

## North Idaho Working Group Meeting Record

Tuesday, February 15, 2022 from 5:00 – 8:00 pm PT

At Boundary County Annex Bldg. Conference Room (6566 Main St., Bonners Ferry) and on Zoom

### MEETING SUMMARY

#### Attendance

**Members:** Trevor Anderson, state government representative; Ken Barrett, outfitter & guides representative; Leon Brown, outfitters & guides representative; Commissioner Tim Bertling, Boundary County; Commissioner Jeff Connolly, Bonner County; Tom Dabrowski, non-motorized recreation representative; Olivia Drake, motorized recreation representative; Hilary Eisen, non-motorized recreation representative; Greg Figg, motorized recreation representative; John Finney, motorized recreation representative; Craig Hill, motorized recreation representative; Jacob Hinrichs, motorized recreation; Phil Hough, conservation representative; Mathew Kramer, motorized recreation representative; Aaron Lieberman, outfitter and guides representative; Tony McDermott, wildlife representative; Orin Moses, motorized recreation representative; Stan Myers, citizen at large representative; Mike Peak, mining and motorized recreation; Chuck Roady, private landowner representative; and Brad Smith, conservation representative.

**Technical assistants:** Jake Garringer, Executive Office of the Governor; Jace Hogg, Governor's Office of Species Conservation; Norm Merz and Merritt Horsmon, Idaho Department of Fish and Game; Nate Sparks, Idaho Department of Parks and Recreation; Jessie Berner, Beth Bigelow, Michelle Caviness, Dan Gilfillan, Greg Harris, Kevin Knauth, Patrick Lair, Brett Lyndaker, Kaleigh Maze, Doug Nishek, and Kim Pierson, Idaho Panhandle National Forest (IPNF); Mike Lithgow, Kalispel Tribe; John Carlson, Kootenai National Forest; William Barquin, Shannon Ehlers, Scott Soult, and Rhonda Vogl, Kootenai Tribe of Idaho; Marc Kilmer, Office of Congressman Russ Fulcher; Mitch Silvers, Office of Senator Mike Crapo; Darren Parker, Office of Senator James Risch; Christy Johnson-Hughes and Hilary Witcomb, US Fish and Wildlife Service.

**Stakeholders:** Scooter Drake, Boundary Backcountry Access Club; Commissioners Wally Cossairt and Dan Dinning, Boundary County; Paul Sieraki and Ed Atkins, citizen-at-large; Adam Gebauer, The Lands Council.

**Facilitators:** Ben Irely and Seamus Land, The National Forest Foundation.

#### Meeting Objectives

- Hear from a panel of U.S. Forest Service and U.S. Fish & Wildlife staff regarding winter travel planning in North Idaho. Panelist and topics include:
  - Jessie Berner – Introduction to winter travel planning in North Idaho and timeline
  - Kaleigh Maze – Regulatory framework for winter travel planning
  - Jessie Berner, Brett Lyndaker, and Doug Nishek – What the IPNF Forest Plan says about OSV use in the North Zone.

- Christy Johnson-Hughes-The Caribou Recovery Plan
- Members amend code of conduct to set the Group up for success.

### **Decisions**

- Members approved the January Meeting Record with amendments.
- Members approved the change to the code of conduct closing membership as of this meeting.

### **Action Items**

- Christy Johnson-Hughes will share information on the breakdown of caribou habitat in Idaho, Washington, on the IPNF, and how much is within Wilderness.
- Ben Irey will put the recent court order, which shows the injunction area, on the website.
- Ben will draft language closing membership and share it back out to the group for final review.
- Jace Hogg will talk to Idaho Fish & Game about the relevance of the Idaho State Wildlife Action Plan for listed species on this process.

### **Bin Items**

- Members will consider an OSV digital closure notification system based on camera trap or radio collar presence/absence information for caribou and grizzly bears.
- Ben Irey will consider better options for reviewing maps in the hybrid meeting format.
- John Finney will share the app that notifies riders of closures.
- Members hope to focus more on the maps in future meetings.

### **MEETING RECORD**

#### **1. Join Zoom, introductions, approve meeting record**

Ben Irey outlined three amendments to the January meeting record. Members approved the meeting record with these amendments.

#### **2. US Forest Service & US Fish & Wildlife Services panelist presentations**

- Jessie Berner, Sandpoint District Ranger, shared gratitude for the Group convening and clarified the context of the North Idaho Working Group (NIWG) in relation to the IPNF.
  - She clarified how this group's timeline will fit with the IPNF's process.
    - The Group is working from now until June 1 towards producing a recommendation for a proposed action.
    - At that point, the IPNF will begin the analysis process, working towards a draft Environmental Assessment (EA) that would be coming out in early spring, with a decision coming in early summer 2023.
      - The recommendation provided by this group will inform the EA but will not supersede the decision-making authority of the IPNF.

