

Meeting Notes
Henry's Fork Watershed Council
April 8, 2014
Island Park Land Use and Agency Coordination Analysis

The meeting was held at the Ashton Community Center in Ashton. Sign-in began at 8:00 a.m.; the meeting started at 8:30 a.m. with introductions and community building led by Dale Swensen (Fremont-Madison Irrigation District).

Community Building

Dale welcomed everyone (45 people in the circle). He explained how the Council works and why we observe two minutes of silence. Community building is about building relationships of trust, learning how to listen to one another, and to develop that skill of listening. Community Building is also a time when you can comment and for others to think about and consider, not a time to banter. It is not a time for conversations, and no personal attacks are allowed.

After two minutes of silence, time was open to comment. Brandon Hoffner began, explaining that the first item on the agenda is a project presentation from the Henry's Fork Foundation, followed by a 45-minute breakout into three groups to evaluate the project using the Watershed Integrity Review and Evaluation (WIRE) criteria. He also said that the afternoon breakout into groups for the Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis would be done by counting by threes rather than using the usual component groups. He presented a question form that would be available for anyone who has questions during the day that didn't get answered because of time constraints. The forms are to be filled out and turned back to the WC for follow up.

Comments

Jim Gerber: Want to thank the commissioners for the collaboration and for reiterating their opposition to a national monument.

Steve Pinther: About the WIRE process, is everyone supposed to participate? It seems that not very many "watershed" people are here.

Jan Brown: A bridge collapsed in Yellowstone Park and the southern loop won't be open until August. We need to get out the word that it is only two miles longer but 40 minutes faster to go to Jackson, back through Mesa Falls into the west entrance to get to Old Faithful than it is to through around through Norris to get there.

Katie Wilson: The map that was handed out is available in an interactive format online at the Sustainable Yellowstone website.

LeeAnn Yancey: Could it be put on the Fremont County website? It might be viewed more readily there. Jan agreed to work on it.

Dale Swensen: A program on PBS on Monday night featured a discussion about Idaho taking over federal lands in Idaho. He suggested it might be accessed online for background information.

Brandon Hoffner: The Twin Falls newspaper recently ran an article about the Boulder White Clouds issue that included information about the national monument process. He said he was a comprehensive look at the issue.

Ann Kuck: The Twin Falls article ran in the IP News. A public meeting is set for April 23 at 6 p.m. at the EMS building to look at where we are at with the Futures Study.

Ken Watts: Congressional repost #7-5700 focuses on national monuments and the Antiquities Act. He found it through a Google Search.

Chad Colter: I am glad to be here. Of particular interest is the Futures Study. It is a good idea to engage with this group. There is one area where the Shoshone-Bannock Tribes were mentioned. We would be better served if the Tribes are engaged with this group sooner than that. The tribes' rights and interests go beyond just cultural resources.

Brandon Hoffner: The audio failed when we taped the March meeting and it wasn't salvageable. All we have is the visual.

Long-term monitoring of biochemical and physical processes in the Henry's Fork and tributaries – Rob Van Kirk (HFF), WIRE process ([link to project proposal WQ WIRE proposal.docx](#) and to [powerpoint presentation WQ_WIRE_HFWC.pdf](#))

Question-and-Answer:

Ken Watts: Will you use the mobile unit in tributaries like Icehouse Creek? I live on Sheep Creek. Timing is critical and varies from month to month. Important to capture that data.

Rob: We will be monitoring Sheridan Creek this summer as a representative of the streams draining the Centennial Mountains.

Jan Brown: To what extent will this data hold up and be of value to other agencies?

Rob: The equipment is state of the art. To the best of our ability, we are going to attempt that. We are trying to use standard protocols.

Garth Blanchard: If the money was available, could you get all 10 stations installed in one year?

Rob: We could buy all 10 but not install them all. We are phasing in the project over three years in order to give us time to learn how to install, calibrate, and operate the equipment. It's probably not in our best interest to try to put them all in at once.

