

**ENVIRONMENT & NATURAL RESOURCES LAW SECTION of
IDAHO STATE BAR
As of December 31, 2016, 2017 & 1/31/2018**

<u>Year Ended 2016</u>	<u>Year Ended 2017</u>		<u>Actual Jan 2018</u>	<u>Budget 2018</u>	<u>Variance-- Favorable (Unfavorable)</u>
<u>INCOME STATEMENT</u>					
		REVENUE (NON-CLE)			
3,570	3,585	Dues	3,215	3,600	(385)
0	0	Donations	0	0	0
0	0	Special event revenue	0	0	0
0	0	Other income	0	0	0
<u>3,570</u>	<u>3,585</u>	TOTAL NON-CLE REVENUE	<u>3,215</u>	<u>3,600</u>	<u>(385)</u>
		EXPENSE (NON-CLE)			
967	1,070	Administrative fee to ISB	89	1,060	971
14	16	Postage	7	10	3
4	72	Copies	49	10	(39)
14	0	Supplies	0	10	10
1,873	2,393	Governing Board	153	2,000	1,847
48	146	Bank & credit card fees	35	50	15
1,000	650	Donations	0	500	500
50	75	Awards, gifts & scholarships	0	1,500	1,500
0	0	Special project expense	0	500	500
0	0	Other	0	0	0
<u>3,970</u>	<u>4,421</u>	TOTAL NON-CLE EXPENSE	<u>333</u>	<u>5,640</u>	<u>5,307</u>
		CLE, RECORDED PROGRAMS & PUBLICATIONS:			
		Revenue:			
3,097	3,196	CLE registrations	3,235	3,100	135
0	0	Publications	0	0	0
440	0	Recorded programs	0	400	(400)
489	1,114	Royalties	0	400	(400)
<u>4,026</u>	<u>4,309</u>	CLE Revenue	<u>3,235</u>	<u>3,900</u>	<u>(666)</u>
		Expense:			
1,129	864	CLE seminar expense	869	1,500	631
1,170	1,128	CLE administrative fee paid to ISB	0	1,150	1,150
260	50	Recorded program expense	50	260	210
<u>2,559</u>	<u>2,042</u>	CLE Expense	<u>919</u>	<u>2,910</u>	<u>1,991</u>
<u>1,467</u>	<u>2,267</u>	NET CLE INCOME (LOSS)	<u>2,315</u>	<u>990</u>	<u>1,325</u>
<u><u>1,068</u></u>	<u><u>1,431</u></u>	NET INCOME (LOSS)	<u><u>5,197</u></u>	<u><u>(1,050)</u></u>	<u><u>6,247</u></u>

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<u>BALANCE SHEET</u>					
ASSETS					
5,906	6,108	Cash and cash equivalents	5,592		
0	0	Accounts receivable	0		
1,727	2,950	Due from (to) other funds	7,309		
<u>0</u>	<u>131</u>	Prepaid expenses	<u>0</u>		
<u><u>7,633</u></u>	<u><u>9,189</u></u>	TOTAL ASSETS	<u><u>12,901</u></u>		
LIABILITIES AND FUND BALANCE					
LIABILITIES					
0	0	Accounts payable	0		
<u>1,360</u>	<u>1,485</u>	Deferred revenue	<u>0</u>		
1,360	1,485	TOTAL LIABILITIES	0		
FUND BALANCE					
5,205	6,273	Beginning fund balance	7,704		
<u>1,068</u>	<u>1,431</u>	Current year income (loss)	<u>5,197</u>		
<u><u>6,273</u></u>	<u><u>7,704</u></u>	TOTAL FUND BALANCE	<u><u>12,901</u></u>		
<u><u>7,633</u></u>	<u><u>9,189</u></u>	TOTAL LIABILITIES & FUND BALANCE	<u><u>12,901</u></u>		



Idaho Forest Restoration Partnership

Collaborative Forest Restoration in Idaho Assessment and Recommendations

October 18, 2017

Idaho Forest Restoration Partnership

IFRP was established in 2010 to strengthen collaborative national forest restoration efforts across Idaho. We believe active management is needed in areas of our national forests to restore their resilience and ecological health. IFRP members include:

Snake River Chapter,
Society of American
Foresters

Trout Unlimited

Idaho Conservation
League

The Nature Conservancy

Woody Biomass
Utilization Project

<http://www.idahoforestpartners.org/main.html>

Idaho Forests Face Unprecedented Risks.

