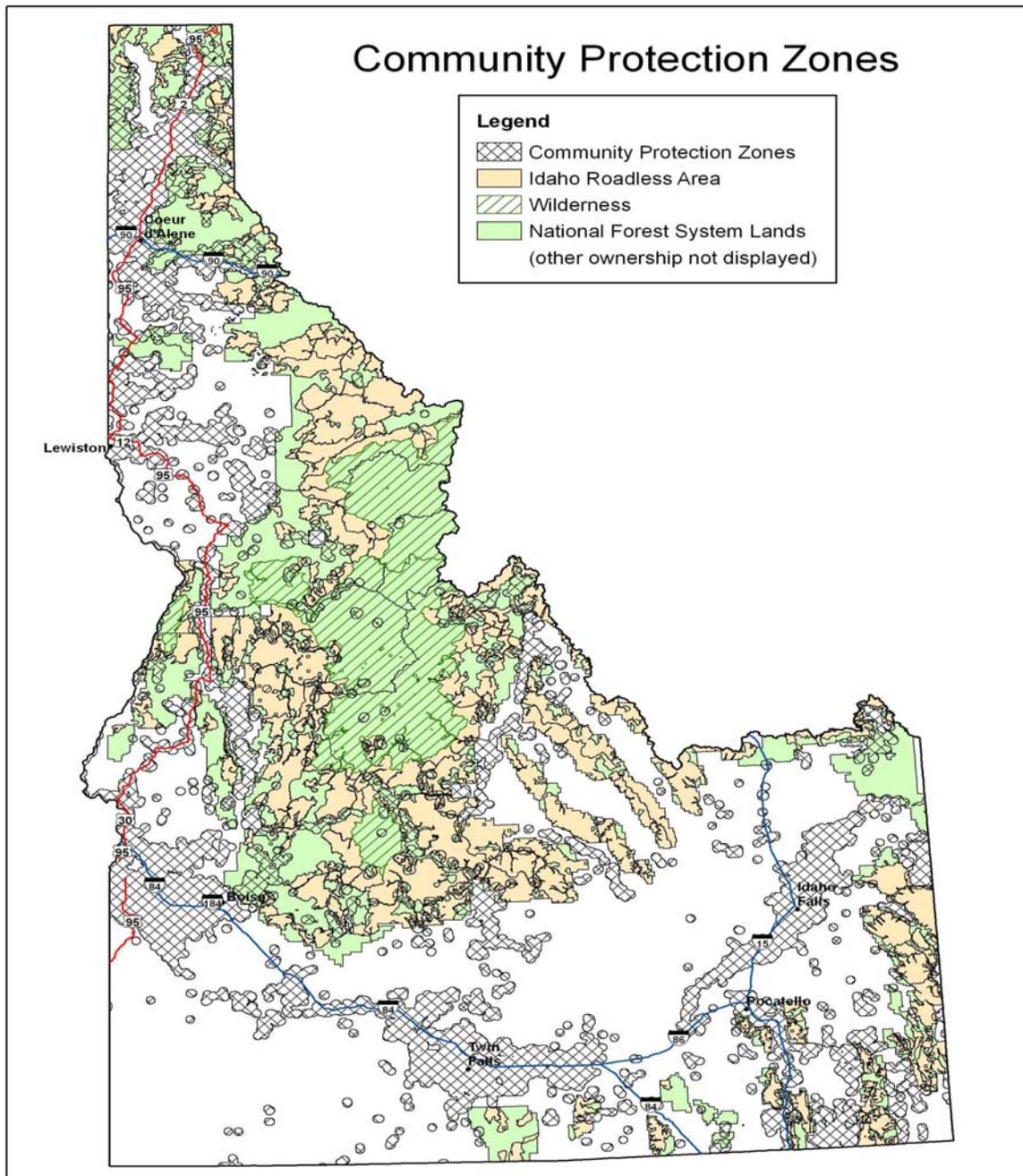


Figure 2. Overlap of Idaho Roadless Areas with Community Protection Zones

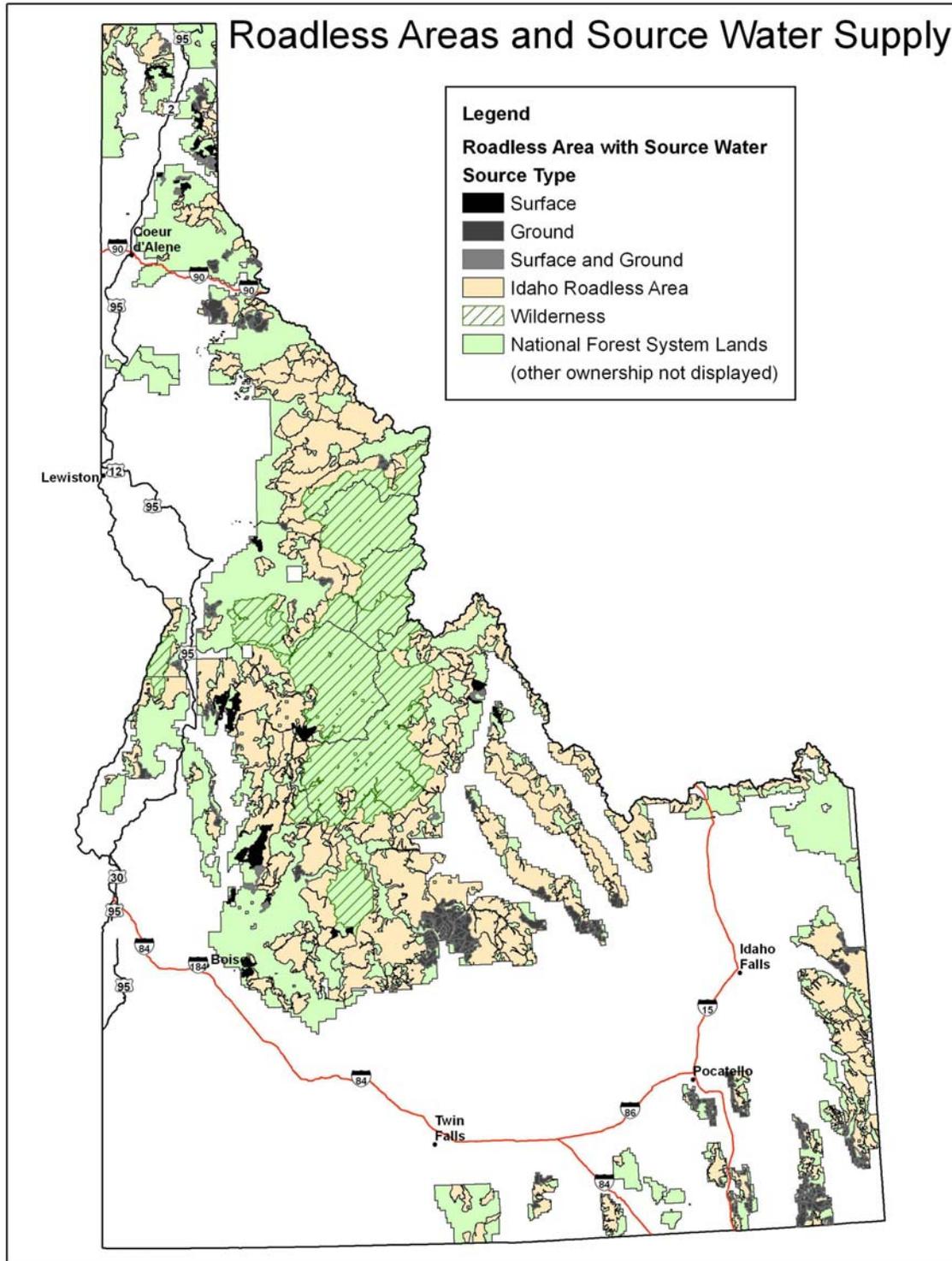


Figure 3. Overlap of Idaho Roadless Areas With Water Supply Systems

BCR Road construction/reconstruction – Permissible:

1. Where the Regional Forester determines:
 - a. A road is needed to protect public health and safety or imminent threat of flood, wildland fire, or other catastrophic event that, without intervention, would cause the loss of life or property;
 - b. A road is needed to conduct a response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to conduct a natural resource restoration action under CERCLA, section 311 of the Clean Water Act, or the Oil Pollution Act;
 - c. A road is needed pursuant to statute, treaty, reserved or outstanding rights, or other legal duty of the United States;
 - d. Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use, or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health and safety;
 - e. A road (re)construction is needed to implement a road safety improvement project on a road determined to be hazardous based on accident experience or accident potential on that road; or
 - f. The Secretary of Agriculture determines that a Federal Aid highway project, authorized pursuant to Title 23 of the United States Code, is in the public interest or is consistent with the purpose for which the land was reserved or acquired and no other reasonable and prudent alternative exists.
2. A responsible official may authorize temporary road construction or road reconstruction for CPZ activities if the activity cannot be reasonably accomplished without a temporary road.
3. The Regional Forester may approve temporary road construction or road reconstruction on an infrequent basis for the forest type to reduce hazardous fuel conditions outside the CPZ where:
 - a. There is a significant risk that wildland fire disturbance event could adversely affect an at-risk community or municipal water supply system. A significant risk exists where the history of fire occurrence and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to an at-risk community or municipal water supply system.
