

LINCOLN COUNTY COMMUNITY DEVELOPMENT BILL 2007

To promote the forest ecosystem health, sustainable management, recreational use including motorized and non-motorized, hunting and angling and backcountry protection of certain National Forest System land and other industrial timber land in Lincoln County, Montana.

LINCOLN COUNTY COMMUNITY DEVELOPMENT PLAN:

Establishment of sustainable economic development and mill revitalization pilot program.

LINCOLN COUNTY STEWARDSHIP FORESTRY AREA

Establishment.
Disposition of proceeds.

TECHNOLOGY AND EDUCATION

Technology improvements to rural schools.

RESTORATION FORESTRY PROGRAM

Restoration Forestry Program.
Acquisition of land.
Technical Advisory Panel.
Report.

BACKCOUNTRY PRIMITIVE AREAS

Findings.
Establishment.

RECREATION AND WILDERNESS AREAS

Findings.
Establishment.

ALL-TERRAIN VEHICLE (ATV) ROUTE STUDY(?)

Findings.
Establishment.

Lincoln County, Montana, which has the highest unemployment rate in the State: faces economic stress as a result of:—

- a. A century of fire suppression activities, timber management, and other management activities on National Forests in the county
- b. Fluctuations in the lumber market;
- c. Difficulties in securing predictable supplies of timber;
- d. Drought and wildfire challenges; and other factors.

(B) is severely lacking in the social and technological infrastructure required to provide requisite goods and services to much of the population of the County living in and around the Kootenai National Forest;

(b) PURPOSES:

- (1) to rejuvenate an impoverished local economy in rural northwest Montana that is largely dependent on the health of the public land through mechanisms that encourage sustainable communities and sustainable forests through forest ecosystem restoration, including protection of critical fish and wildlife habitat; and reducing hazardous fuels that threaten human communities.
- (2) to foster partnerships and collaboration through the creation of a resource Advisory Council as described in Section III. B of this bill. The Council will operate through consensus and be equally comprised of conservation interests, commodity interests, and local people including at least one elected official.
- (3) to focus restorative efforts on the harvest, removal and use of small diameter trees and to ensure local milling capacity;
- (4) to protect established and traditional motorized recreation areas subject to meeting state and federal fish and wildlife requirements.
- (5) to designate and protect a key wilderness area in northwest Montana, and protect other backcountry areas;

III. LINCOLN COUNTY FOREST STEWARDSHIP AND COMMUNITY DEVELOPMENT PLAN

A. ESTABLISHMENT OF SUSTAINABLE ECONOMIC DEVELOPMENT AND MILL REVITALIZATION PILOT PROGRAM

- (a) IN GENERAL.--Establish a sustainable economic development and mill revitalization pilot program in the County under which the Congress shall provide technical and financial assistance for eligible collaborative community activities that are designed to revitalize the economy of the County
- (b) ELIGIBLE ACTIVITIES.--Activities eligible for assistance include:
 - (1) diversifying local business and recreation infrastructure;
 - (2) maintaining critical jobs provided by regional timber mills, particularly jobs on the border between United States and Canada; and
 - (3) processing the small diameter logs involved in fuels reduction

contracts on public land in the County; and
(4) restoring damaged wildlife habitat, for the purposes of increased ecosystem productivity, fish and wildlife, economic diversification, and other values.

[: 4 and 5 just don't seem to really fit here. We can pick them up in the section below if need be]

B. RESOURCE ADVISORY COUNCIL:

[Lift the language that describes the purpose, structure, and operations of the Resource Advisory Councils from the School and County Payments Act of 2001. I would charter a new RAC here to avoid the uncertainty of having the old RAC expire along with its authorization. You can always simply use the existing RAC if you like its composition]]

C. THREE RIVERS DISTRICT EXPERIMENTAL STEWARDSHIP FOREST STUDY AREA

i. ESTABLISHMENT

(a) IN GENERAL.--Establish the Three Rivers District Experimental Stewardship Forest Study Area (3 Rivers Challenge) for the purposes of--

- (1) providing opportunities for treating small diameter overstocked fuels on certain lands immediately adjacent to private property;
- (2) making the overstocked fuels available for processing in area mills;
- (3) conducting restoration forestry **activities--which could include activities as diverse as forest thinning, species composition adjustment, road rehabilitation, underburning, etc.**--in these same areas, to enhance watersheds and critical fish and wildlife habitat and ecosystem processes;
- (4) providing for the participation of diverse community stakeholders, in conjunction with authorized Federal, State, and local agencies, in planning how to best use forest land in the County.