- Kaleigh Maze, an Environmental Coordinator working as a team lead on the interdisciplinary team on this project, presented on the regulatory framework of travel management in the context of Over Snow Vehicle (OSV) planning, though she acknowledged that there are additional regulations that will be at play.
  - The FS conducts travel management under the 2005 Travel Management Rule, which was amended in 2015 for OSVs.
    - The rules require roads, trails, and areas on National Forest (NF) lands to allow OSV use.
    - These areas need to be designated in the units and it requires an OSV use map.
  - The party responsible for the OSV use plan has to follow designation criteria.
    - General criteria include considerations for the effects on natural resources, cultural resources, user conflicts, maintenance, administration of rules, and the availability of resources.
    - Specific criteria include considerations for the effects on soil, vegetation, water, wildlife, conflicts over use, and impacts on neighboring lands.
    - These are called minimization criteria because they minimize impact, but they do not inherently prevent this use.
    - A treatment of motor vehicle use must consider the existing rights and uses.
    - Wilderness and primitive areas are exempt unless off-highway vehicle (OHV) use is included in enabling legislation.
  - [Executive order 11644](#) instructs federal agencies to control and direct OHV use to prevent degradation of natural and cultural resources and minimize conflict.
  - The [2001 Roadless Area Conservation Rule](#) establishes provisions on road construction.
    - It was superseded in Idaho by the [2008 Idaho Roadless Rule](#), which includes five management themes.
      - There are 19 ID Roadless Areas in the IPNF.
- Doug Nishek, IPNF Bonner's Ferry North Zone Planner, discussed the context of the Forest Plan.
  - A Forest Plan is written every 15-20 years on each NF and is considered a guidance document for National Forests.
  - The [IPNF Forest Plan](#), written in 2015, provides sideboards for all actions on the Forest.
  - Different management areas have specific limitations and rules (i.e. some emphasize logging, watersheds, habitat, cultural resources).
  - Doug Nishek displayed a PDF showing the Management Areas.
    - There are 12 types of Management Areas on the IPNF that have OSV restrictions.
- Jessie Berner presented on whitebark pine habitat.
  - Jessie displayed a map showing the habitat suitable for whitebark pine on the IPNF.
    - Whitebark pine may become a federally listed species under the Endangered Species Act (ESA) in the future.

- Christy Johnson Hughes, the USFWS Supervisor out of the Idaho Coeur d'Alene office, presented on caribou and OSV impacts on the IPNF.
  - Caribou are one of many different species that the FS will need to focus on in this forest.
  - Southern mountain caribou are endangered under the ESA.
  - There are 600 acres of designated critical caribou habitat on federal lands in Boundary County.
  - The USFWS is working on cross-boundary management with Canadian authorities.
  - The [South Selkirk Caribou Management Plan 2018](#) is compatible with the [USFWS Recovery Outline](#), though many jurisdictions and landscapes will need to be considered.
  - Caribou critical habitat includes mature, old-growth cedar, hemlock, spruce, fir forests along ridge tops and high elevation basins. The presence of arboreal lichen is key. Habitat also includes shallow secondary stream bottoms, riparian areas, subalpine meadows with succulent forbs and grasses.
    - It is also crucial to consider corridors and transition zones that connect habitats, as caribou need areas to escape disturbances such as OSV use.
  - There are currently no caribou in the US, but all of the critical habitat will need to be considered in OSV planning, given the international management and recovery plan.
    - The ESA prohibits the destruction or modification of critical habitat against the likelihood of recovery.
    - Impacts to late winter habitat can impair feeding and breeding habits.
  - Given these considerations, the future options might include any of the following:
    - Buffers for migratory pathways.
    - Buffers against the impacts that grooming and packing has on predator access.
    - Designated routes that have less stress than open play areas.
    - A closure notification system.
  - These considerations should be included in the Travel Management Plan, though some of these analyses will happen in the future.
- Brett Lyndecker, IPNF Wildlife Biologist, presented on wildlife considerations in management areas (MA).
  - Brett shared the draft Kaniksu OSV Travel Plan.
  - The 2015 Forest Plan and Record of Decision (ROD) only expressly prohibits OSV use in the 1B and 4A Management Areas, along with the eligible wild and scenic river areas.
    - The FS didn't want to be too prescriptive, and they left more detailed planning to this current process.
  - Standards and guidelines are where the Forest Plan have teeth.
  - Big game winter range will be considered, including goats and caribou habitat.

- Sometimes OSV trails can access lynx habitat, which is tied to the presence of snowshoe hares and deep snow, where lynx have an advantage over other predators. There is evidence that OSV trails draw other predators into this primarily lynx habitat.
  - Grizzly bears can be vulnerable to disturbance in the vicinity of den sites in immediate post-emergence period (the standard date is April 1<sup>st</sup>).
  - Wolverines are solitary and secretive, but may be impacted as well, as both males and females respond negatively to increased intensity of winter activity in their home range.
- Dan Gilfillan, IPNF project manager, presented on the sideboards of recreation on the IPNF.
  - Determining the sideboards of recreation involves considering the infrastructure and the recreation opportunity spectrum, which doesn't always match the Management Area boundaries.
  - Much of this tiers back to the ID Roadless Rule, which is prescriptive and provides recommendations.

### **Q&A with Panelists**

- Q: Does the work included in the ID State Wildlife Action Plan for listed species, conducted 2011-14, have any bearing here?
  - A: There are no Forest Plan standards that address wolverines, but there are other groups that address wolverines, including the state.
  - Jace Hogg will send this question to Idaho Fish & Game and report back.
- Q: How exactly does the caribou recovery outline relate to the recovery plan?
  - A: Christy Johnson-Hughes explained that the outline explores and discusses management recommendations and high-level options in the US that lead to conservation and recovery. There are additional issues that might come into play in the recovery plan, which requires public review.
- Q: Could a closure notification system for caribou in conjunction with a trail camera system be used to manage caribou-related recreation closures?
  - A: This could be considered if caribou return to the US, although the current camera traps are not set up in caribou critical habitat. Also, most caribou have radio collars on already.
    - The goal is certainly to keep management as focused as possible and keep recreation as focused as possible to not preclude the return of the caribou.
- Q: Could a notification process for identifying grizzly bear denning and emergence work as well?
  - A: The proportion of grizzly bear collaring is far lower than caribou and therefore couldn't be used to completely assess the denning locations.
- Q: Could the USFWS share a breakdown of the caribou habitat acreage in Idaho, Washington, and on the IPNF? How much is in wilderness? Also, how many animals are needed to have a sustained population?
  - A: Christy Johnson-Hughes will share information on these questions.
- Q: How can this group think about a matrix for outlining the scale of management options that are available for any given area, or the prioritizations for areas? Where

could we limit the area, and where are the actionable areas? Are there any existing documents for this?