 - b. The activity cannot be reasonably accomplished without a temporary road and;
 - c. The activity will maintain or improve one or more roadless area characteristics over the long-term.

BCR Timber cutting, sale, or removal³ – Permitted if one of the following circumstances (conditions) exists:

1. To reduce hazardous fuel conditions within the CPZ if in the responsible official's judgment the project generally retains large trees as appropriate for the forest type and is consistent with applicable land management components;
2. To reduce the hazardous fuel conditions outside the CPZ where there is a significant risk that a wildland fire disturbance event could adversely affect an at-risk community or municipal water supply system. A significant risk exists where the history of fire occurrence and fire hazard and risk indicate a serious likelihood that a wildland fire disturbance event would present a high risk of threat to an at-risk community or municipal water supply system.
3. To improve threatened, endangered, proposed, or sensitive species habitat;
4. To maintain or restore the characteristics of ecosystem composition and structure.
5. To reduce uncharacteristic wildland fire effects;
6. For personal or administrative use, as provided for in 36 CFR 223;
7. Where incidental to the implementation of a management activity not otherwise prohibited by this subpart; or
8. In a substantially altered portion of an Idaho Roadless Area designated as BCR, which has been altered due to the construction of a forest road and subsequent timber cutting. Both the road construction and subsequent timber cutting must have occurred prior to the effective date of this rule.

Any action authorized pursuant to conditions 2-5 shall be limited to situations that will:

- Maintain or improve one or more of the roadless characteristics over the long term,
- Maximize the retention of large trees as appropriate for the forest type, to the extent the trees promote fire-resilient stands,
- Be consistent with land management plan components,
- Be approved by the Regional Forester.