Jan Neish: Three permanent stations and the roving station this year? Yes.

Richard Bishop: There is a good spot for the outlet and Big Springs confluence (known as the bathtub). It is a good indicator of what is happening on the river.

Rob: That is a good location. We may have to rethink that.

Ken Watts: Are you planning peer review to offer validity to the project?

Rob: Yes, I certainly agree with that. If it's not peer reviewed, it's not science.

Dale Swensen: How will you do the data access?

Rob: Right now, the data is stored internally, and we will download it once a month or so. In the future, we might consider telemetry so the data can be accessed in real time.

Break out into the three component groups to evaluate the proposal with WIRE criteria.

Break

Federal Land Management Plans

Doug Herzog, environmental coordinator, Caribou-Targhee National Forest

[\(link to presentation here USFS planning.pdf\)](#)

Question-and-Answer

Jan Brown: How does funding determine planning?

Doug: A limiting factor always. Budget determines when and how we can plan.

Tom Cluff: How is your process for lynx amendment related to Fish and Wildlife lynx management?

Doug: The two are very closely related.

Garth Blanchard: What is the current management perspective on responding to wildfires?

Doug: There are standards and guidelines related to timber, fuels, and fire, but fire personnel are better suited to answering this question.

Liz Davy: We have a fire management plan that uses numerous criteria to determine fire response. Human-caused and high-risk fires may be suppressed, but fire-fighter safety and ecological benefits may dictate that a fire be left to burn.

Jim Gerber: To date, the forest has completed only one-third of the timber harvest called for in its plan. Have you considered an amendment to address this?

Doug: Nothing on the radar now regarding timber sales.

Richard Bishop: What is the sustained yield on the Targhee? What is our harvesting goal?

Liz Davy: 8 million board feet. This has not been met since 1997, primarily because of litigation. The Ashton/Island Park Districts do not have much timber available because most of it was cut in the late 1960s through early 1990s. Other districts on the Forest do have available timber for harvest.

Richard: It has been 14 years since I cut a log on the Targhee. Litigation has stopped timber sales.

Ken Watts: Question on behalf of Bob Stantus: What restrictions does the Forest Service have on the public use of the land they control?

Liz Davy: Travel restrictions, recreation restrictions, prescription areas, wildlife. The answer varies in the 33 planning districts. The Forest Plan is very complicated, but it is our law.

Jan Brown: Forest Service jurisdiction ends at the forest boundary. They are obligated to provide access to state lands, and they do manage some of the state's grazing allotments. They have to provide reasonable access to private land.

Ken Watts: Does the state have different planning rules?

Liz Davy: Yes.

Jeremy Casterson, field manager, Bureau of Land Management
([link to presentation here BLM planning.pdf](#))

Question-and-Answer

Ken Watts: Question on behalf of Bob Stantus: What are the trends in use of BLM land in the Island Park area?

Jeremy: The old plans have an "open" design for off-highway travel. The trend is to limit travel to designated roads and trails. To protect sage grouse and other wildlife, it will probably get more restrictive.

Monica Zimmerman, BLM: Winter and summer recreation use is increasing, especially in the Sand Creek area. We will look at management plans for recreation.

Jeremy: Another trend is increase in Land and Water Conservation funds coming to BLM. These allow work with private landowners on conservation easements or land acquisition. Most of this activity has occurred along the South Fork and around Henry's Lake.

Jim Gerber: What is the status of RS2477? This is a 19th century law under which counties have claimed jurisdiction over roads that existed prior to the Federal Land Policy Management Act for the purposes of accessing land to maintain historic uses.

Monica: This is handled on a case-by-case basis through adjudication. The counties must have those roads formally identified in court.

Jan Brown: What about regulations for geothermal drilling?

Jeremy: Geothermal is a leasable mineral. We may have areas closed to leasing. We will accept applications to drill, but we are careful. Public involvement is important.

Monica: Henry's Lake is an Area of Critical Environmental Concern, which requires more restrictions. It may be closed to leasing. Sand Creek would be open to leasing, but with seasonal restrictions.