Wildfire seasons are getting longer and hotter. Insects and disease outbreaks have affected millions of acres of western forests. We are experiencing more “mega-fires” – huge conflagrations that can disrupt normal ecosystem processes, threaten lives and property, and degrade the many benefits we derive from our public forests.

These conditions arise from a warming climate, greater forest tree density and build-up of hazardous fuels due to a century of fire suppression, past management practices, and more development at the wildland-urban interface.

Ten Collaborative Groups Work to Restore the Resilience of Idaho National Forests.

Locally-driven collaborative groups have formed across Idaho to advocate for active management to restore Idaho’s national forests lands. These groups typically include the timber industry, conservation groups, communities, local elected officials, and other interests.

Despite their different viewpoints, participants are united in calling for action to make our forests more resilient to severe fire and other disturbances. They also see forest restoration as a tool to improve water quality, fish and wildlife habitat, ecosystem health, community safety, recreation and jobs.

These collaborative groups play a critical role in providing local knowledge, helping the Forest Service balance competing values and supporting positive action. Despite occasional setbacks, they have shown remarkable staying power given their diverse membership.

Idaho Collaborative Forest Restoration Groups

<p><u>Idaho Panhandle National Forest</u></p> <ul style="list-style-type: none"> • Panhandle Forest Collaborative • Shoshone Benewah Forest Collaborative • Kootenai Valley Resource Initiative 	<p><u>Sawtooth National Forest</u></p> <ul style="list-style-type: none"> • Sawtooth Wildland Fire Collaborative • 5B Restoration Coalition
<p><u>Nez Perce-Clearwater National Forest</u></p> <ul style="list-style-type: none"> • Clearwater Basin Collaborative 	<p><u>Salmon-Challis National Forest</u></p> <ul style="list-style-type: none"> • Lemhi Forest Restoration Group
<p><u>Payette National Forest</u></p> <ul style="list-style-type: none"> • Payette Forest Coalition 	<p><u>Caribou-Targhee National Forest</u></p> <ul style="list-style-type: none"> • Island Park Sustainable Fire Community
<p><u>Boise National Forest</u></p> <ul style="list-style-type: none"> • Boise Forest Coalition 	

The pace of collaborative restoration in Idaho is accelerating. Projects developed with collaborative support grew from 19 in 2013 to 35 in 2017. Projects with completed environmental reviews more than doubled over the same period – from 11 to 28. Three Idaho groups – the Clearwater Basin Collaborative, Payette Forest Coalition and the Kootenai Valley Restoration Initiative – participate in the Collaborative Forest Landscape Restoration Program. The Idaho Forest Restoration Partnership tracks collaborative restoration projects at http://idahoforestpartners.org/sof_intro.html.

The “Zone of Agreement” Allows Groups to Move Beyond the Timber Wars.

Collaborative groups in Idaho have arrived at a “Zone of Agreement” – a set of shared principles that build trust and allow them to work productively together despite their members’ differing interests. Although each group is unique, they generally agree on the following points.

Conditions in Idaho’s national forests have changed. Many areas are denser, more uniform and thus more vulnerable to altered fire patterns, insects, and disease. Groups agree on moving forests closer to their natural conditions to improve their resilience.