The activities above may use any forest roads or temporary roads, including those authorized for hazardous fuel reduction projects within the CPZ and outside the CPZ (road construction/reconstruction conditions 2 and 3 until decommissioned).

BCR Mineral activities⁴ – No recommendation, authorization, or consent for road construction or reconstruction associated with new mineral or energy leases. Surface use and occupancy is permitted if allowed in the LRMPs. Locatable mineral activities pursuant to the General Mining Law of 1872, including road construction and reconstruction, would not be affected. Surface use and occupancy without road construction is permissible for all mineral leasing unless prohibited in the applicable land management plan.

³ Exceptions found for timber cutting, sale, or removal #3-8 are the same as the 2001 Roadless Rule.

⁴ The permissions and prohibitions for mineral activities in the BCR theme are the same as the 2001 Roadless Rule, except the MIRR clarifies that prohibitions for surface use and occupancy established in Forest Plans would apply.

The USFS may authorize the use or sale of common variety minerals, and associated road construction or reconstruction to access these minerals if the use of these minerals only is incidental to activity allowed under the rule.

Assumptions related to activities in the BCR theme –

- Timber cutting in BCR in CPZ – would focus on reducing hazardous fuels in the CPZ (about 442,000 acres of the 5,312,900 acres (8 percent)) of the BCR. Timber cutting would be done on a limited basis in this area. Temporary road construction could be done to facilitate timber cutting in the CPZ and would be associated with timber harvest. Activities in the CPZ would not have to show they would retain roadless character, but often would be designed to maintain or improve one or more roadless character. The intent is to limit the amount of additional analysis in the CPZ.
- Timber cutting in BCR for significant risk outside the CPZ – timber cutting, including timber harvest could be done to reduce significant risk. Timber harvest outside the CPZ would be more limited than within the CPZ because of additional conditions (i.e. have to show significant risk to an at-risk community or municipal water supply system, temporary roads can only be constructed when the activity cannot be otherwise reasonably accomplished, and must maintain or improve one or more roadless area characteristic over the long-term, and requires Regional Forester approval). It is anticipated that temporary road building in BCR outside of CPZ would be done infrequently.
 - Timber cutting for TEPC habitat or ecosystem composition and function could be done, but no new roads can be constructed unless the activity is done in conjunction with a fuel reduction project; therefore it is likely timber harvest (removal of commercial product) would be limited outside the CPZ; and timber cutting (e.g. slashing in preparation for prescribed burning) would most likely be the selected treatment.
 - Any timber cutting done outside the CPZ would be done on a limited basis and would be done to retain roadless characteristics. Timber cutting would be light on the land (focusing on what is left behind, not what is removed). Clearcuts or seedtree harvests would not occur because these systems are generally inconsistent with retaining one or more roadless area characteristics and maximizing the retention of large trees. Shelterwoods, uneven-age management or intermediate harvests could occur. All would retain some structure and canopy and would be less evident on the landscape, especially over time. No cutting just for timber purposes.
 - Intent for timber cutting, sale, or removal is to only do what is necessary to address the need (threatened or endangered species habitat improvement, fuel reduction, ecosystem restoration, etc.), not for timber production.
- Road construction/reconstruction in the BCR theme – Temporary roads constructed for timber harvest must minimize effects on resources, may only be used for specified purposes, and must be decommissioned as part of the contract package. This condition may not be waived and would be part of the contract costs. Any road construction/reconstruction would be designed based on applicable Forest Plan components.

General Forest, Rangeland, or Grassland (GFRG) – About 405,900 acres are classified as GFRG.

GFRG Road construction/reconstruction – Permitted for a forest permanent or temporary road, except those roads associated with new mineral leases other than phosphate. Forest roads

constructed or reconstructed must be conducted in a manner that minimizes effects on surface resources and must be consistent with applicable land management plan components.

GFRG Timber cutting, sale, or removal – Permitted, at the discretion of the responsible official when consistent with the applicable land management plan components.

GFRG Mineral activities – No recommendation, authorization, or consent to road construction or reconstruction associated with new mineral leases, except such road construction or reconstruction may be authorized in association with phosphate deposits as noted in Figure 4.

Leasing instruments that allow surface use or occupancy are permissible if they do not require road construction or reconstruction and surface use and occupancy is allowed in the Forest Plan. Locatable mineral activities pursuant to the General Mining Law of 1872 would not be affected, including road construction and reconstruction.

The USFS may authorize the use or sale of common variety minerals, and associated road construction or reconstruction to access these minerals only if the use of these minerals is incidental to activity allowed under this rule.

Road construction or reconstruction associated with mining activities permissible under this subsection must be conducted in a manner that minimizes effects on surface resources, prevents unnecessary or unreasonable surface disturbances, and may only be used for the specific intended purpose. Roads constructed or reconstructed must be decommissioned when no longer needed or upon expiration of the lease, or permit, or other authorization whichever is sooner. Decommissioning shall consider public safety, costs, and potential impacts to land and resources.

Assumptions related to activities in the GFRG theme –

In GFRG, roadless characteristics would not have to be retained – however these areas would remain in the roadless area inventory. Full range of silvicultural techniques could be used, including clearcutting when the situation warrants it.

Guidance that Applies to all Idaho Roadless Areas

Permanent Roads – Where permanent roads are allowed under statute, treaty, or pursuant to reserved or outstanding rights, or other legal duty of the United States or under the six exceptions (see *Assumptions - Road Construction* section) provided to the Regional Forester construction and reconstruction must follow Forest Plan standards.