Jan Neish: Is the plan accessible online?

Jeremy: Yes. Look for the Medicine Lodge RMP.

Deborah Empey: Are there designations for cultural resources in Island Park?

Jeremy: There are none at the plan level, but such areas can be identified and uses restricted. The National Historic Preservation Act requires assessment of such resources.

Ken Watts: My subdivision leases a road from the BLM (a ten-year lease). Is that right of way protected?

Jeremy: Access is protected for the term of the lease. The right of way is not guaranteed beyond the lease period, but it is extremely unlikely that renewal of a lease would restrict historic access.

Brent Larson: Ingress and egress rights to cross federal land to access private land are granted under other laws.

Chad Colter: Are there considerations for Tribal rights other than cultural resources?

Jeremy: Tribes have special status in the planning process. We coordinate closely with the Tribes on all levels of planning.

Cleve Davis: Treaty agreements with the Tribes are federal laws, and all BLM and USFS plans must be consistent with those treaties, especially the right to hunt, fish, and gather on unoccupied lands.

Wendy Lowe: What about the Wilderness Study Area in the Island Park area? What level of protection will be afforded it if it's released by Congress?

Jeremy: BLM must adhere to the Wilderness Study Area policy.

Pat Brown, Idaho Department of Lands

Public School Endowment lands, sections 16 and 36 of each township in Idaho, are overseen by the Land Board, which consists of the top five elected officials in the state. These lands are not public lands. They are managed to provide long-term funding for nine endowments, including public schools, normal schools, hospitals, and other institutions. Public schools are the largest recipients of endowment land assets. The state does not manage these lands for recreation.

There are 3.7 million acres of Endowment lands in the state, with 2.4 million acres producing revenue, primarily from timber harvest in northern Idaho. Annual revenue is \$50-70 million. The 1.1 million acres in this district generate \$3 million to \$4 million annually.

In Fremont County, there are 86,000 acres of endowment lands or 7 percent of the county, with another 42,000 in split-jurisdiction lands, which are privately owned but with the state retaining the mineral rights. Those are primarily in the Mack's Inn area. Fremont County schools received \$263,180 from the endowment fund in 2013.

The Idaho Department of Lands administers several acts, including the Surface Mining Act, Lake Protection Act, Forest Practices Act, and Placer Mining Act. The Surface Mining Act regulates gravel pits, including a number in Fremont County, and the Lake Protection Act covers Henry's Lake, but not Island Park Reservoir, because Island Park is a federal facility. IDL administers fire suppression policy and coordinates with federal agencies on fire suppression. BLM has responsibility for fire suppression on state lands in southern Idaho, in exchange for state protection of BLM lands in north Idaho. There are currently no timber harvest or placer mining activities regulated by IDL in southern Idaho.

Question-and-Answer

Jan Brown: To what extent are you encouraged to look for new revenue sources?

Pat: Very much, but we have been shot down in our effort to acquire commercial land for asset management.

Jan: Why are land exchanges so difficult?

Pat: The process is difficult, and personnel changes have also contributed.

Wendy Lowe: Is IDL open to litigation on timber harvest plans?

Pat: There is no formal NEPA-like process, but citizens can appeal by posting a bond equal to a certain percent of the sale value.

Steve Pinther: Is there something analogous to Payment In Lieu of Taxes like there is for federal lands?

Pat: Not directly. State lands are not taxed, but the money that goes to schools from the endowment lands is less money that needs to come from the tax base.

Cleve Davis: Do you provide habitat protection for threatened or endangered species? What about cultural resources?

Pat: We do address habitat needs for sage grouse and coordinate with the State Historic Preservation Office on timber sales. However, IDL does not actively assess resource values.

Garth Blanchard: Regarding manage of areas in Fremont County: 1) With sections 16 and 36 causing fragmentation, does that make management difficult? 2) How are state lands at Sand Creek being managed?