(b) BOUNDARIES.--The Stewardship Forest Study Area shall consist of certain lands within, though not limited to, portions of the Wildland-Urban Interface on the Three Rivers District, which shall include but will not be limited to the Callahan Creek region, including the West Troy Project, and the Rocky Pines Project located in the Three Rivers District Experimental Stewardship Forest Study Area within the Kootenai National Forest. These two projects constitute approximately **[ROBYN WORKING WITH 3RD TO GET ACCURATE INFO]** In addition, The Stewardship Forest Study area will consist of an additional 60,000 approximate acres lying within the Wildland-Urban Interface. Priority for treatments will be given to those lands closest to the highest population densities, and in coordination with suggestions by the local collaborative community group described in III. B., of this bill, in conjunction with the U.S. Forest Service.

ii. RESOURCE MANAGEMENT

- (1) The Three Rivers District Experimental Stewardship Forest Study Area shall be operated under the following guidelines, with rule and law changes that are specific to the Kootenai National Forest.
1. The Three Rivers District (TRD) will target the highest priority lands lying within approximately **70,000 acres** of the Wildland Urban Interface for treatment over the **next 20** years in order to minimize the likelihood of a potentially catastrophic fire. Lands on the TRD that are in the designated Wildland Urban Interface that are also considered roadless, wilderness and old growth shall be excluded from these management actions. **Dry-site vegetative types—pine, larch, fir—shall be the most desirable candidates for treatment, which shall include but not be limited to mechanical treatment.** The TRD will treat approximately **3000** acres per year. **ACTIVITY WITHIN THE TRD STEWARDSHIP AREA SHALL CONTINUE TO BE CONDUCTED IN ACCORDANCE WITH BEST AVAILABLE SCIENCE, AND SHALL CONTINUE TO ACCOUNT FOR THE NEEDS OF WINTER RANGE AND OTHER WILDLIFE NEEDS, CONSISTENT WITH EXISTING LAWS AND POLICIES.**
 2. In order to facilitate this treatment over a period of years, and to provide an identifiable source of wood fiber for local mills – Chapel Cedar and any other viable mill operations, the TRD shall utilize Stewardship Contracting Authority and other Cooperative Agreement opportunities in order to create some continuity in the management actions of the TRD [just can't figure out what that meant] **[POSSIBLE SBA INSERT? CHECK WITH RILEY CREEK, STOLZE, PC?]**
 3. **[CUT AS PER TWS, AND CONTRADICTORY TO STREAMLINED APPEALS PROCESS TO BE IMPLEMENTED IN THIS BILL ANYWAY?]** *The Forest Service shall use categorical exclusion authority to expedite hazardous fuels treatments in the wildland urban interface consistent with existing law, regulation, and policy.* **CUT, AS PER NOTE ABOVE???**
 4. These projects put forth on the TRD Experimental Stewardship Forest Study Area must be recommended to the Forest Service by a majority of each of the three sets of represented interests to the Resource Advisory Committee described in III. D., above.
 5. A pilot Mediated Appeals Process shall be implemented for the TRD Experimental Stewardship Forest Study Area to settle potential appeals and

litigation at the administrative level. All appeals to projects for the area described in Section III. C(i)b recommended by the Resource Advisory Committee described in III. D., must include a commitment by the appellant to appear in-person (including over the phone) resolution-conference among the Resource Advisory Council, the responsible officer of the Forest Service, and other interested citizens. The Forest Service shall have 60 days to establish such a meeting.

If the appellant refuses an in-person meeting, their appeal shall be considered moot. If the resolution conference fails to resolve the matter, the appellant agrees to participate in a binding mediation session with the Forest Service, the Resource Advisory Committee, and other interested citizens. The binding mediation session will be moderated by the Director of Montana Department of Fish, Wildlife, and Parks

6. The TRD shall implement an aggressive monitoring and evaluation process that measures volume of small diameter wood harvested, water quality, fish and wildlife habitat improvement, and fire condition class of the area.

The rules for evaluating Stewardship Contracting Projects by Contractors shall allow a 40% weight factor for local contractors bidding on work within the area defined by Section III C(i)b. In addition, the Forest Service is encouraged to let 10 year stewardship contracts to encourage stability, predictability, and a long-term investment into the area defined in Section III. C(i)b.

D. MONITORING

The results of the management activities specified in the Three Rivers District Experimental Stewardship Forest Study Area shall be evaluated annually in conformance with Section III C(ii)a(6) on an annual basis by Region One of the USFS and a report on results shall be issued to the Congress. Members of the Resource Advisory Committee, non-profits, conservation groups, universities, and others will be encouraged to participate in the annual monitoring process. If monitoring determines that any of the monitored areas are not meeting expectations or existing environmental laws, immediate corrective action will be taken by the Forest Service.