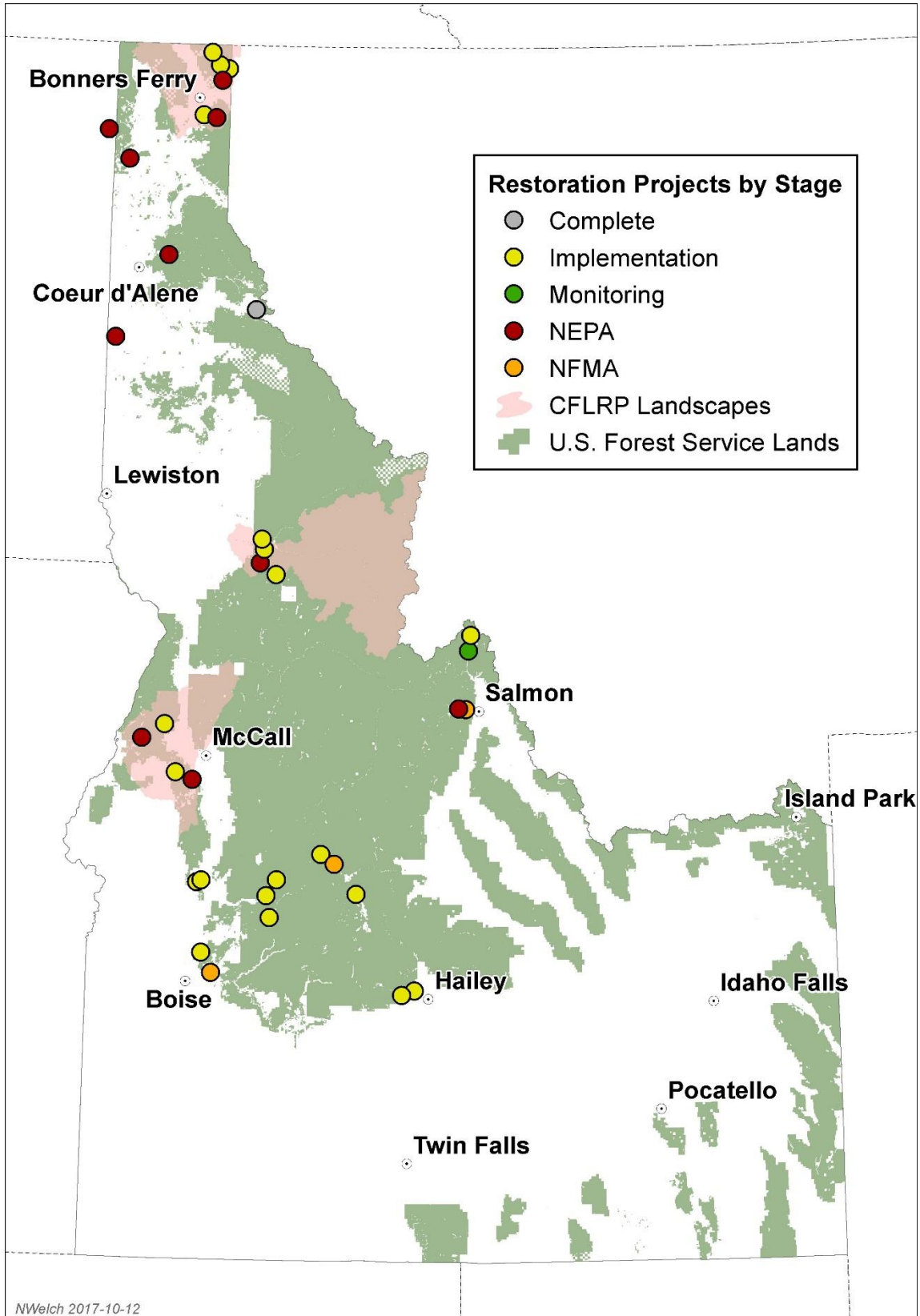
Well-designed restoration actions improve the health of forests ecosystems, reduce fire risk, and sustain local economies. These actions bring diverse groups to the collaborative table because they provide ecological, economic and social benefits.

The timber industry is an ally in ecosystem restoration. Forest practices and mill infrastructure have evolved, and conservationists have more confidence that appropriately designed projects can avoid impairing – and can improve – the ecological health of certain forest types. Timber sale revenue can also help pay for restoration.

The Idaho Roadless Rule helps focus efforts. The rule sets clear objectives that steer action to the roaded front country and helps groups avoid past disputes.

Multi-faceted restoration projects enhance water quality, wildlife habitat, and recreation. Stewardship projects that serve multiple interests strengthen the zone of agreement.

National Forest Restoration Projects Developed with Collaborative Group Engagement