Pat: It is very difficult to manage resource other than timber harvest on isolated sections. Grazing management on the Endowment sections usually dovetails with that on adjacent federal lands. At Sand Creek, there is a checkerboard of 40-acre parcels that resulted from land selection by the state made back in the 1910s. It is very difficult for both state and federal agencies to manage these lands.

John Sullivan, Idaho Parks and Recreation

Idaho Department of Parks and Recreation has a strategic plan that covers a 5-10 year time span. All plans at the park level must be consistent with this strategic plan. State-level assessment of individual parks is intended to occur every two years, but there are currently no funds available for planning or for things like user surveys and questionnaires or needs assessments. IDPR funding was greatly reduced during the economic recession of 2009-2012. Prioritization for park planning is determined at the state level, and there are currently no planning efforts occurring in eastern Idaho.

Harriman's plan was done in 2002 and is considered to have a shelf-life of 20 years, but I would prefer more frequent updates.

All parks in Idaho fit in one of three categories: Recreational, historical or natural. Harriman is classified as natural. That means no motorized recreation. We have grazing leases at Sheridan, Harriman Ranch and Harriman East, and concessions leases. Because Harriman State Park is adjacent to USFS land, Harriman coordinates with the USFS on most resource management issues. Current goals for Harriman State Park include improving visitor contact, education/interpretation, and recreational opportunities.

Questions-and-Answers

Jan Brown: What is happening with the Harriman Fish Pond?

Liz Davy: Nothing is going on with the pond. We are fixing the road into the pond to reduce erosion and closing an old road that crosses the creek. There are no plans for an RV Park at Fish Pond.

Chad Colter: If Harriman State Park is designated as a natural park, how do the three grazing permits fit that?

John: The Park was gifted to the state by the Harriman family on the condition that it be open to agricultural use. Harriman provides access to adjacent USFS grazing allotments. The park has a lease on an IDL parcel on the northwest corner of the park where all the corrals are located. Grazing is a traditional use and generates money for the park.

Chad: Do you always follow Forest Service guidelines for grazing?

John: I defer to the Forest Service expertise for grazing management.

Stan Clark: I am one of the cattlemen who has been using that system since the beginning. We move cows onto the Park in September and move them out in October.

John: Certain times of the year, the park is still a working cattle ranch.

Katie Wilson: What is the process for allowing new uses on Harriman?

John: I say yes or no. For example, there may be a fat bike race in the park next year.

Steve Schmidt, Upper Snake Regional Supervisor, Idaho Fish and Game

[\(Link to handout IDFGhandout.pdf\)](#)

Question-and-Answer

Rob Van Kirk: What portion of IDFG's budget comes from federal excise tax?

Steve: A little over 50% comes from Pitman-Robertson and Dingell-Johnson monies (excise tax on sporting goods).

Ken Watts: There is a logging operation near my property in elk calving ground. Does IDFG monitor the effects of timber harvest on wildlife?

Steve: The owner or manager of a piece of land on which timber is being harvested asks Fish and Game for input on the effects of the timber sale on wildlife. Copies of the comments are available on request at the regional office in Idaho Falls.

Garth Blanchard: What are the regulatory requirements for counties to involve Fish and Game in planning?

Steve: That depends on the county. In Bonneville County, IDFG is not consulted. But we have been working closely with Teton and Fremont counties for some time. However, IDFG has no jurisdiction over private land.

Jan Brown: Moose have been dying of tick infestations back east. Do we have that situation here?

Steve: Fremont County is unique. It has the largest wintering desert moose herd in the work. There are 400 moose on those Sand Dunes. We have concerns about moose throughout the west. Parasites are harming moose populations in other parts of the country, and one possible explanation is climate change. Cold winters limit tick populations, but if the climate warms, that may allow tick infestations. We are monitoring our moose populations here but have not seen any indications of parasite effects.

Wolf is a new predator of our moose herd. Our herd is doing fairly well but has declined somewhat recently, and we are not sure if wolves are having an effect. In a severe winter, it not unusual to move moose out of populated areas. We tranquilized and moved 111 moose one year.