Temporary Roads – Temporary road construction must be conducted in a manner that minimizes effects on surface resource, is consistent with applicable land management plan components, and may only be used for the specific intended purpose.

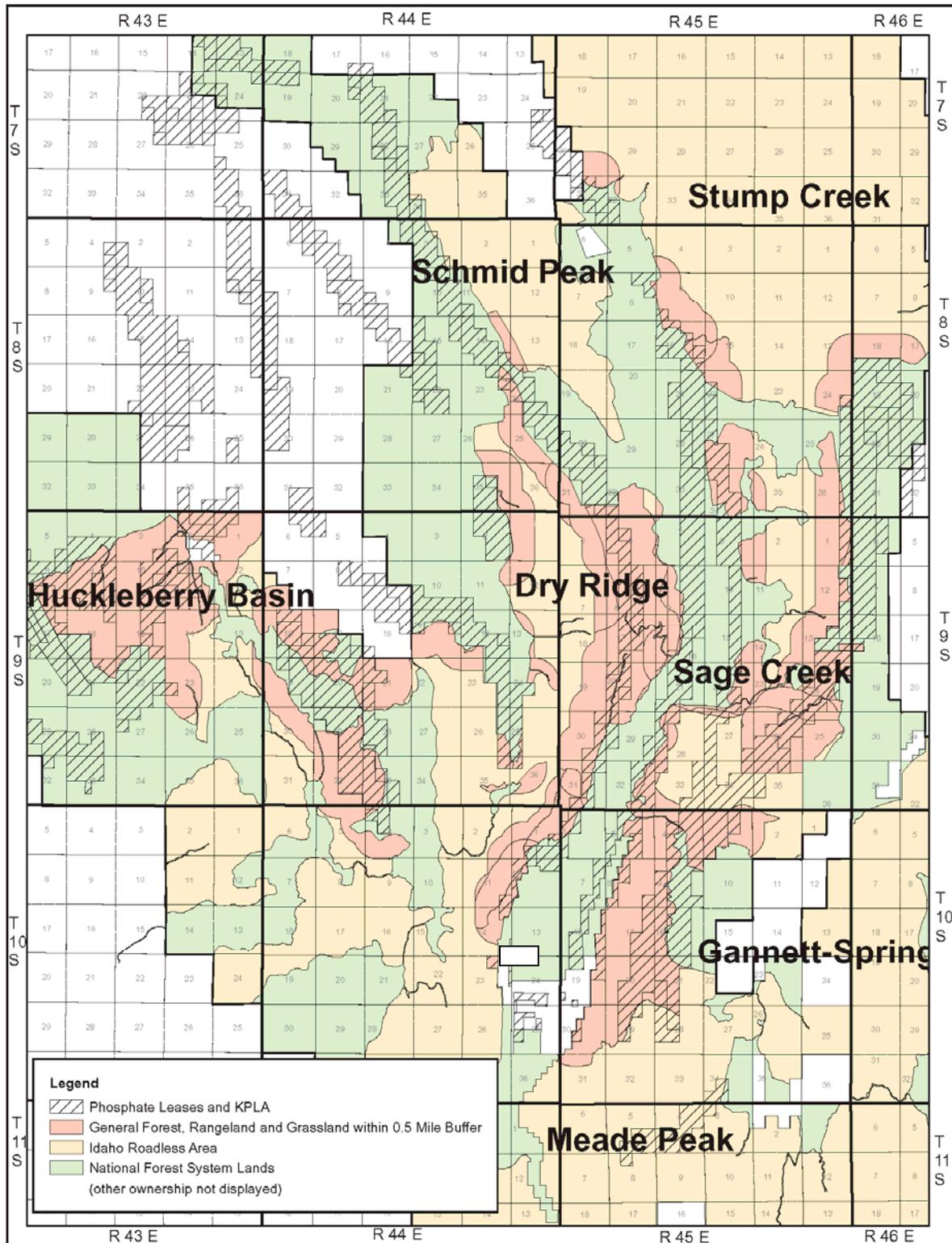


Figure 4. GFRG where road construction/reconstruction is allowed on the Caribou portion of the Caribou-Targhee National Forest to access unleased phosphate deposits.

Road maintenance – Road maintenance of authorized roads is permissible in Idaho Roadless Areas.

Discretionary Mining – Surface occupancy to facilitate extraction of leaseable minerals (e.g., oil and gas, geothermal, phosphates) would be allowed where it is consistent with applicable forest plan components. There is no potential for oil and gas in Idaho Roadless Areas other than on the Caribou-Targhee National Forest. The Forest Supervisor on the Targhee National Forest issued an oil and gas leasing decision in 2000. The decision made much of the forest either unavailable for leasing or available for leasing with a no surface occupancy (NSO) stipulation. The large expanse of the designated NSO renders them virtually impossible to economically explore and develop (FEIS, section 3.15 Minerals and Energy). Surface use and occupancy, and associated infrastructure could be granted in some areas for geothermal development although there is a low likelihood of new leases in IRAs without the ability to build new roads.

Other Forest Plan Special Areas – The Idaho Roadless Rule identified approximately 334,500 acres of roadless areas that are already part of other land classification systems - such as research natural areas, wild and scenic rivers, special interest areas, and the like (FEIS Appendix Q, Table Q-1) - that are governed by specific Agency directives and Forest Plan direction (USFS 2008). These Forest Plan special areas are included for the sake of completeness; however, the MIRR does not recommend management direction for these lands, which would continue to be governed by Forest Plans.