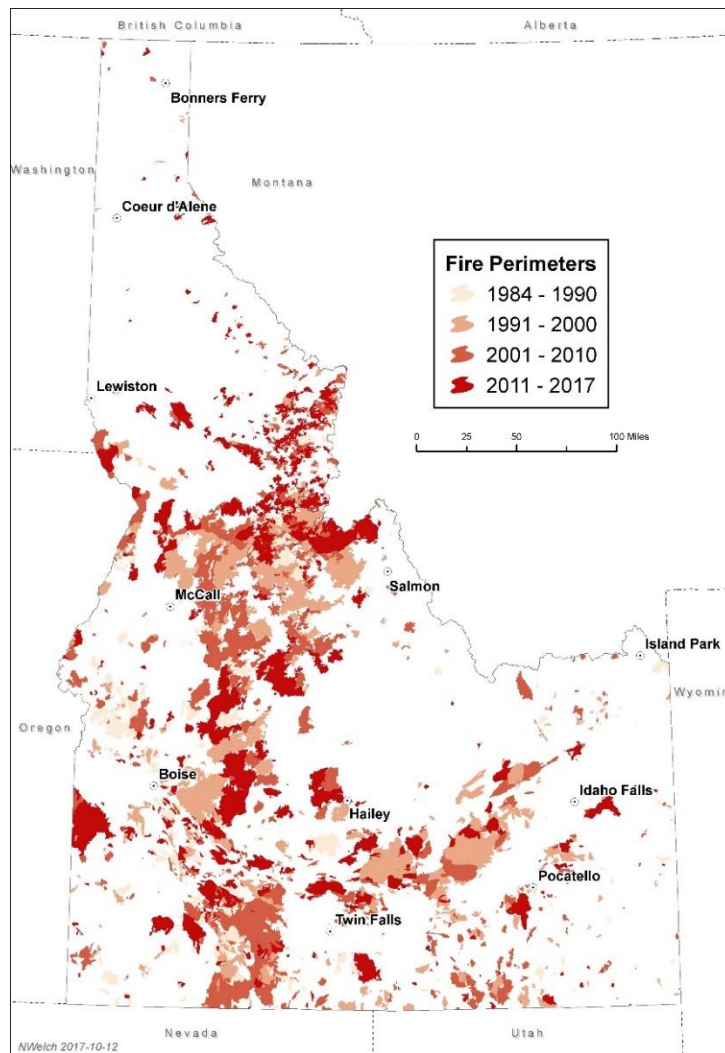


IDAHO TRENDS: THREATS GROW AND NEW TOOLS SHOW PROMISE

Mega-Fires and Their Costs Continue to Escalate.

Idaho's national forests and rangelands are burning at a stunning rate. In just the last three years, so-called "mega-fires" – those exceeding 100,000 acres – included the Clearwater Complex (2015), Teepee Springs Fire (2015) and the Pioneer Fire (2016). These fires occurred in fire seasons that were longer and hotter than normal, and all involved severe fire behavior.

Idaho Fire Perimeters – 1984-2017



A warming climate means that Idaho is likely entering a new era of mega-fires. Western fire seasons are now 60-80 days longer than historic averages. Since 1985, over half of the area burned in western wildfires is attributable to climate change.¹

¹ Abatzoglou JT, Williams AP (2016) Impact of anthropogenic climate change on wildfire across western US forests. Proc Natl Acad Sci USA 113(42):11770–11775.

The ever-escalating costs of fighting these fires are eroding the Forest Service's ability to manage public lands.² The agency's overall non-fire staff has fallen by 39% since 1998. In Idaho, the full-time employees on the Idaho Panhandle National Forest declined from 375 in 2000 to 242 in 2015. On the Nez Perce-Clearwater National Forest staff fell from 371 to 258 over the same period. This trend has real consequences. The agency charged with managing 40% of Idaho is seeing its capacity to reduce hazardous fuels and conduct restoration efforts undercut precisely when threats to national forests are increasing.

Science Highlights the Need for Landscape-Scale Restoration.

Recent scholarship has focused on moving beyond restoration of individual forest stands to "landscape prescriptions" that seek to restore resilience across larger areas. This body of scientific work recognizes that the fire-adapted Inland Northwest forests were more diverse or "heterogeneous" than today's forests. Historically, forests were composed of an interlocking mosaic of different ages and types of forest stands – from open areas to low density stands to mature, closed-canopy forests. Fires occurred in these landscapes regularly, but were less likely to burn as large and hot as they do in today's denser, more uniform stands.³

The purpose of landscape restoration is not to halt fire or other disturbances. That would be both unachievable and counter-productive given the historic role of fire in Idaho forests. Fire – prescribed, managed, or wild – will continue to play a key role in shaping public forests. But strategic restoration can protect communities and alter fire severity so forests recover faster.

New Agency Legal Authorities Are Making a Difference on the Ground.

The 2014 Farm Bill established two new legal authorities that are being actively implemented in Idaho: the Good Neighbor Authority (GNA) and a categorical exclusion for restoration projects in areas at risk of insect and disease outbreaks.