- A: The Forest Plan is key to this, and from a Forest Service perspective these considerations flow from the Forest Plan out through filters.
  - Management Area maps have the prescriptions on there, and the FS is trying to update some other documents that have outdated references online currently.
- Q: Have there been any whitebark pine inventories done?
  - A: There are no complete surveys currently. There are whitebark pine on the forest, but the FS doesn't know where all the stands are. The FS is planning to do this analysis and ground-truthing this summer.
- Q: Predation of caribou is a huge problem, and thus wolf and lion management is an issue. ID has a wolf management plan, but what are the considerations there?
  - A: Christy Johnson-Hughes shares that for the designation to go away, the species has to either fully recover or go extinct. There is predation pressure, though this is not the only impact and there are other aspects and impacts, including summer forage availability. If it is determined to be predominantly predation, there are management actions to take. But if it's other things then it will have to be a more balanced approach.
- Q: The injunction could have a huge bearing on collaboration. What is the timeline? Who filed it? What are the restrictions in that injunction?
  - A: The injunction area extends beyond the critical habitat areas. A motion was brought by Idaho State Snowmobiling Association (ISSA) to remove the injunction because the caribou were no longer present. Defenders of Wildlife participated in supporting the injunction and a recent ruling maintains the injunction so that the USFWS has time to study the adverse impacts and future recovery in the planning phase.
  - Ben will put the recent court order, which shows the injunction area, on the website.
- Q: Where does the April 1<sup>st</sup> closure date on the 2019 map come from? What drives it?
  - A: This is based on the average den exit dates of grizzly bears. It was decided by the Interagency Grizzly Bear Committee as an "across the board" date.
- Q: Are there examples of other management strategies with different criteria that trigger certain limitations based on the presence of grizzly bear or caribou?
  - A: John Finney will share the app that he uses to identify closures. One has to be a club member and pay dues.

### **Proposed amendments to the code of conduct**

- Ben Irey describes how with 27 members consensus might be onerous. There are also concerns about the balance of representation.
  - If a member, especially of a snowmobile group, sees their voice represented by another member, email Ben to step away.
- Membership will be closed after this meeting, and any new members would go through the process committee.

- Ben will draft this language closing membership and share it back out to the group for final review.

### **Opportunity for public comment**

- Have there been flights mapping snowmobile use to develop the existing condition?
  - Neither the USFS nor the USFWS is aware of any flights.

### **Round Robin of members final thoughts**

- Members expressed gratitude for the meeting and for the presentations.
- Members acknowledge the breadth and depth of detail involved in the current data and with creating recommendations and expressed interest in being more economical and efficient with time.
- To this end, members expressed willingness to work on these issues and discuss the details in between meetings.
- It was proposed that interest groups come up with proposals, bring them to the NIWG and members would discuss agreement and disagreement.
- The limitations of hybrid meetings make discussing maps difficult.
  - Ben Irey will consider options for improving this aspect of the meetings.
- Chuck Roady shares interest in discussing the latest executive orders on Roadless Areas with Kaleigh Maze.
  - Chuck Roady will call Darren Parker as well.
- Tim Koerner expressed openness to stepping back from a voting role.
- The next meeting is scheduled for 3/15 from 5:00-8:00PM PST in Bonner County.
  - Meetings are on the 3<sup>rd</sup> Tuesday of every month, alternating between Boundary County and Bonner County.

## Caribou critical habitat acres by State and NF

Whitcomb, Hilary L <hilary\_whitcomb@fws.gov>

Wed 2/16/2022 4:54 PM

To: Berner, Jessie -FS <jessie.berner@usda.gov>

Cc: Ben Irely <birey@nationalforests.org>; JohnsonHughes, Christy <christy\_johnsonhughes@fws.gov>

Hi Jessie,

The below tables respond to the request from the OSV Working Group last night re: critical habitat acreage. Let me know if you'd like to see anything added or changed. Thanks! ~Hilary

**Table 1. Southern mountain caribou DPS critical habitat acreage by State.**

	Critical Habitat (acres)
Idaho, Boundary County (ID)	6,029
Washington, Pend Orielle County (WA)	23,980
Total	30,010

**Table 2. Southern mountain caribou DPS critical habitat acreage by National Forest.**

	Critical Habitat (acres)
Idaho Panhandle National Forest (overlaps ID and WA)	8,501 <sup>1</sup>
Colville National Forest (only in WA)	21,509
Total	30,010

<sup>1</sup>All acres are within the Idaho Panhandle National Forest Big Snowy Caribou Management Unit

Hilary Whitcomb *She/her pronouns*\*

Fish & Wildlife Biologist, Idaho Fish and Wildlife Office -- Coeur d'Alene

Ph: (208) 769-5119

<https://www.fws.gov/idaho/>

\*I go by 'she/her'. [Why list pronouns?](#) Sharing pronouns makes space for gender-nonconforming people.

