

Government to Government
Custer County Board of Commissioners AND Salmon/Challis National Forest
Proceedings for 3/11/2019

Commissioner Steve Smith as Vice-Chairman called the meeting to order at 7:00 PM. He welcomed all that were present and did the introductions. Those present from Custer County were Steve Smith/Commissioner, Randy Corgatelli/Commissioner, Tina Hawkins/Deputy Clerk, Jim Hawkins/NRAC Chairman, Bradley Kucera/NRAC, Gordon Fulton/NRAC, Sharon Bradley/NRAC, Harriet Henderson/NRAC. Attending on behalf of the Salmon/Challis NF were Chuck Mark/Forest Supervisor, Josh Milligan/Plan Leader, Nick Shade/Recreation, Julie Hopkins/Minerals, Jeff Huntaman/Wilderness Planner.

Acting Chairman Smith gave Jim Hawkins the job as moderator. Jim thanked Chuck for bringing the crew that he did, and hoped those unable to come will be attending later meetings. We want to converse about what is written in our Custer Co. Public Land Use Plan knowing that you haven't started writing the forest plan yet. We want to find consensus, and common ground early in the process. We will begin with the "Mining" section and in particular the economic viability of our Custer County "community". The 2012 planning rule charges the USFS with addressing the economic viability of communities impacted by national forests. Wilderness is a shut-down of most all local economies except recreation, and is limiting on it also. Custer Counties stand on wilderness is "NO MORE" and it has been that way for quite a long time.

Custer County doesn't see how your 2000 planning rule mandates for climate change and wilderness are in any way compatible. If you are managing for "wilderness" you are managing for old growth forests, and if you are managing for "climate change" you need an actively growing forest for carbon sequestering. They are polar opposites and a management problem. Your charge in the Multiple Use Sustained Yield Act does not include the lockup involved in designating more wilderness. Jeff Huntaman responded that a need for active management and wilderness do not work well together. We are charged with making recommendations, and unless Congress mandates some changes, we are left with what happens. Jim reminded Jeff of the FS charge to address climate change to which he responded with either "a need for action", or "not action". Jim also stated another part of the FS charge is M.U.S.Y. A. which calls for active management in mining, timber and grazing for a sustainable community. Jeff responded that FS provides for multiple activities across the landscape.

Julie Hopkins, Minerals Specialist noted that the County Land Use Plan is pretty detailed. A lot of the assumptions written may not take into consideration that the FS already has law and regulations to provide the same. I looked at your goals and objectives for minerals and mining, and gather the thought that the FS needs to provide support for mining and mineral extraction, which we already do under 36-CFR-228 regulations. Jim answered that the laws are there, but the support isn't forthcoming because of all the regulatory hoops lined up for applicants to jump through.

Bradley Kucera: I work in the mining industry with Thompson Cr. Mine. There are a number of overlapping requirements for bonding that aren't championed by federal agencies as existing. Number one being bonding for environmental reclamation and for ongoing compliance with environmental monitoring. There are a number of initiatives within the federal government through cirglo108B bonding which seek to duplicate and overlap that requirement on the mining industries. The agencies

fail to champion their own rules that already fulfill that requirements. Julie thought 108B had fallen by the wayside and was not being enforced. Bradley responded that 108B is currently being revitalized and challenged within the court systems. Julie stated the FS is not in support of 108B. The USFS is required to comply with the ESA (comply to the letter) with USF&WS's inflexible applications on correct measurements of incidental take on currently listed species (bull trout) and proposed species (sage grouse) and others. We have the MUSY policy which seem to be at odds with the mandate to encourage private enterprise. (An orderly and economic development of domestic minerals and mining reserves) from US Code Title 30 – Section 21A. The FS casts such a wide net over the Salmon/Challis forest indicating it as possible wilderness areas, which causes unwarranted retraction of investment dollars on existing mines. Within Custer County alone, within the Salmon/Challis National Forest there were over 26,000 mining claims in the 1800's, of which we have 1,800 active claims left. Suggests there are a potential 24,000 mining claims that could be recovered if the metal prices were to rebound and make such a claim economically viable. They could benefit national defense, as well as economic benefit to local and the national population. If an alternative approach was provided, as was requested during the open house this could have been avoided. The rush to indicate the maximum acres for wilderness has prevented the responsible development of minerals, full well knowing that a retraction of acres is forthcoming is irresponsible and somewhat backwards in its approach and makes an irreversible impact on the mining industry which could have been avoided. Julie responded the FS has had recent discussions with the Idaho Geological Survey about providing more information on mineral potential on the forest. We have new data we are looking at and will take a harder look at what areas are being considered for wilderness. Bradley thanked Julie for sharing that information, as the USGS has all the information on the 26,000 claims staked in the 1800's and the maps of known areas of mineral potential. Julie said, we know that the Salmon/Challis is one of the most mineralized forest in the state of Idaho. It is important that we get this right.