E. DISPOSITION OF PROCEEDS.

Of the gross proceeds from the sale of timber and associated products produced from the Three Rivers District Experimental Stewardship Forest Study Area.

(1) 50 percent shall be paid to the Kootenai National Forest for restoration-based management activities at the Kootenai National Forest, and the monitoring program described in Section III D;

(2) In years in which the previous year's general unemployment in Lincoln County is at or above 8%, 50 percent shall be paid directly to the County for the general education program of the State; for fire protection, law enforcement, public safety, housing, recreation, social services, transportation, and the acquisition, by donation or purchase from willing sellers, of private land and easements in the County for enrollment in the Restoration Forestry Program.

(3) In years in which the previous year's general unemployment in Lincoln County is below 8%, the remaining 50 percent shall also be paid to the Kootenai National Forest for restoration-based management activities at the Kootenai National Forest, and the monitoring program described in Section III D.

F. TECHNOLOGY AND EDUCATION

TECHNOLOGY IMPROVEMENTS TO RURAL SCHOOLS.

- (1) the expansion of cable-in-the-classroom learning services for--
(A) the secondary school districts in Eureka, Libby, and Troy, Montana. [I didn't touch this, but it doesn't really hang well here...]

IV. RESTORATION FORESTRY PROGRAM

(A) IN GENERAL.--Establishment of a private land Restoration Forestry Program in the County under which projects shall be conducted on Restoration Forestry Program land to provide for--

- (1) the acquisition of industrial timber lands;
- (2) the protection and restoration of fish and wildlife habitat;
- (3) hunting and angling, and other recreational use;
- (4) the preservation of traditional community access and open space;
- (5) fuels reduction of small diameter timber in areas adjacent to residences and businesses;
- (6) the diversification and stabilization of the timber base for area independent mills; and
- (7) other economic development activities that are consistent with the activities described in paragraphs 1 through 6.

(B) BUSINESS PLAN,--This legislation also directs and authorizes the federal government to work with state and local government, and other available resources, to assist Lincoln County in the development of a business plan that will utilize these lands to accomplish the goals and objectives listed within Section IV.

(C) REVENUE SOURCES--

- (1) A trust fund shall be established, to be comprised of revenues derived from, but not limited to, the following:

- (a) general appropriations; and
- (b) stewardship receipts, as authorized in III F(2);
- (c) private contributions; and
- (d) revenues derived from sales of products and services yielded from the Restoration Forestry Lands; and

(2)The fund shall be received, disbursed, and otherwise administered by the Lincoln County Commissioners, consistent with the recommendations of the Resource Advisory Committee, to achieve the purposes described in IV A..

(D) DISPOSITION OF PROCEEDS--

(1) ACQUISITION OF LAND.--25 percent of any gross proceeds from the sale of timber and other products produced from Restoration Forestry described in Section IV shall be used by the Lincoln County Commissioners to acquire, by donation or purchase from willing sellers, private industrial timber land to be added to the Restoration Forestry Area.

(2) OTHER USES.--After making the deduction authorized under paragraph IV C(1) any remaining proceeds shall be used by the County for--

- (A) the acquisition of additional private land or easements, from willing sellers, for the Restoration Forestry Program;
- (B) schools in the County; and
- (C) the enhancement or development of parks and other community developments.

(3) ALTERNATIVE DISPOSITIONS.—In the event a community chooses not to acquire private industrial timberlands in its vicinity, it may utilize these revenues for other community needs, including but not limited to those noted in the Findings and Purposes of this proposal.

(E) MANAGEMENT.--Any land acquired under this program shall be--

- (i) conveyed to the County
- (ii) placed in a long-term community forestry trust; and
- (iii) managed by the Lincoln County Commissioners as advised by the Resource Advisory Committee, and other interested stakeholders such as land trusts.

(F) REQUIREMENTS.--The land acquired under and enrolled in this program shall be managed in a manner that provides for--

- (i) the conduct of fuels reduction projects in areas directly adjacent to communities;
- (ii) the protection and enhancement of fish and wildlife habitat,
- (iii) the diversification of local timber sources;

- (iv) the enhancement of the community collaborative process;
- (v) the restoration and protection of watersheds;
- (vi) measures to increase local employment;
- (vii) the preservation of traditional community access and historic use options on these lands; and
- (viii). hunting and angling.

[Not sure you need this with the above...?]

(G) STUDY.--As soon as practicable after the date of enactment of this Act, a study to identify land and/or easements that should be acquired for the Restoration Forestry Program.