## OSV information

John Finney <[johnfinney@finneylaw.net](mailto:johnfinney@finneylaw.net)>

Wed 2/16/2022 12:12 PM

To: Ben Irely <[birey@nationalforests.org](mailto:birey@nationalforests.org)>

Ben:

The website with information regarding the areas in British Columbia with adaptive management closures is [snowmobileselkirks.ca](http://snowmobileselkirks.ca) with rotating closures based on caribou location. Let me know if you have any questions about it.

John Finney

## RE: Maps to collaborative

Maze, Kaleigh - FS <Kaleigh.Maze@usda.gov>

Thu 2/17/2022 11:25 AM

To: Berner, Jessie -FS <jessie.berner@usda.gov>; Ben Irely <birey@nationalforests.org>

Cc: Harris, Greg- FS <Gregory.Harris@usda.gov>

 1 attachments (266 KB)

20220217KaniksuOSVDraftRegulatoryFramework.pdf;

The current OSV regulatory framework document is attached. Please note this is a draft document that is subject to change.

Also, at the very end of the collaborative group meeting earlier this week a member mentioned a recent executive order (E.O.) affecting roadless areas. I did some research and spoke with a colleague who is familiar with the Idaho Roadless Rule and I am not aware of any recent executive orders specifically affecting Idaho roadless areas. I am aware of a [recent Forest Service proposed rule](#) regarding Alaska roadless areas that was proposed as a result of E.O. 13990. However, this proposed rule is specific to Alaska and does not apply to our project area. Ben, if there is an opportunity to follow-up with the member who brought this up, I would be interested to learn more about what specific E.O. they were referencing. Just want to be sure that we have all of the information and aren't missing anything.

Thanks!



**Kaleigh Maze**  
**Environmental Coordinator**

**Forest Service**  
**WO, Business Operations, Enterprise Program**

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**From:** Berner, Jessie -FS <jessie.berner@usda.gov>

**Sent:** Wednesday, February 16, 2022 1:01 PM

**To:** Harris, Greg- FS <Gregory.Harris@usda.gov>; Maze, Kaleigh - FS <Kaleigh.Maze@usda.gov>

**Cc:** Ben Irely <birey@nationalforests.org>

**Subject:** RE: Maps to collaborative

I think we just stick with the maps we shared... yes, take off the known WBP locations and please send them to Ben.. I've cc'ed him on this..

Kaleigh.. will you please send Ben the regulatory framework document? Thanks..

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**From:** Harris, Greg- FS <[Gregory.Harris@usda.gov](mailto:Gregory.Harris@usda.gov)>

**Sent:** Wednesday, February 16, 2022 6:53 AM

**To:** Maze, Kaleigh - FS <[Kaleigh.Maze@usda.gov](mailto:Kaleigh.Maze@usda.gov)>; Berner, Jessie -FS <[jessie.berner@usda.gov](mailto:jessie.berner@usda.gov)>

**Subject:** Maps to collaborative

Other than the maps that were presented in the meeting, are there others you want to send to the Collaborative?

Should I take the known tree location data off the Whitebark pine map?

Who do I send them to?

greg



**Greg Harris**  
**GIS Coordinator/Database Manager**

**Forest Service**  
**Idaho Panhandle National Forests**

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# Kaniksu Over-snow Vehicle Use Designation Project

## Over-snow Vehicle Regulatory Framework – **DRAFT**

This draft document summarizes the over-snow vehicle regulatory framework for the Idaho Panhandle National Forest's Kaniksu Over-snow Vehicle Use Designation project. This is intended to provide the project's interdisciplinary team with background information on requirements specifically related to over-snow vehicle use on the Idaho Panhandle National Forest. Therefore, this document focuses on travel management regulations and land management plan direction related to over-snow vehicle use and does not include all laws, regulations, and policies that the project must comply with. The National Environmental Policy Act document that will be prepared for this project will discuss all relevant law, regulation, and policy.

### Travel Management Regulations Subpart C – Over-snow Vehicle Use

Forest Service travel management planning is undertaken in accordance with the travel management rule (36 CFR 212), which requires all national forests and grasslands to develop a system of roads, trails, and areas for motorized travel. The travel management rule was amended in 2015 to require the Forest Service to designate roads, trails, and areas on National Forest System lands where over-snow vehicle use is allowed. Subpart C of the Forest Service's travel management regulations became effective on February 27, 2015 (80 Federal Register 4500). The regulations (36 CFR 212.81(a)) state, in part,

*Over-snow vehicle use on National Forest System roads, on National Forest System trails, and in areas on National Forest System lands shall be designated by the Responsible Official on administrative units or Ranger Districts, or parts of administrative units or Ranger Districts, of the National Forest System where snowfall is adequate for that use to occur; and, if appropriate, shall be designated by class of vehicle and time of year...*

Additionally, the regulations require that designation of National Forest System roads, National Forest System trails, and areas on National Forest System lands for over-snow vehicle use shall be reflected on an over-snow vehicle use map that specifies the classes of vehicles and the time of year for which use is designated, if applicable, and that is made available to the public (36 CFR 212.81(c)).

After National Forest System roads, trails, and areas have been designated for over-snow vehicle use on an administrative unit or a Ranger District of the National Forest System, and these designations have been identified on an over-snow vehicle use map, it is prohibited to possess or operate an over-snow vehicle on National Forest System lands in that administrative unit or Ranger District other than in accordance with those designations (36 CFR 261.14). The following uses are exempt from this prohibition and are allowed regardless of designation: (a) Limited administrative use by the Forest Service; (b) Use of any fire, military, emergency, or law enforcement vehicle for emergency purposes; (c) Authorized use of any combat or combat support vehicle for national defense purposes; (d) Law enforcement response to violations of law, including pursuit; (e) Over-snow vehicle use that is specifically authorized under a written authorization issued under Federal law or regulations; and (f) Use of a road or trail that is authorized by a legally documented right-of-way held by a State, county, or other local public road authority (36 CFR 261.14).