Other Activities in Idaho Roadless Areas –

- Motorized Travel – Nothing in the MIRR rule shall be construed as affecting existing roads or trails in Idaho Roadless Areas. Decisions concerning the future management and/or status of existing roads or trails in Idaho Roadless Areas under this rule shall be made during the applicable travel management processes.
- Grazing – Nothing in the MIRR rule shall be construed as affecting the existing grazing permits in Idaho Roadless Areas. Future road construction associated with grazing operations shall conform to this rule.
- Motorized Equipment and Mechanical Transport – Nothing in the MIRR rule shall be construed as affecting the current or future management status of the existing use of motorized equipment and mechanical transport in Idaho Roadless Areas.

Special Considerations for Grizzly Bear and Woodland Caribou on the IPNF

Grizzly Bear Considerations –

The Idaho Roadless Rule includes a requirement that land management plan components that are not inconsistent with the MIRR rule will continue to provide guidance for projects and activities within IRAs. Land management plan components will shape and guide the actual implementation of the rule. These would include standards for grizzly bear protection, and any necessary consultation with the Service if any adverse effects to grizzly bears are anticipated. These conditions would still apply, and if the project cannot meet these requirements, the proposed project would have to be modified, abandoned, or the plan amended.

The USFS is currently amending its Forest Plans for the Idaho Panhandle, Kootenai, and the Lolo National Forests relative to Wheeled Motorized Access Management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones (Access Amendment), which include portions of the area covered by the Idaho Roadless Rule. The purpose of the amendment is to establish standards and guidelines which will apply to all future site-specific decisions regarding wheeled, motorized use and contribute to the conservation and recovery of the species within these National Forests. A Record of Decision for the Access Amendment is anticipated in 2009.

Although there are no foreseeable projects that could result in increased risk of mortality to grizzly bears, the programmatic nature of the Idaho Roadless Rule decision allows for such projects. To provide additional assurance to the consultation process, the Idaho Panhandle has agreed to defer decisions that would have a *likely to adversely affect determination*, except when the project benefits grizzly bears, until the ROD for the Access Amendment is signed (McNair 2008) (Appendix C).

This commitment pertains to road construction, reconstruction, or timber cutting, sale, or removal activities in Idaho Roadless Areas that are in core habitat within grizzly bear management units. Currently, there are no such activities in the foreseeable future that would be undertaken pursuant to the Idaho Roadless Rule in these areas prior to the expected date of the Access Amendment decision.

The above restriction applies only to USFS-initiated activities; activities on Federal lands within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones that are initiated by third parties will continue to be governed by normal consultation procedures and requirements for such activities under the Act.

Selkirk Mountains Woodland Caribou Considerations –

Although there are no planned projects that would result in adverse effects upon woodland caribou on the IPNF, the programmatic nature of the MIRR allows for projects that could result in adverse effects and potentially increased risk of mortality to woodland caribou. To provide additional assurance to this consultation on the MIRR, the IPNF has agreed to use the best science in the design and implementation of projects in the Caribou Recovery Zone. The IPNF has provided a letter with assurances not to implement projects that remove allocated old growth stands of trees (USFS 2008b) (Appendix B). The Forest commits to using the best science to manage and maintain old-growth stands in suitable caribou habitat, which exceed 60,000 acres within the Caribou Recovery Area. Their 2005 and 2006 Forest Plan Monitoring Report provides a complete discussion of the management of old growth on that Forest. The commitment from the IPNF applies only to USFS-initiated activities; activities on Federal lands within woodland caribou habitats that are initiated by third parties will continue to be governed by normal consultation procedures and requirements for such activities under the Act.

D. Time Frames, Scope and Applicability for the Proposed Action –

- After the effective date of the MIRR rule, the rule promulgated on January 12, 2001 (66 F.R. 3244) shall have no effect within the State of Idaho.

- This subpart does not revoke, suspend, or modify any permit, contract, or other legal instrument authorizing the occupancy and use of National Forest System (NFS) land issued prior to the effective date of the MIRR rule.
- The provisions set forth in this subpart shall take precedence over any inconsistent land management plan component. Land management plan components that are not inconsistent with the rule will continue to provide guidance for projects and activities within Idaho Roadless Areas. This subpart does not compel the amendment or revision of any land management plan. In the USFS review of existing management direction for threatened and endangered species they have determined that none of the species specific direction is inconsistent with the permissions or prohibitions provided in the management themes. The existing management direction provides specific criteria for designing projects or activities; therefore existing management direction for threatened and endangered species is still applicable.
- This subpart does not supersede specific Agency directives and Forest Plan direction for Forest Plan Special Areas imbedded in whole or in part within Idaho Roadless Areas.
- This subpart does not revoke, suspend, or modify any project or activity decision made prior to the effective date of the MIRR rule.
- The prohibitions and permissions set forth in the subpart are not subject to reconsideration, revision, or rescission in subsequent project decisions or land and resource management plan amendments or revisions undertaken pursuant to 36 CFR part 219.
- Nothing in this section waives any applicable responsibility regarding site-specific environmental analysis, public involvement, consultation with Tribes and other agencies or compliance with applicable laws.
- If any provision of the rules in this subpart or its application to any person or to certain circumstances is held invalid, the remainder of the regulations in this subpart and their application remain in force.
- This subpart does not modify the unique relationship between the United States and Indian Tribes that requires the Federal government to work with federally recognized Indian tribes on a government-to-government basis as provided for in Executive Order 13175. Nothing herein limits or modifies prior existing Tribal rights, including those involving hunting, fishing and gathering.