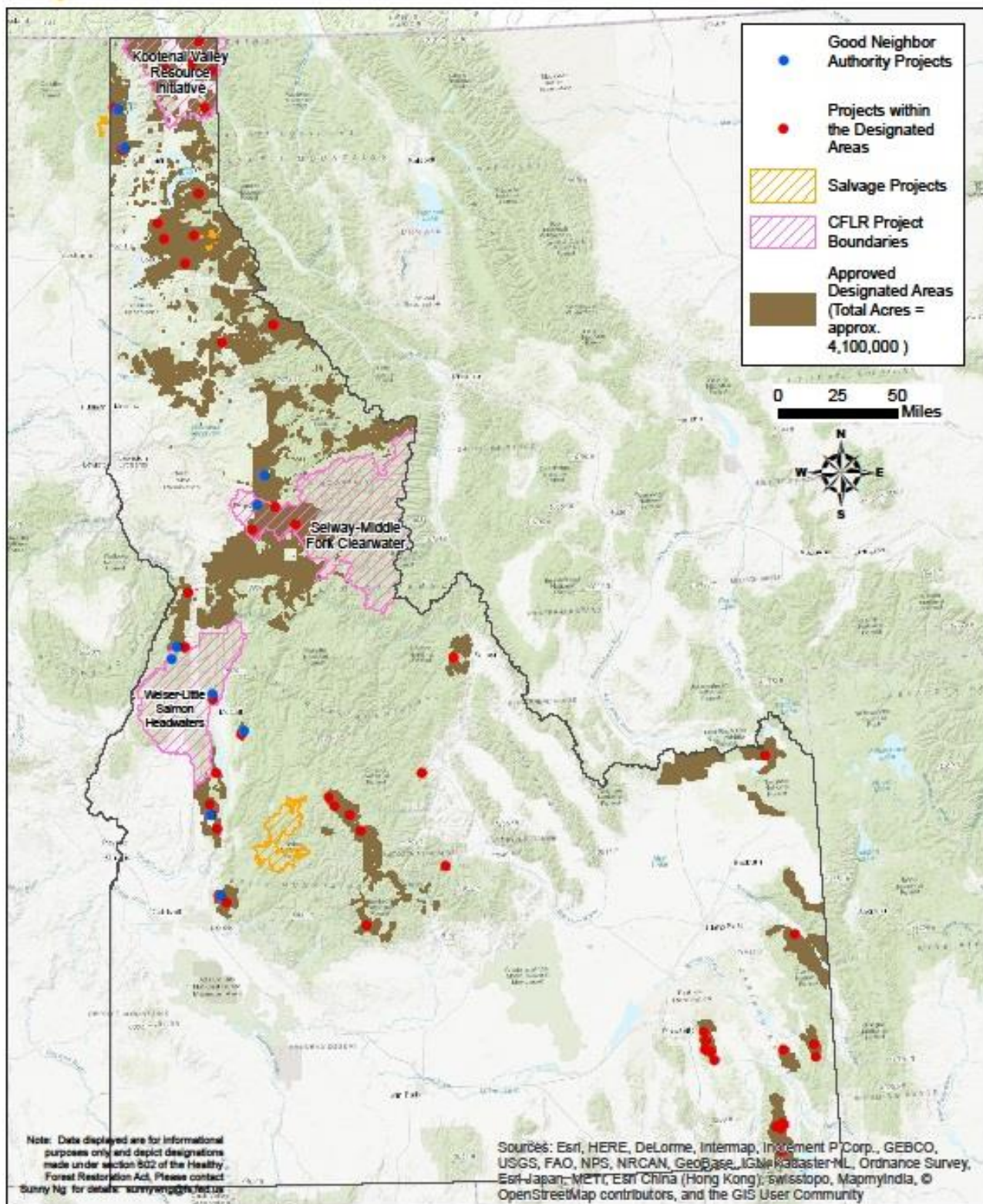
GNA allows the Forest Service to enter agreements with state agencies for forest, rangeland, and watershed restoration. The Forest Service oversees the environmental review and makes the decisions. The state agency helps with contracting, sale preparation, and implementation. The Forest Service and Idaho Department of Lands (IDL) have signed a GNA master agreement and are moving forward quickly to put projects on the ground. Over the next three years, they plan a total of ten projects on four national forests. The first projects are already underway. The 3-to-5-year objective is to develop a financially self-sustaining program that will substantially increase national forest acres treated yearly.

The new categorical exclusion (CE) is also accelerating restoration. The CE provides a streamlined process for projects of up to 3,000 acres in Landscape Treatment Areas identified as being at risk from insect and disease – subject to specific sideboards. The Forest Service is working on over 45 projects in these areas; roughly two-thirds are using or may use the streamlined CE process.

² USDA Forest Service, *The Rising Cost of Wildfire Operations: Effects on the Forest Service's Non-Fire Work*, <http://wildfiretoday.com/documents/RisingWildfireCosts2015.pdf>

³ Hessburg P.F., Churchill D.J., Larson A.J., Haugo R.D., Miller C., Spies T.A., North M.P., Povak N.A., Belote R.T., Singleton P.H., Gaines W.L., Keane R.E., Aplet G.H., Stephens S.L., Morgan P., Bisson P.A., Rieman B.E., Salter, R.B., Reeves G.H. 2015. Restoring fire-prone Inland Pacific landscapes: Seven core principles. *Landscape Ecology* 30(10): 1805-1835. doi:10.1007/s10980-015-0218-0.