## Designation Criteria

Subpart C of the travel management regulations specify that the requirements governing designation of National Forest System trails and areas on National Forest System lands in 36 CFR 212.55 (designation criteria (including minimization)) apply to decisions made under Subpart C (36 CFR 212.81(d)). The regulations at 36 CFR 212.55 set forth designation criteria that are to guide the responsible official's designation of over-snow vehicle areas and trails. These include "general" and "specific" designation criteria, as well as consideration of rights of access and wilderness areas and primitive areas in.

The travel management regulations describe the general designation criteria (36 CFR 212.55(a)) as:

*In designating National Forest System roads, National Forest System trails, and areas on National Forest System lands for motor vehicle use, the responsible official shall consider effects on National Forest System natural and cultural resources, public safety, provision of recreational opportunities, access needs, conflicts among uses of National Forest System lands, the need for maintenance and administration of roads, trails, and areas that would arise if the uses under consideration are designated; and the availability of resources for that maintenance and administration.*

The travel management regulations describe the specific designation criteria (36 CFR 212.55(b)) as:

*In addition to the criteria in paragraph (a) of this section, in designating National Forest System trails and areas on National Forest System lands, the responsible official shall consider effects on the following, with the objective of minimizing:*

- 1. Damage to soil, watershed, vegetation, and other forest resources;*
- 2. Harassment of wildlife and significant disruption of wildlife habitats;*
- 3. Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and*
- 4. Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands.*

*In addition, the responsible official shall consider:*

- 5. Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.*

Additionally, when making designations, 36 CFR 212.55(d) requires the responsible official to consider valid existing rights and the rights of use of National Forest System roads and National Forest System trails under 36 CFR 212.6(b). Finally, National Forest System trails and areas on National Forest System lands in wilderness areas or primitive areas shall not be designated for motor vehicle use, unless, in the case of wilderness areas, motor vehicle use is authorized by the applicable enabling legislation for those areas (36 CFR 212.55(e)).

## Minimization Criteria

The term "minimization criteria", as used in this document, refers to the subset of the specific criteria which the responsible official is to consider "with the objective of minimizing" the four categories of impacts set forth in 36 CFR 212.55(b)(1)-(4) when designating trails and areas for motorized use. The

process of considering the effects of designating trails and areas for over-snow vehicle use with the objective of minimizing the four categories of impacts set forth at 36 CFR 212.55(b)(1)-(4) is referred to as “applying the minimization criteria”.

Applying the minimization criteria should not be interpreted as strictly requiring the prevention of all impacts. Instead, in applying the minimization criteria, the Forest Service maintains the flexibility to manage for a reasonable reduction of impacts while still addressing the need to provide trails and areas for public over-snow vehicle experiences. This point is clarified in the preamble to the travel management regulations final rule published on November 9, 2005:

*An extreme interpretation of “minimize” would preclude any use at all, since impacts always can be reduced further by preventing them altogether. Such an interpretation would not reflect the full context of E.O. 11644 or other laws and policies related to multiple use of NFS lands. Neither E.O. 11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas over any other. The Department believes “shall consider \* \* \* with the objective of minimizing \* \* \*” will assure that environmental impacts are properly taken into account, without categorically precluding motor vehicle use. (70 Federal Register 68281)*

## **Executive Order 11644: Use of Off-Road Vehicles on the Public Lands**

The travel management regulations implement Executive Order 11644, as amended by Executive Order 11989, which direct federal agencies to ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

## **Forest Service Manual 7700 – Travel Management**

### **Chapter 7710 – Travel Planning**

Forest Service Manual 7710 contains objectives, policies, responsibilities, and requirements for:

1. Analyzing transportation needs and issues;
2. Determining the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands (the minimum road system, 36 CFR 212.5(b)(1));
3. Documenting the forest transportation system;
4. Designating roads, trails, and areas for motor vehicle use and over-snow vehicle use.

## **Forest Service Handbook 7709.55 – Travel Planning Handbook**

### **Chapter 10 – Travel Planning for Designations**

Chapter 10 of Forest Service Handbook 7709.55 provides direction on travel planning for the designation of roads, trails, and areas for motor vehicle use under 36 CFR Part 212, Subpart B, and over-snow vehicle use under 36 CFR Part 212, Subpart C. This handbook describes a six-step process to guide designation of roads, trails, and areas for over-snow vehicle use under Subpart C:

1. Compile existing travel management direction.
2. Assemble resource and social data.
3. Use travel analysis to identify proposals for change.
4. Conduct appropriate environmental analysis and decision-making.
  - a. Provide for public involvement in accordance with 36 CFR 212.52 and Forest Service Manual 7715.3, paragraph 1.
  - b. Coordinate with appropriate Federal, State, county, and other local governmental entities and Tribal governments in accordance with 36 CFR 212.53 and Forest Service Manual 7713.3, paragraph 2.
  - c. Consider and document application of the criteria in 36 CFR 212.55 and Forest Service Manual 7715.5 in designating roads, trails, and areas for motor vehicle use under Subpart B or over-snow vehicle use under Subpart C.
5. Identify routes and areas designated for motor vehicle use under Subpart B on a motor vehicle use map (MVUM). Identify routes and areas designated for over-snow vehicle use under Subpart C on an over-snow vehicle use map (OSVUM).
6. Implement, monitor (36 CFR 212.57, 212.81(d); Forest Service Manual 7717.1), and revise (36 CFR 212.54, 212.81(d); Forest Service Manual 7717.2).