Jim speculated that if an alternative to the inventory process had been utilized perhaps the Formation Capital backers would not have pulled out. The workers that live in Custer Co. were directly affected. Julie stated the original Idaho Cobalt Project plan was submitted in 2001, and they have gone into foreclosure four times in the last 18 years, and each time it has been predicated by falling commodity prices. Jim asked if there is a different way to couch the inventory of wilderness and relieve the unnecessary concerns for the investors. Bradley reminded everyone that these are hundreds of millions of dollars of investments, and it isn't the peaks and troughs in pricing that concerns them, it is the long-term process of obtaining these permits and the delays that occur in the middle of a permitting process. Such as listing of another species while they are still negotiating the permitting process, producing layer after layer of regulations.

Commissioner Corgatelli stated that cobalt is a strategic mineral today, but without allowing mining exploration how will we discover a new rare earth mineral that could replace cobalt. Jeff stated they attempt to work with miners and their claims, and keep track of the mineralization on the forest lands. If Congress designates land as 'wilderness' then they withdraw it from mineral entry, and that could have a major impact further down the line. Chuck Mark said in regards to getting through the wilderness process, my intent is to get through it as rapidly as possible. I have met with the CEO of Formation Capital and it was the price of cobalt that caused the shutdown.

Jim are you saying Chuck, that we will be known what will be written in the forest plan before the wilderness plan comes out. Chuck responded that he will not have a decision on the forest plan for at least two years. What I need to decide now is if I'm going to carry any areas forward as possible wilderness to be analyzed in the EA. The comment period has just ended, and I need to categorize those comments and then analyze them. Then I will make my decision. Jim asked Chuck if that would be an inhouse decision, or would the public be informed of this decision. Chuck responded everybody would be told. Steve asked about the process, and getting it done as quick as possible? Chuck is trying to reduce the uncertainty by making the decision quickly.

Jim asked Julie to respond further on the mining part of the county land use plan. The USFS doesn't have any control over the laws they are required to follow. It is the Clean Air Act, Clean Water Act, and endangered species act all slow the permitting process down for the FS. We are working on 9 active mineral projects this year.

Jim some of the concern is about the prospector, or small miner that is buried under all the permit requirements. They don't have the money to compete. How do we help them? Julie responded that the hobby miners do have a hard time, as the laws are written for the big operations. We really do try to help them avoid the areas that stop them. Jim asked if there was anything, they could write into the forest plan that could assist the small prospect miner. Julie isn't sure what change could be made in the permit process and still follow the laws coming from congress. Steve suggested changes be made in the accessibility of professional personnel, and the bonding process. The agencies need to have an agreement between them ie: BLM – USFS- IDF&G – etc. to share professionals so permits don't just sit for months due to lack of review. Julie responded that the bond issue is connected to widespread lack of personnel nationwide and their professionals are retiring. Jim requested they address these issues within their forest plan if at all possible.

Bradley explained that there are provisions within the US Code that allow the FS to proceed without professional expertise, they just need to provide justification. The FS has just chosen not to exercise that particular provision. Julie asked which provision it was, and Bradley will get the information for her. Chuck responded that his 'minerals department' was the most responsive he had worked with. Julie felt the process was already being done, but Jim has heard that is not the case. Jeff has gathered we want continued focus on the mining act and more timely response to the applications. We are revising the forest plan and we will be revising Pac-Fish and In-Fish on both sides of the forest, which could be important to everyone.

Julie offered to talk about 'saleable' and 'leasable' mineral claims as well and 'locatable claims. She did check on the inventory of leasable and there are very few geothermal or oil and gas. The saleable claims – gravel pits - were researched by her and there are currently 43 on the south zone of the forest. Not all of them have been developed, either due to EA requirements or pit tests. There are only 5 or 6 that are currently used to sell to the public on this end of the forest. The FS need to look at the sources they already have and get them off the back burner. We are currently working on the EA for some on both ends of the forest. Jim asked if that was inside the forest plan revision. They plan to apply for the EA with a blanket application for all the pits that are currently identified and bring them into environmental compliance.

Jim expressed the concern that Custer county is running out of materials in the current pits and need to get more developed. Julie agreed, and explained why. She mentioned the FS policy manual 2853.8 that develops pits only for forest service need, and not for the general public. That would need to be changed above the forest. Steve asked, "that 2853.8 is a FS policy, not a law?" Julie responded yes, it is 'policy' and not very clear. Randy stated the lack of private land (3%) in Custer County doesn't provide for ample sources of gravel, and is a constant complaint of residents. There is a real need to utilize the sources on federal lands (97%). Steve requested a change because of the lack of use targets. Timber has a target, and grazing does but none for minerals? Julie said it does stipulate that the forest will make materials available for simple non-exclusive disposal. They have problems with users arriving with 10 dump trucks and hauling huge amounts of materials, rather than the general public with a pickup and a shovel. Steve suggested the FS change their payment methods, rather than limiting the public access. Julie explained that the minerals program is hesitant to develop more pits because the FS needs to inventory the existing sites as to what material is still available and what is used up. Julie asked those present to please suggest probable sites to their department as local residents are actually on the ground more than the FS personnel. Steve asked how this process would work, and the time frame. Julie felt it could be a couple of years before it could be explored and developed.