E. Administrative Corrections – Correction or modification of designations made pursuant to this rule may occur under the following circumstances:

The Chief of the USFS may issue administrative corrections to the maps at any time. At least 30 days public notice and opportunity to comment shall be given prior to the effective date for any administrative corrections. Administrative corrections include, but are not limited to, adjustments that remedy clerical, typographical, mapping errors, or improvements in mapping technology.

F. Modifications – The Chief of the USFS may add to, remove from, or modify the designations and management classifications based on changed circumstances or public need. The Chief shall provide at least 45 days public notice and opportunity to comment for all modifications. It is possible that consultation would need to be re-initiated depending on the scope of the modification.

G. Applicability of Previous Consultations to Proposed Action – Existing land management plan components that are not inconsistent with the MIRR will continue to provide guidance for projects and activities within Idaho Roadless Areas. The MIRR does not compel the amendment or revision of any land management plan, nor does it supersede specific USFS directives and Forest Plan direction for Forest Plan Special Areas imbedded in whole or in part within IRAs.

For bull trout and bull trout critical habitat, the use of PACFISH, INFISH, the SWIE ACS, and other Forest Plan land management components consulted on previously and their respective Biological Opinions are still in effect. For Canada lynx, the *Northern Rockies Lynx Management Direction Final Environmental Impact Statement* (USDA FS 2007) direction applies to mapped lynx habitat on National Forest System lands presently occupied by Canada lynx, as defined by the *Amended Lynx Conservation Agreement between the Forest Service and the FWS* (USFS and Service 2006). If and when unoccupied NFS lands become occupied, based on criteria and evidence described in the LCA, the direction shall then be applied to those Forests.

The conservation measures and the terms and conditions of those opinions were intended to reduce or avoid adverse effects on listed species and their habitats. The Service regards these measures as integral components of the proposed action and expects that all site-specific (project) proposed actions that are brought forward under authorization of the MIRR will be designed and completed consistent with those measures. The Service has completed our effects analysis accordingly, and any deviation from these measures will be beyond the scope of this consultation. Future section 7 consultation will be required to determine what effects site-specific proposed actions will have on listed species and their habitats.

H. Relationship of Existing Forest Plans to Proposed Action – The MIRR makes it clear that applicable LRMP components (desired conditions, objectives, suitability, guidelines, and standards) must be adhered to during the planning and implementation of a project. For example, in the GFRG theme, LRMP components generally permit road construction. However, some components set sideboards or conditions for road construction (e.g., roads may not be constructed in riparian areas unless certain conditions are met or may not be constructed in grizzly bear habitat unless certain road densities are met). These conditions would still apply to actions permissible under the final rule and if the project cannot comply with the plan requirements, the proposed project would have to be modified, abandoned, or the LRMP amended. There are some roadless areas where the management theme direction established in the MIRR (see discussion below) would be more permissive than existing LRMPs, for example allowing the use of a temporary road for fuels treatment within a CPZ while the existing LRMP does not allow for roads in the area. In these few instances, the rule would override the plan's general allocation and road construction could be permitted. However, any such road building must still be consistent with all LRMP direction that provides specific criteria for designing projects or activities. In the example above, the road must still meet requirements found in INFISH, PACFISH, SWIE-wide requirements, the Final Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Area, the NRLA, or other species-specific direction. In addition, the USFS has reviewed the management direction in existing plans and associated amendments that provide species-specific management direction. The USFS has determined that none of the species-specific standards and guidelines are inconsistent with the MIRR; therefore they would be applied during project implementation.

The MIRR would prohibit road construction on 3,251,000 acres (WLR, PRIM, and SAHTS), as compared to 3,224,600 acres in existing Forest Plans. Road construction (permanent and temporary) is generally permitted under existing Forest Plans in prescriptions equivalent to the BCR theme (4,482,000 acres). Under the MIRR only temporary road construction would be permitted to facilitate timber cutting in the BCR-CPZ (442,000 acres) and under very specific circumstances and conditions outside CPZ (4,870,900 acres). There are 1,263,200 acres in existing Forest Plans that allow most activities to occur (see Table II-2 in the Assessment). These areas are generally equivalent to the GFRG theme in the MIRR. In the MIRR there are 405,900 acres in GFRG where timber cutting and road construction would be allowed (see Table II-2 in the Assessment). The MIRR precludes road construction/reconstruction to access new mineral leases in the GFRG theme.

There are portions of several roadless areas, listed below, where the management direction in the MIRR would be more permissive than in the existing Forest Plans. In these areas the MIRR is inconsistent with the existing Forest Plan and the MIRR would supersede the permissions and prohibitions for road construction in the existing Forest Plans. Temporary road construction would be permitted on these 18,260 acres, where it is not permitted now. Even though additional activities could occur in these roadless areas than what is permitted in the existing Forest Plans, those activities must be consistent with Forest Plan direction that provides general criteria for designing projects or activities, such as direction found in INFISH, PACFISH, SWIE Forest-wide requirements; grizzly bear or lynx requirements because these provide species-specific direction and are not inconsistent with the MIRR. These areas include the following:

- Boise/Payette National Forests, Poison Creek Roadless Area, 5,300 acres; this area has been in a prescription that prohibits road construction except to access outstanding existing rights, but is proposed in the BCR-CPZ.
- Clearwater National Forest, Moose Mountain; 160 acres are in the BCR-CPZ where temporary roads could be constructed. No road construction is permitted in the existing Forest Plan on these 160 acres.
- Idaho Panhandle National Forest; the following roadless areas have lands in the BCR-CPZ where temporary roads could be constructed. No road construction is permitted in the existing Forest Plan, but would be permitted in the proposed revised plan.
 - *Beetop* Roadless Area, 6,900 acres of the CPZ
 - *Scotchmans Peak* Roadless Area, 1,300 acres of the CPZ
 - *Selkirk* Roadless Area, 300 acres of the CPZ
 - *Spion Kop* Roadless Area, 700 acres of the CPZ
 - *Trestle Peak* Roadless Area, 300 acres of the CPZ.
- Salmon National Forest; the following roadless areas are have lands in the BCR-CPZ where temporary roads could be constructed. No road construction is permitted in the existing Forest Plan.
 - *Goldbug Ridge* Roadless Area, 1,200 acres of the CPZ
 - *Jesse Creek* Roadless Area, 1,900 acres of the CPZ.
- Targhee National Forest, *West Slope of the Tetons*; 200 acres are in BCR-CPZ where temporary roads could be constructed. No road construction is permitted in the existing Forest Plan on these 200 acres.

- Challis National Forest, Railroad Ridge; 300 acres are in BCR-CPZ where temporary roads could be constructed. The existing Forest Plan permits road construction for mineral activities, but does not anticipate timber harvest, or road construction would occur.

There are five instances where the MIRR would deviate from existing Forest Plans with respect to recommended or potential wilderness. In general, more lands within each of these roadless areas would be under the WLR theme than in existing plans; but the land areas are different. These differences are based on pending legislation and ongoing collaborative efforts during Forest Plan revision. Under existing Forest Plans no roads could be constructed in these areas, nor would timber harvest occur. Under the MIRR, roads would not be constructed in areas that are in the PRIM theme, but could be constructed in the BCR theme and timber cutting could occur in both themes.

- *Boulder-White Clouds*: Existing Forest Plans 194,100 acres, MIRR 231,300 acres, net gain 37,200 acres. All areas not included in the WLR theme are in PRIM.
- *Mallard-Larkins*: Existing Forest Plans 141,600 acres; MIRR 131,200 acres. The portion on the Clearwater National Forest is PRIM (6,400 acres) and the Idaho Panhandle National Forest is BCR (4,000 acres); however, no road construction is anticipated in this area because there are no communities or municipal water supply systems nearby.
- *Selkirk*: Existing Forest Plans 25,400 acres; MIRR 42,000 acres – but includes a different set of lands than existing Forest Plans (about 7,000 acres is in BCR).
- *Scotchman Peaks*: Existing Forest Plans 9,800 acres; MIRR 10,800 acres – but includes a different set of lands than existing Forest Plans (about 1,300 acres is in BCR).
- *Winegar Hole*: Existing Forest Plans, 2600 acres. MIRR all 2,600 acres in PRIM.

I. Assumptions Pertaining to the Proposed Action –

Numbers used in the Assessment:

- Idaho contains 52,961,000 total acres (Curley et al. 2004)
- 7 percent or 4,005,653 acres is in designated wilderness (Curley et al. 2004)
- 9.3 million acres of Idaho Roadless Areas are National Forest System lands (Petition of Governor James E. Risch 2006)
- 250 Inventoried Roadless Areas in Idaho (281 when considering IRAs by National Forest)

Assumptions – General:

The MIRR proposes direction for the conservation and management of roadless areas in Idaho. This direction establishes prohibitions and permissions related to road construction/reconstruction, timber cutting, and discretionary mining across Idaho Roadless Areas, based on management area ‘themes’. Although the MIRR does not authorize any projects on the ground, it does geographically designate certain management area ‘themes’ to IRAs, and thus dictates the nature of activities that could take place within these IRAs.

Unlike most USFS project analyses of alternatives and environmental consequences, the analysis of the MIRR alternative does not include an analysis of project implementation and resulting direct effects; it is an analysis of activities that could occur pursuant to the MIRR and the indirect and cumulative effects that could occur from those actions. It is an analysis of what is allowed

under the MIRR versus an analysis of on-the-ground activities, and therefore has no direct effects.

The Idaho Roadless Rule would designate a system of lands (Idaho Roadless Areas) and establish five management themes as described in Section II of the Assessment. The proposed themes span a continuum that includes both prohibitions and permissive allocations. Allocations to a specific theme are not intended to mandate or direct the USFS to propose or implement any action; rather the themes provide an array of permitted and prohibited activities regarding:

- Timber cutting, sale, or removal;
- Road construction and reconstruction;
- Discretionary mineral activities.

The effects analyses in the Assessment and Opinion include a description of the nature of potential effects that could occur given the prohibitions and permissions in the MIRR.

Road construction, reconstruction, and timber harvest in IRAs over the past five years has been minimal and has not resulted in a change to the roadless character of the IRAs (trend and projection data provided by the Forests, Spring 2007). This trend is largely due to implementation of the 2001 Roadless Rule. Given roadless area values, current and projected future budgets it is likely that road construction, reconstruction, and timber harvest will continue in IRAs at low rates similar to the past five years. However, there is always a chance road and timber activities could increase if budgets and/or needs for vegetation management increased in the future.