## **Chapter 20 – Travel Analysis**

Chapter 20 of Forest Service Handbook 7709.55 describes the six steps of the travel analysis process to inform decisions related to designation of roads, trails, and areas for over-snow vehicle use under 36 CFR Part 212, Subpart C. Travel analysis informs travel management decisions by examining key issues related to the portion of the forest transportation system under analysis as well as management options and priorities. The responsible official shall choose the appropriate scope, scale, and depth for travel analysis.

## **Roadless Areas**

### **2001 Roadless Area Conservation Rule**

In 2001 the Forest Service adopted the Roadless Area Conservation Rule (2001 Roadless Rule; 36 CFR 294) to protect and conserve inventoried roadless areas on National Forest System lands. The rule prohibits road construction, reconstruction, and timber harvest in inventoried roadless areas.

### **2008 Idaho Roadless Rule**

The 2008 Idaho Roadless Rule (36 CFR 294 Subpart C) designated 250 Idaho Roadless Areas and established five management themes that provide prohibitions with exceptions or conditioned permissions governing road construction, timber cutting, and discretionary mineral development. The 2008 Idaho Roadless Rule superseded the 2001 Roadless Rule for National Forest System lands in the State of Idaho. The Idaho Roadless Rule does not affect existing roads or trails in Idaho Roadless Areas and decisions concerning the future management of existing roads or trails shall be made during the applicable travel management process (36 CFR 294.26(a)). The Idaho Panhandle National Forests contains 45 Idaho

Roadless Areas, with 19 located within the project area. Additionally, the project area includes one inventoried roadless area in Montana and five inventoried roadless areas within Washington. The Little Grass Mountain roadless area is in both Washington and Idaho and is included separately in the count for each state.

## Land Management Plan

The 2015 Revised Land Management Plan for the Idaho Panhandle National Forests (2015 revised land management plan) includes the following desired conditions and goals for over-snow vehicle management.

- Provide over-snow vehicle opportunities and contribute to the social and economic well-being of local communities while meeting wildlife management objectives (GOAL-AR-01, FW-DC-AR-04, FW-DC-AR-05, FW-DC-AR-08, GOAL-SES-01, FW-DC-SES-01, FW-DC-SES-02, GA-DC-AR-LK-05, GA-DC-AR-PO-02, GA-DC-AR-PR-01), specifically providing:
  - Areas with low levels of disturbance or no disturbance for woodland caribou in the Selkirk Mountain range (GA-DC-WL-PO-03 and GA-DC-WL-PR-04);
  - low levels of human disturbance for denning activities of wide-ranging carnivores in the upper elevations of Northwest Peaks and the Selkirk Mountains (GA-DC-WL-LK-03); and,
  - habitat conditions for wildlife movement, especially woodland caribou, throughout the Selkirk recovery zone (GA-DC-WL-PR-01).

Additionally, the 2015 revised land management plan allocates specific management areas and provides direction on activities that can take place within these areas. Land may be assigned to more than one management area, in which case, the most restrictive plan direction would apply to the area of overlap (land management plan record of decision page 7). Direction for over-snow vehicle use within management areas located in the Bonners Ferry, Sandpoint, and Priest Lake Ranger Districts is summarized below. Note, the summary below excludes management areas that do not occur in the Bonners Ferry, Sandpoint, and Priest Lake Ranger Districts.

### **Over-snow Vehicle Use Allowed – No Specific Restrictions**

#### **MA1e – Primitive Lands**

Winter motorized recreation is allowed in this area and is a desirable use (MA1e-STD-AR-02).

#### **MA2b – Eligible Wild and Scenic Rivers, Recreational**

Over-snow vehicle use is allowed within eligible recreational river segments (MA2b-DC-AR-06, MA2b-DC-AR-07), including the Pack River Segment 1 (Sandpoint Ranger District), Hughes Fork Segment 2 (Priest Lake Ranger District), and Kootenai River Segment 6 (Bonners Ferry Ranger District).

#### **MA3 – Botanical, Geological, Pioneer, Recreational, or Scenic Areas**

Over-snow vehicle use is allowed in the Northwest Peaks Scenic Area on the Bonners Ferry Ranger District (MA3-STD-AR-02, MA3-DC-AR-04).

### MA5 – Backcountry

Most of this management area is within inventoried roadless areas and provides a variety of motorized and non-motorized recreation opportunities. When within an inventoried roadless area, management requirements under 36 CFR 294 Subpart C (inside Idaho) or Subpart B, 66 Federal Register 3244-3273 (outside of Idaho) apply. Management of trail systems is allowed, and winter recreation opportunities and experiences are consistent with the recreation opportunity system classifications of semi primitive motorized and non-motorized (MA5-DC-AR-01, MA5-DC-AR-02).

### MA6 – General Forest

Over-snow vehicle use is allowed in this management area (MA6-DC-AR-01, MA6-GDL-AR-01).

### MA7 – Primary Recreation Areas

Over-snow vehicle use is allowed within this management area (MA7-GDL-AR-01). The Priest Lake Ranger District contains the Priest Lake recreation area, and the Sandpoint Ranger District includes the Sam Owen recreation area.

## Over-snow Vehicle Use Allowed on Designated Routes Only

### MA4b – Experimental Forests

Over-snow vehicle use is only allowed on designated routes within this management area (MA4b-STD-AR-01), including the Priest Lake Experimental Forest within the Priest Lake Ranger District.