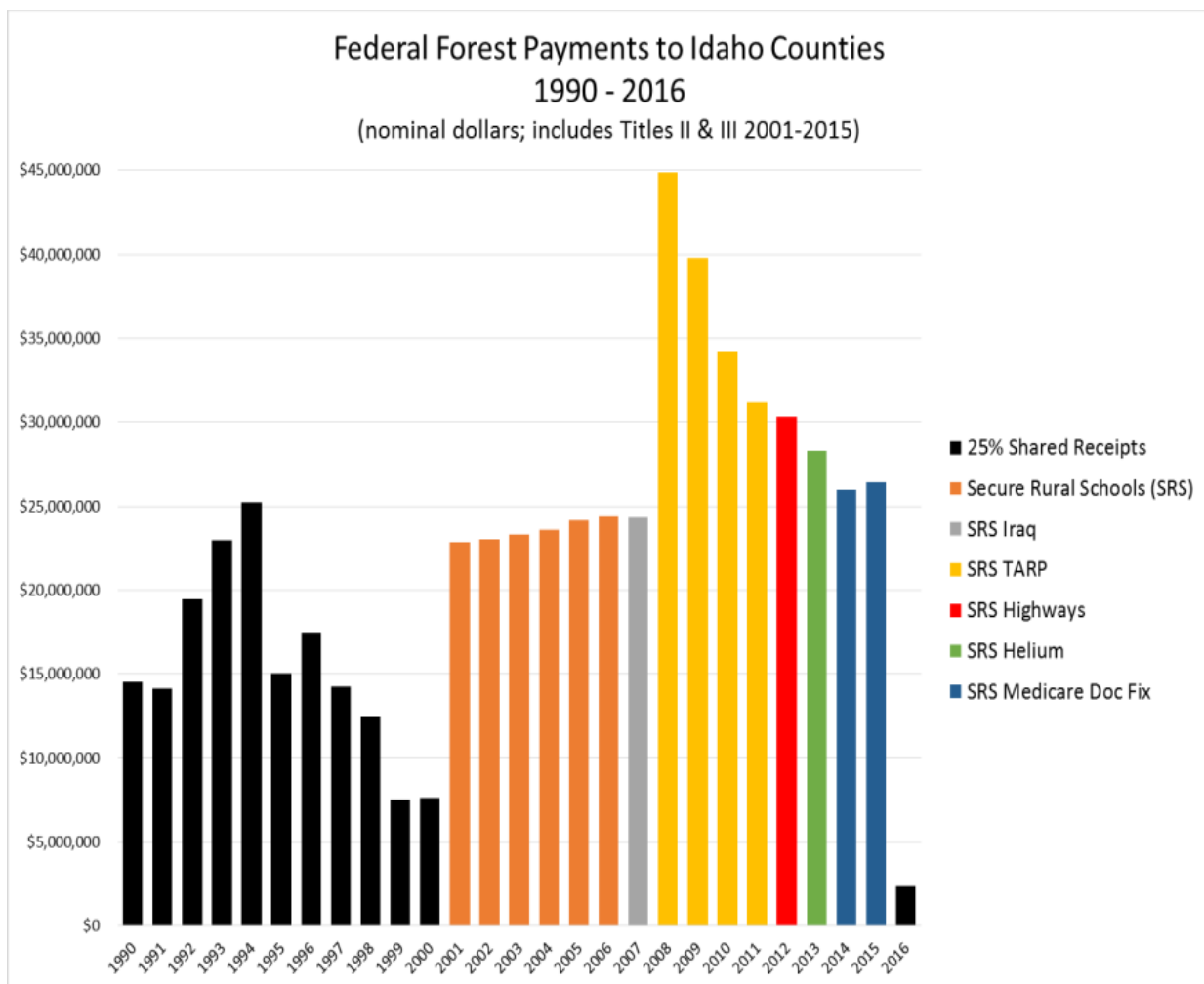
2014 Farm Bill: Good Neighbor Authority and Landscape Treatment Area Project Locations With Collaborative Forest Landscape Restoration Program Boundaries and Salvage Projects



Compromised Funding Stability for Counties Undercuts Collaborative Efforts.

Congress' failure to reauthorize the Secure Rural Schools Act (SRS) and appropriate county payments in 2017 has affected many rural counties in Idaho. Without SRS funds, county payments revert to the 1908 Act that allocates 25 percent of gross receipts from national forest revenues to the counties. The "25 percent funds" do not come close to replacing the lost SRS revenue; 2017 payments are 89% less than in 2016.