The following projections in Tables 3 and 4 are not included in the proposed action but are provided to help with understanding of the anticipated scope of actions that could occur under the MIRR given the permissions and prohibitions included in proposed action. These projections are based on what occurred or what was projected to occur in IRAs prior to the 2001 Roadless Rule (under existing Forest Plans) and modified based on the permissions and prohibitions under the MIRR; therefore these projections account to some degree for fluctuating budgets and differing priorities for vegetative treatments.

Table 3. Projected Timber Cutting - MIRR

	Projected Timber Cutting
Timber harvest yearly average (million board feet)	5.04
Timber harvest yearly average (acres)	1,000
Timber harvest over planning horizon 15 years (million board feet / acres)	75.6 / 15,000

Table 4. Projected Road Construction/Reconstruction - MIRR

	Projected road construction/ reconstruction activities	
	Yearly Average	Over 15 Year Planning Horizon
Permanent - other	0.8	12.0
Temporary - other	0.2	3.0
Reconstruction - other	0.0	0.0
Total	1.0	15.0
Permanent – timber	0.0	0.0
Temporary – timber	1.2	18.0
Reconstruction - timber	1.1	16.5
Total	2.3	34.5
Grand totals- yearly average		
Permanent Total	0.8	12.0
Temporary Total	1.4	21.0
Reconstruction Total	1.1	16.5
Total	3.3	49.5

Assumptions – Timber Cutting:

Any timber cutting would be designed based on applicable land management plan components (e.g. protection of riparian areas, habitat needs for species, etc). Vegetation management practices use many techniques to help maintain ecosystem composition. Techniques may include:

- Timber cutting in the broader sense, which could include slashing, chipping or mulching and cutting of vegetation, or limbing of trees to break the laddering effect of fuels;
- Timber harvest which removes a commercial product;
- Prescribed burning and wildland fire use.

Assumptions – Road Construction:

- Road projections include numbers for other activities and for actions such as access to rights-of way, locatable minerals and phosphates. They may also include an incidental amount for recreation or other needs.
- About one mile of yearly road construction/reconstruction would be done for reasons other than timber harvest (see the 2001 Roadless Rule exceptions listed below for road construction/reconstruction). About 80 percent would be new construction, of which 20 percent would be temporary in nature (Table 3).
- Includes the six exceptions from the 2001 Rule plus temporary roads to facilitate timber harvest in CPZ or for significant risk:
 1. A road is needed to protect health and safety in cases of imminent threat of flood, fire, or other catastrophic event that without intervention would cause the loss of life or property; or

2. A road is needed to conduct a response action under the CERCLA, or to conduct a natural resource restoration action under CERLA, section 311 of the Clean Water Act, or the Oil Pollution Act; or
3. A road is needed pursuant to reserved or outstanding rights or as provided for by statute, treaty; or
4. Road realignment is needed to prevent irreparable resource damage that arises from the design, location, use or deterioration of a road and cannot be mitigated by road maintenance. Road realignment may occur under this paragraph only if the road is deemed essential for public or private access, natural resource management, or public health or safety; or
5. Road construction is needed to implement a road safety improvement project on a classified road determined to be hazardous based on accident experience or accident potential on that road; or
6. The Secretary of Agriculture determines that a Federal aid highway project, authorized pursuant to Title 23 of the U.S. Code (23 USC), is in the public interest or is consistent with the purpose for which the land was reserved or acquired and no other reasonable and prudent alternatives exists.

Note: Maintenance of classified roads is permissible in inventoried roadless areas.

Today, approximately 2,050 miles of roads currently exist on less than 5 percent of the land area in IRAs (Table 5). Some of these roads pre-date the roadless area inventories, while others have been constructed where Forest Plans permitted development. This current inventory may include forest roads, other public roads, private roads, and unauthorized roads. The unauthorized roads include but are not limited to “jammer roads,” user-created routes, and other roads that were never authorized through contract or permit.

Table 5. Miles of Road Within Idaho Roadless Areas by National Forest

Forest	Road Miles
Boise	89
Caribou	184
Challis	511
Clearwater	14
Idaho Panhandle	51
Kootenai	3
Nez Perce	12
Payette	62
Salmon/Challis	596
Sawtooth	225
Targhee	279
Wallowa-Whitman	24
TOTAL	2,050

Over the past decade and a half, NFS road construction in Idaho has declined by 90 percent, from a high of 1,315 miles in 1991 to 129 miles in 2006. Most of these roads were built to support timber harvest. During the period 1991 to 1999, about 2,660 miles of road were decommissioned each year (USFS 2000k). From 2000 to 2006, about 1,560 miles of road were decommissioned each year. More than 13 miles of road are decommissioned for every mile of new road constructed (USFS 2006b).

Assumptions – Discretionary Minerals:

Discretionary minerals activities under the MIRR include only road construction/reconstruction related to access for new phosphate leases in the GFRG theme. Although surface use and occupancy may be permitted in the BCR and GRFG theme it is unlikely mineral resources (oil and gas, geothermal, or phosphate) would be explored or developed because: (1) the very limited amount of oil and gas in IRAs and past experience of no directional drilling; (2) the amount of geothermal resources outside of IRAs where existing infrastructure exists; and (3) inability to mine without road access.

About 5,770 acres of phosphate are projected to be developed over the long term (50 or more years) based on the amount of lands placed in the GFRG theme with known phosphate deposits. The MIRR limits road construction/reconstruction to these areas. Based on past experience an additional 810 acres could be mined in areas adjacent to known reserves. There are no aquatic TEPC species located in areas where phosphate could be developed.