## Over-snow Vehicle Use Restricted

### MA1a – Wilderness

The Idaho Panhandle National Forests shares with the Colville National Forest in the management of the Salmo-Priest Wilderness within the state of Washington. Over-snow vehicle use is not allowed within wilderness (MA1a-STD-AR-02, MA1a-DC-AR-01).

### MA1b – Recommended Wilderness

Over-snow vehicle use is not allowed within recommended wilderness (MA1b-STD-AR-02, MA1b-DC-AR-01), including the Salmo-Priest (Priest Lake Ranger District), Scotchman Peaks (Sandpoint Ranger District), and Selkirk (Bonners Ferry Ranger District) recommended wilderness areas.

### MA2b – Eligible Wild and Scenic Rivers, Wild

Eligible wild river segments are intended to provide non-motorized recreation opportunities and a desired condition for the management area is that motor vehicle use does not occur (MA2b-DC-AR-02, MA2b-DC-AR-04). Eligible wild river segments include Upper Priest River segment 1 and Hughes Fork segment 1 (Priest Lake Ranger District) and Long Canyon Creek segment 1 (Bonners Ferry Ranger District).

### MA3 - Botanical, Geological, Pioneer, Recreational, or Scenic Areas

Over-snow vehicle use is not allowed within botanical, geological, pioneer, or scenic areas (except the Northwest Peaks Scenic Area) (MA3-STD-AR-02, MA3-DC-AR-02). These areas include Bath Creek Gorge Geological Area, Hanna Flats Botanical Area, Huff Lake Botanical Area, Roosevelt Cedar Groves/Granite Falls Scenic Area, Upper Priest Lake Scenic Area, and Upper Priest River Botanical Area

within the Priest Lake Ranger District and Copper Falls Geological Area within Bonners Ferry Ranger District.

#### **MA4a – Research Natural Areas**

Over-snow vehicle use is not allowed within research natural areas (MA4a-STD-AR-01), including Binarch Creek, Bottle Lake, Canyon Creek, Kaniksu Marsh, Potholes, Round Top Mountain, Snowy Top, Tepee Creek, Upper Priest River, and Wellner Cliffs within Priest Lake Ranger District, Hunt Girl Creek, Smith Creek, and Three Ponds within Bonners Ferry Ranger District, and Scotchman #2 within Sandpoint Ranger District.

### **Biological Opinion for the Land Management Plan**

The U.S. Fish and Wildlife Service’s biological opinion (dated August 28, 2013) for the 2015 revised land management plan included a term and condition requiring the Idaho Panhandle National Forests to complete a winter travel plan, including considerations for grizzly bear and other federally listed species, within five years of implementation of the revised land management plan. In 2019, the Forest Service reinitiated consultation with the U.S. Fish and Wildlife Service on the revised land management plan. The U.S. Fish and Wildlife Service issued a biological opinion, dated August 13, 2020, which included a term and condition extending the timeline for completion and implementation of a winter travel plan, including considerations for post-den emergent grizzly bears, until the end of 2023.

### **Injunction and 2007 Closure Order**

In 2007 a federal district court issued a permanent injunction order, as amended, enjoining recreational snowmobile use in areas covered by a Forest Service special closure order. The closure order includes areas within the caribou recovery area on the Bonners Ferry and Priest Lake Ranger Districts. On December 13, 2021, the Eastern District Court of Washington issued a decision to the Forest Service and U.S. Fish and Wildlife Service denying a motion by the Idaho State Snowmobile Association to dissolve the court’s 2007 permanent injunction. The injunction will remain in effect until the Forest Service completes consultation with the U.S. Fish and Wildlife Service and issues a decision on a winter recreation strategy.

### **1994 Closure Order**

In 1994 the Idaho Panhandle National Forests signed an order closing an area of the Bonners Ferry and Sandpoint Ranger Districts to motorized vehicles, including over-snow vehicles, to protect wintering caribou. This closure order remains in effect until rescinded or revoked.

# The Caribou Recovery Plan & Winter Travel Planning

North Idaho Working Group

February 15, 2021





## SOUTH SELKIRK CARIBOU MANAGEMENT PLAN



February 2019

# 2019 Management Plan → 2019 Recovery Outline

- Near-term strategies
- US and Canada work on recovery plan together
- Continue conservation & management for South Selkirk Caribou

U.S. Fish & Wildlife Service

### Recovery Outline

Southern Mountain Caribou Distinct Population Segment of  
Woodland Caribou



**Species Name:** Southern Mountain Caribou (*Rangifer tarandus caribou*)

**Species Range:** East-central British Columbia, Canada and northeastern Washington and northern Idaho, United States

**Recovery Priority Number:** 3C; southern mountain caribou is recognized as a subspecies with a high degree of threat and high recovery potential (explanation provided below).

**Listing Status:** Endangered; October 2, 2019 (USFWS 2019)

**Lead Regional Office/Cooperating RO(s):** Lead: Pacific Region, Cooperating: Mountain Prairie Region.

**Lead Field Office/Cooperating FWO(s):** Lead: Idaho Fish and Wildlife Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709, Cooperating: Eastern Washington Field Office, Montana Field Office.