Some local elected officials are now expressing reservations about use of stewardship contracting because stewardship projects do not directly contribute to 25% percent funds. One proposal would take the 25% "off the top" of stewardship projects. Either outcome would put collaborative groups in an awkward situation by pitting county revenue against the restoration that helps bind collaborative groups together, provides local jobs, and builds "social license" for timber harvest.



ISSUES AND RECOMMENDATIONS

This section draws extensively from a series of discussions with collaborative groups about the state of forest restoration in Idaho during the 2017 IFRP statewide conference.⁴ Conference participants by and large held the view that the current pace of restoration is not fast enough to respond to ecological challenges, risks to communities, and local economic needs.

The conference included break-out groups that addressed three key issues:

- Defining restoration objectives;
- Addressing limitations on agency capacity to conduct restoration; and
- Reviewing the role of the National Environmental Policy Act.

Restoration Objectives Should to Be Clearly Defined in Project Decisions.

Recent severe fire seasons have built political momentum for more active restoration treatments on national forests. As public support – and pressure – for action builds, it becomes even more essential that the Forest Service and collaborative groups state clearly what they mean by “restoration,” which forest values are influenced by restoration actions, and how they intend to achieve desired outcomes.

Restoring forest resilience calls for a disciplined, science-driven approach. It should focus on what restored sites look like after treatment – what trees are left in the forest stand and how restoration sites contribute to more diverse and resilient forest landscapes. This differs from commodity-based timber management. Not all logging is restoration, and not all restoration requires logging.

That said, vegetation treatment – including both commercial logging and non-commercial thinning – is an important restoration tool at many sites. As explained above, Idaho’s national forests have become denser and, as a result, fire conditions have become more extreme. Given these changes, it is difficult or impossible to reintroduce fire in a significant percentage of national forest lands because unnaturally severe fire threatens nearby development, timber values, and natural resources. Therefore, mechanical treatments are needed to meet restoration objectives or, in some instances, to reduce fuels before fire can be used as a management tool.

Even where prescribed fire is employed, smoke management rules, coupled with a limited “burn window” when vegetation is safe to burn, often restrict the prescribed burning that can be accomplished. Prescribed fires and mechanical treatments in Idaho national forests average roughly 75,000 acres annually, far less than is needed to alter regional fire trends. Natural fires can contribute to resilience in backcountry settings such as roadless and wilderness areas.

Collaborative groups and the Forest Service can play essential roles in educating the public and policy makers about the value of prescribed fire and, under appropriate conditions, natural fire to reduce the risk that a mega-fire will cause dangerous air quality conditions. They can underscore the trade-off of prescribed fire – a bit of smoke now in exchange for a lot less smoke and a healthier forest later.

⁴ The agenda and presentations for the 2017 conference are available at <http://idahoforestpartners.org/reference-library.html>

Recommendations:

1. All decisions should explicitly state the objectives of restoration projects by forest type and explain how the project will increase forest resilience.
2. Restoration should evolve from treating individual stands to the development of larger landscape-scale prescriptions as the foundation for restoration planning.⁵
3. Collaborative groups and the Forest Service should step up public education on the role and consequences of fire in Idaho national forests. Projects should address the role of prescribed or managed fire in achieving restoration objectives. The Forest Service should convene air quality regulators to reduce barriers to prescribed fire while reducing overall health effects from smoke.

Address the Forest Service's Limited Capacity to Implement Restoration

IFRP conference participants have been virtually unanimous that the Forest Service needs to accelerate forest restoration. Though the agency is making noteworthy progress, it faces major obstacles that constrain its ability to act at the needed scale.

The root causes for the Forest Service's difficulties in putting sound restoration projects on the ground are multiple, interwoven, and complex. The erosion of the Forest Service's non-fire staff is clearly a major factor. So is the agency's culture, which does not always provide clear incentives for the agency's local leaders to innovate, take measured risks, and scale up on-the-ground actions. The agency's rapid rate of turn-over in local leadership and retirement of expert staff make it harder to engage with collaborative groups. The time and expense of conducting environmental reviews adds to the problem. Litigation is a factor. Solutions to these challenges must increase the agency's capacity to implement projects and strengthen its ties to collaborative groups.