Brandon Hoffner: How does Fish and Game interact with federal management plans?

Steve: Within my office, I have two environmental staff to engage with Forest Service and BLM on management plans to provide technical input and comments on draft plans.

Jan Neish: (Question for Pat Brown) Is there geothermal regulation at the state level act?

Pat Brown: Geothermal development is handled through the Department of Water Resources. We have a dozen geothermal leases, most of them on split-estate ground north of the Teton River. We are careful. We don't want speculators making money on Endowment lands.

Tim Reynolds: Some state properties are highly desirable to developers. Any chance of property exchanges?

Pat: Chances are fairly remote because of politics.

Tom Cluff, Fremont County Planning Building

[\(link to presentation here Fremont County Plan and Code.pdf\)](#)

Jeff Patlovich, City of Island Park planning

[\(link to presentation here City of IP.pdf\)](#)

Under Title 67, local land use planning, an area of impact is negotiated between the city and the county. The negotiated area of impact for Island Park is basically one mile from the city limits.

The county comprehensive plan and development code will be applicable in the city. The goal is to sit down with the commissioners for them to adopt our planning regs.

Island Park building and development code is based on performance standards. There is no R-1, R-21, C-1, C-2, etc. It's commercial or residential.

Question and Answer

Steve Pinther: The county's policy of "When a land trade makes sense, we support it" is kind of arbitrary, isn't it?

Tom Cluff: If it makes sense, we will support it. It's a decision they (the commissioners) would make at that time. They have no power to veto it.

Jan Brown: Why the three planning districts?

Tom: It's a leftover from old plans, an artifact of previous comprehensive plans.

Jeff: The boundaries (the three districts) have some validity for statistical comparisons with older data.

Ken Watts: What percent in Island Park is federal? State? County?

Tom: County is 60 percent federal. I don't have a further breakdown.

Jan Neish: So the Island Park Area of Impact has been defined?

Jeff: Yes, since 2005. When the city updates its comprehensive plan and development code, we will try to renegotiate what ordinances are applicable in that area which would be desirable for annexation.

Cleve Davis: How do you deal with habitat fragmentation?

Tom: We consult with IDFG. All large-scale developments are required to consider effects on habitat.

Jeff: We include points in our scoring systems for wildlife, wetlands, stream, safe corridors, wildfire hazards.

Jan Brown: Only 20 percent of voting residents live within the city limits. How many in the area of impact?

Jeff: There is no way of knowing. The Island Park Sewer District expansion can handle all currently platted but vacant lots in the district, but not new development outside of the district.

Joselin Matkins, Teton Regional Land Trust

[\(link to presentation here TRLT.pdf\)](#)

Jeff Patlovich: Do you ever transfer a development right?

Joselin: TRLT does not do that, but it is a tool that can be used.

Garth Blanchard: How to you enforce an easement 100 years from now? Do cities and counties track it?

Joselin: Some counties do track conservations easements and have records, but there is no formal process in place in Idaho for doing this.

Jeff Patlovich: Typically, public entities such as cities and counties search for things like conservation easements, but not all entities do that.

Jordan Reeves, The Nature Conservancy

[\(link to presentation here TNC_presentation_IPFS.pdf\)](#)

John Nedrow: I put 600 acres west of Ashton, river front, in a conservation easement. Everything you said about conservation easements are absolutely true. I have no regrets.

Ken Watts: Do you have a strategic plan for identifying properties desirable for conservation easements?

Jordan: No. We know, based on certain data, where critical areas for wildlife are. But we don't have a "target list" because this is a strictly voluntary process.

SWOT Breakout groups

The group counted off by three and divided into groups for the SWOT Analysis.