**Lead Contact:** Kathleen Hendricks, Acting Deputy State Supervisor, Idaho Fish and Wildlife Office; telephone 208-378-5742; [kathleen.hendricks@fw.gov](mailto:kathleen.hendricks@fw.gov)

#### I. Background

The designation of critical habitat (77 FR 71041; November 28, 2012 [USFWS 2012]) and proposed and final listing rules (79 FR 26504; May 8, 2014 [USFWS 2014] and 84 FR 52598; October 2, 2019 [USFWS 2019], respectively) for the southern mountain caribou distinct population segment (DPS) of woodland caribou (*Rangifer tarandus caribou*) (southern mountain caribou) provide detailed background information on the listing history of caribou in both the United States and Canada, as well as more in-depth information regarding the species biology, ecology, and threats.

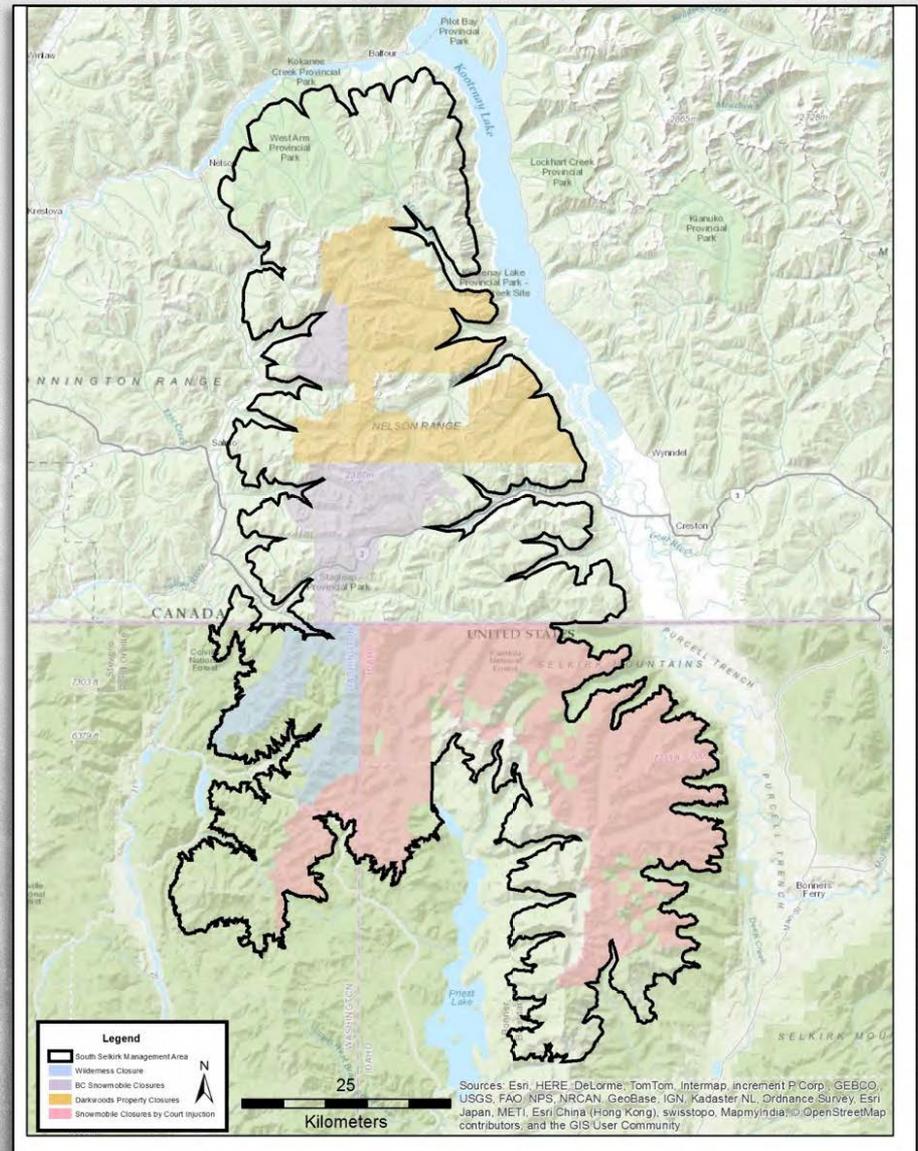
# Critical Habitat for South Selkirk Caribou

- Mature to old-growth cedar / hemlock and spruce / fir forests.
- Ridge tops and high-elevation basins associated with mature to old-growth stands of spruce / fir forest with relatively open (approximately 50%) canopies.
- Presence of arboreal lichen.
- High-elevation benches and shallow, secondary stream bottoms, riparian areas and seeps, and subalpine meadows with succulent forbs and grasses.
- Corridors and/or transition zones that connect the habitats and, if human activities occur there, they do not impair the ability of caribou to use these areas.

# Over Snow Vehicles & Caribou

- International management
  - Changes in occupancy
  - Closure management in Canada and CNF

**Figure 15. South Selkirk Caribou snowmobile closure areas in the U.S. and Canada.**



# Over Snow Vehicles & Caribou

- Consider individuals and critical habitat
  - Designated critical habitat in Idaho
  - No current occupancy, but consider for future management options
  - Impacts to late winter habitat, can impair the feeding and breeding habits
    - Prohibition against destruction or adverse modification of critical habitat
    - Reduce appreciably the likelihood of recovery

# Over Snow Vehicles & Caribou

- Options for future management/recovery
  - Buffer for migratory pathways, past caribou movement?
  - Buffer for predator access on groomed/compacted?
  - Designated routes = less stress than open play areas
  - Hardpacked or groomed trails give wolves greater access
  - Displacement increases risks of predation, avalanches, stress and lower-quality food
  - Reliability of closure notification system?

# Questions?



Figure 3. Members of the South Selkirk caribou subpopulation during the 2012 winter census (photo by L. DeGroot, B.C. MFLRO).