Steve questioned the repeated process of inventorying lands that have been removed from the wilderness process before in this forest plan revision. Julie is hopeful the new data they just received from ISGS on the mineralization within the forest will make a clear picture.

Bradley wanted to point out MUSY has no priority of one use over the other. He wants to be sure that mining gets their equal & fair share. His experience in dealing with Washington DC they make fair and swift decisions. We want to get the same equitability in the wilderness phase as those in recreation that don't even have residence in the area. Our voices need to be heard in equality with nonresidents. It isn't so much a provision within the law, but there have been presidents where the office of financing criticizes FS for proceeding without the use expert advice. Congress recognizes the FS does not have to follow such advice, nor to justify the reason. Cobalt is a strategic metal and has some special provisions. We need to recognize that Cobalt has some additional provisions as a strategic metal, that allows them to be specifically excluded from the wilderness evaluation.

Harriet the purpose of this meeting is to determine if we are reaching consistency between the Custer Co. Land Use Plan and the Forest Plan. Julie feels that most of it is already being done through current FS rules and policy. Harriet responded that the detail in the County plan is to be sure that it is actually happening.

Julie asked to ask those that aren't pleased with the public permitting process, to please contact the program manager. Jim heard in this conversation that our congressional delegation needs to be notified of the blanket rule that applies to mineral operators, large and small. Gordon Fulton talked about the categorical exclusion of 5 acres for a placer mine in Alaska. less than a mile of new road, and operations are complete including reclamation within one year.

Nick Recreation: Has looked at the transportation, wild & scenic rivers, and the recreation sections. One theme he sees is a desire to look at more OHV opportunities and provide more access for roads and

trails. The FS will develop a range of alternatives, and he felt our desires will show up in one. Jim asked him to explain. Nick said the FS will consider potentially making changes but they would not re-do the travel plan in the forest plan. There may possibly be some tweaking of access, but no specific route planning. Jim reminded him that the OHV's are constantly getting bigger and wider, and this needs to be addressed. Nick agreed that the recreation vehicle is constantly changing types and sizes.

Randy injected that the OHV is the fastest growing recreation sector there is. FS is going to have some major problems if they don't address the OHV issues in this forest plan. Better map information on OHV trail widths, length of routes and surface conditions is badly needed. Nick played the "limited staff and budgets" card. Jim rebutted that there is a wealth of information about the forest, it just doesn't happen to be inside the FS building. They need to utilize the expertise of longtime local residents. Chuck had Nick talk about a new program in Lemhi Co. called "2L Trails". This group of locals are working on a new web-based mapping system that has daily updated information, and photos that are put in by the actual trail users. The FS uses this information to get maintenance project dollars on the ground where it is truly needed. An Adopt a trail program has been started, and includes volunteers clearing trails of their choice, without getting the usual FS approval. There is also a small group in Challis that they would like to merge with.

Harriet asked if there will be targets for increased OHV use in this forest plan. Chuck asked if it would be "miles" or additional trails built. The timber program has objectives and goals, and she felt the recreation section also needs some. Experience has shown the alternative method is not usually beneficial to residents. Jim felt the wording needs to be more general that OHV access will be added, and not get themselves tied to a specific number or location. Nick is concerned about the conflict created by general statements.

Josh admitted how hard the future is to predict and plan for. They want to be prepared to take advantage of opportunities as they come forward. Jim requested the forest service go back the actual named of creeks and roads. The GPS is not always accurate either.

Harriet spoke up that the actual names are part of our heritage. She would like to have a forest plan review that is mandated, and not hypothetical. Give them a specific time frame, such as every 2 years, or 5 years not the 30 year span we are currently dealing with.

Bradley suggested the forest plan write in dominium change definitions, like a lot of policy, that don't require all the elaborate and drawn out NEPA and EA process. Chuck stated the original intent was to do just what Bradley suggests, and manage the plan as you move along, rather than the complete re-write every 15 to 20 years. Jim reminded them the current plans have been out of compliance with their own plans since 1994. Jim thanked Chuck for bringing his staff for this session.

Jim would still like to address timber and grazing, vegetation. How does April 8th fit your schedule? Chuck will check. Range Program manager is not available at this time, due to medical appointments. Please offer another date if the 8th doesn't work. Chuck will get back to them.

If Range personnel is not available, lets talk about Timber and Wild & Scenic Rivers.

Sharon expressed her frustration with a process that doesn't utilize the inhouse expertise when they should. All agreed that flexibility needs to be preserved to work with future Unknown situations.

Steve thanked everyone for attending. The meeting was adjourned at 8:35.

Steve W. Smith, Vice-Chairman
Custer County Commissioner

Attest:

Lura H. Baker, Clerk