Recommendations:

1. Enact the Wildfire Disaster Funding Act to address the erosion of the Forest Service's capacity to manage resources due to escalating fire suppression costs.
2. Extend the authorization and increase funding for the Collaborative Forest Landscape Restoration Program.
3. Support the Good Neighbor Authority to expand the Forest Service's capacity. Amend the Good Neighbor Authority to allow cooperative agreements to address road construction, repair or restoration as part of larger multi-faceted restoration projects.
4. Reauthorize and fund SRS or develop a new revenue source to counties with significant national forest lands that allows continued broad support for stewardship contracting.

⁵ Hessburg P.F., Churchill D.J., Larson A.J., Haugo R.D., Miller C., Spies T.A., North M.P., Povak N.A., Belote R.T., Singleton P.H., Gaines W.L., Keane R.E., Aplet G.H., Stephens S.L., Morgan P., Bisson P.A., Rieman B.E., Salter, R.B., Reeves G.H. 2015. Restoring fire-prone Inland Pacific landscapes: Seven core principles. *Landscape Ecology* 30(10): 1805-1835. doi:10.1007/s10980-015-0218-0.

5. Launch a Forest Service-wide initiative to improve engagement with collaborative groups and delivery of on-the-ground projects.
 - a. Develop transition strategies to manage agency personnel changes without losing the momentum with collaborative groups and projects.
 - b. Create training courses for agency engagement with collaborative groups.
 - c. Find opportunities and incentives to retain people in a location longer through a career ladder that does not rely on moving for advancement.
 - d. Work with local communities and collaborative groups to build a local community support system for employees, especially in more remote locations.
 - e. To improve continuity, identify long-time employees in one location as “local knowledge” so that new employees know where to turn for history or background on certain topics, past decisions.

Increase NEPA’s Efficiency without Sacrificing Its Benefits.

Many participants in the National Environmental Policy Act (NEPA) discussion group at the 2017 Conference acknowledged having views akin to a love-hate relationship with a law that pervades the Forest Service’s resources management. Despite the complexity of the issues, a handful of clear themes emerged from the group’s conversation.

It was immediately clear that none of the participants advocated getting rid of NEPA or sought to systematically circumvent its goals of thoughtful, informed, and public decisions. The public expects a wide range of benefits from its national forests, from wood products to clean water, wildlife, recreation and more. NEPA helps ensure that the agency analyzes and discloses how its actions balance those diverse objectives.

That said, many participants also expressed the view that NEPA documents can become lengthy, overly detailed, and more focused on process than outcomes on the ground. The difficult issue facing the Forest Service is to distinguish between NEPA work that adds rigor and value to its decisions versus work that simply adds pages to the administrative record and does little to illuminate the choices facing the agency.

The Idaho experience with NEPA has produced several noteworthy innovations and lessons that bear directly on how to improve implementation of the act.

- The Lost Creek Boulder Creek Project on the Payette National Forest is a model for large-scale restoration. An environmental impact statement (EIS) covering an 80,000-acre project area was completed in just 18 months. Project actions include timber harvest, prescribed fire, watershed restoration, and recreation improvements. Factors for success include: early engagement with the collaborative Payette Forest Coalition, strong forest and ranger district leadership, and an innovative NEPA approach that highlights the most important issues, focused routine inventory to key action areas, and created design features to ensure compliance in the post-NEPA phase.

- The Forest Service developed additional alternatives during the NEPA process for two vegetation treatment projects (Bottom Canyon and Upper North Fork HFRA) that addressed stakeholder concerns and built support for the project. These experiences illustrate potential problems with limiting the range of alternatives to action-no action.
- Collaborative groups intervened in court challenges to the LCBC Project and Tower and Grizzly salvage and reforestation projects. The projects were upheld. The district court in the LCBC case cited the collaborative group's involvement as a public interest factor weighing against issuance of a temporary restraining order.

Recommendations:

1. Recognize and retain the value that NEPA provides for designing sound forest restoration projects and engaging the public.
2. Use categorical exclusions (CEs) for smaller projects using well-established practices in places where there are no novel or complex issues. CEs have limited utility for large landscape-scale restoration.
3. Develop a large landscape-scale (e.g., 100,000+ acres) approach to NEPA analysis using EISs to engage the public in assessing landscape restoration needs, achieve economies of scale, and provide for a longer-term implementation.
4. Develop strategies and guidance at the national, regional, and forest levels to overcome the tendency to produce risk-averse and overly detailed documents that do not contribute to NEPA's goals of involving the public and fostering excellent decisions.

CONCLUSION

Idaho's collaborative groups have served as a proving ground for forest restoration that creates ecological, economic, and social benefits. As Congress and the Forest Service contemplate new reforms and initiatives, they should reach out to these groups and seek solutions that strengthen the zone of agreement among their diverse members.