Group Breakout Reports:

#1 – Wendy Lowe

- Strengths
 - Shared values and goals
 - Lots of cooperation
- Weaknesses
 - Not enough private folks
 - Lack of clarity about the Futures Study
- Opportunities
 - Affirmed desire to have multiple use in the future
 - Negotiation has a potential for helping us find a balance
- Threats
 - Outsiders might control the process
 - Paradigm shift is happening

#2 – Rob Van Kirk

- Strengths
 - Collaborative process is in place
 - Local people are responsive
- Weaknesses
 - Lack of tools work look at the whole landscape and coordinate with all agencies
 - Locals don't have enough influence
 - The forest is being managed by lawsuit
- Opportunities
 - Opportunity for negotiation or collaborative solutions that exist
 - Opportunities for legislative solutions
 - Opportunities to collect more and better data
- Threats
 - Loss of traditional uses of land and resources
 - Loss of quality of life
 - Executive orders and Antiquities Act

#3 – Jan Brown

- Strengths
 - Conservation easements are voluntary and permanent
 - No state level NEPA process
- Weaknesses
 - Planning is costly and time-consuming
 - Even with public comment, this is not a public process
- Opportunities
 - State assumption of federal lands
 - Big picture view is possible to receive Congressional support
- Threats
 - Geothermal development
 - Threat of litigation driving the planning process

Report on WIRE discussion of HFF's monitoring network proposal

Brandon Hoffner, Technical Group

The group endorsed the proposed project, noting they want to continue the holistic view of the whole watershed. They also asked about the cost of additional monitoring of things like mercury and other chemicals, samples from living organisms. Also support peer review.

Jan Brown, Agency Group

Also agreed that this should be endorsed. There were a couple of concerns regarding difficulty of calibration with these types of sensors. Important to do calibration frequently and follow protocols. Tie the data to existing USGS stations where possible. Suggested milestones during the 10-year timeframe. Yes on everything else.

Wendy Lowe, Citizen Group

Yes on all questions but one. From the Watershed perspective, include Teton River in the future. Project management: phased implementation makes it more feasible. Support peer review. Under sustainability, questioned that it is only aquatic. The economic criteria are not applicable. Cooperation and coordination, be sure to share data with DEQ, F&G, FS, BLM, FOR, IDWR. Be sure not to trespass on private property. Inform everyone of what is going on.

Community Building (28 in circle)

Dale: One minute of silence.

Darrell Reinke: Growing up in Ashton, I remember going to Warm River several times, thinking of that as our place, our campground and coming back after 20 years it was amazing I could take our kids to the same place and enjoy the same kind of experience. and then 10 years later I had to stop and realize that wasn't our campground, it's the Forest Service's. So my comment is how much I think we have benefitted from good management of federal lands . . . enhancing the quality of what it means to be here.

Garth Blanchard: I thought it was a good day. I appreciate the presenters. Questions were good as well.

Ken Watts: Also thought it was a good day, and I learned people from The Nature Conservancy don't have tails and horns. I've had an attitude adjustment and a nice conversation with Jim (Caswell) that was very beneficial.

Jim Caswell: Also a good day. Learned a lot. And since you brought it up, I have to say that I am the guy who burned Bear Gulch. I came here in 1989. I believe in collaboration. So we had this Bear Gulch issue, this building and this process that had been going on forever. So I went out and burned it down. There was this scathing editorial. I felt awful.

Brandon Hoffner: I thought this was going to be a nebulous process. This was a good day and I wish everyone could have been here today all day. What we are working on, excited to go forward. Good ideas.

Wendy Lowe: Subcommittee has worked hard. It took two meeting to get it in for today. Thanks to the subcommittee for putting together a successful day.

Hap Boyer: It was a good day. I am also looking forward to seeing the faces of friendly folks who have become like family over the years, and new faces.

Sara Reinke: I appreciate the variety and depth of the presentations today. It is impressive to me . . . heart is what we feel. That common emotion that brings us together, and that still needs to be a bonding message. I appreciate the opportunity to be here.

Brandon Hoffner: May 13, next Watershed Council meeting in Island Park to discuss transportation and infrastructure. May 14, special Watershed Council meeting in Rexburg at Springhill Marriott to present the final basin plan. Next subcommittee meeting is April 23.