(i) ESTABLISHMENT OF A TECHNICAL ADVISORY PANEL.--On completion of the study under subsection F, the Secretary shall establish a technical advisory panel to prioritize and evaluate long-term sustainable management of Restoration Forestry Program land. The technical advisory shall present the findings of their report to the locally elected county commissioners and the Resource Advisory Council.

ii) MEMBERSHIP.--The Advisory Panel shall be composed of 6 to 12 members, to be appointed by the Secretary, in consultation with the Governor of the State and the Representatives and Senators of the State, of which--

(1) not more than 1/3 of the members shall represent people with specific technical expertise in fish, wildlife, watershed, soil science, or ecology;

(2) not more than 1/3 of the members shall represent people with specific technical expertise in forest management and forest health; and

(3) not more than 1/3 of the members shall represent people from within the affected communities including at least one locally elected official.

[NOTE: You'll see that I made the RAC a focal point of much of this bill, but distinguished it from this committee whose expertise it seems ought to be more of a technical nature.]

V. REPORT.

Not later than 5 years after the first fiscal year in which funding is made available to carry out the Restoration Forestry Program, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Senate Energy and Natural Resources Committee a report that includes an assessment of whether, and to what extent, the purposes of this legislation were met.

VI. BACKCOUNTRY PRIMITIVE AREA.

(A) IN GENERAL there is established in the State a backcountry primitive area, to be known as the "Backcountry Primitive Area,".

(i) an area that is--

(a) located on the Kootenai National Forest, and is addressed by the **Memorandum of Understanding** attached to this document and dated []; and

(B) ESTABLISHMENT.—the Roadless land to be managed as Backcountry Primitive Area includes :

(i) the Mt. Henry Inventoried Roadless Area, as described by all of the inventoried roadless area within the Three Rivers District, and as generally depicted on the map entitled "Three Rivers District Experimental Stewardship Forest Study Area **Map**" and dated [];

VII. WILDERNESS AREAS

A. IN GENERAL.-- The following Federal land is designated as wilderness and as components of the National Wilderness Preservation System:

(i) RODERICK WILDERNESS.--Certain Forest Service land, which shall be known as the "Roderick Wilderness," that

(a) comprises approximately 30,000 acres;

(b) consists of inventoried roadless land within the Roderick Mountain but which specifically excludes the Seventeen Mile Creek Road (and preserves its existing usages) lying between those two roadless areas, as depicted in the "Lincoln County Forest Resources Map," dated []; and

(c) provides for a permanent non-motorized region on the north face of Roderick Mountain, as depicted on the "Lincoln County Natural Resources Map," dated { }.

(B) ADMINISTRATION OF WILDERNESS AREAS.--The Secretary shall administer the wilderness areas designated under subsection (a) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

VIII. SCENIC AND RECREATION AREAS

(A) IN GENERAL. --There is established the following Scenic and Recreation Areas

(i) NORTHWEST PEAKS SCENIC AREA.--The boundaries of the Northwest Peaks Scenic Area are to be expanded to match the boundaries of the Northwest Peaks Inventoried Roadless Area ***[NEED TO CUT THIS NEXT PHRASE AFTER ALL, IT CONFLICTS WITH PRESCRIBED MANAGEMENT***

***CODIFIED HEREIN, with the purposes of this area to remain as they are.
[today? What does as they are mean?]***

(1) SNOWMOBILE AREA.—Consistent with fish and wildlife and other environmental laws, the use of snowmobiles, in accordance with Kootenai National Forest Plan and Travel Plan regulations, as well as state directives, shall be the only motorized use within agreed-upon portions of this area, as generally described by portions of the North Creek, West Fork, and Davis Creek basins.

(2) NON-MOTORIZED PRIMITIVE AREA.-- In that area of the Scenic and Primitive Area lying outside of the Snowmobile Area, motorized vehicles of any kind are prohibited year-round, in the area as generally described by the west-facing lands lying north and west of the Northwest Peaks-to-Davis Peak Divide, and the Burke Lake Basin, including the Marmot Mountain basin and Marmot and Cooney Mountains, and the roadless lands of Midge Creek.

(ii) **MURPHY MOUNTAIN BACKCOUNTRY SKI RECREATION AREA.--A portion of the Buckhorn Ridge Inventoried Roadless Area, from Faro Creek southward**, but not including Red Top Mountain, shall be managed for year-long nonmotorized in support of backcountry skiing and snowshoeing opportunities.

(e) LIMITATIONS.--Snowmobiles, though no other motorized vehicles, and chainsaws, may be operated in certain portions of the Northwest Peaks and Mt. Henry Backcountry Primitive Areas, subject to regulation in accordance with the Kootenai National Forest Plan and Travel Plan, Montana Department of Fish, Wildlife and Parks officials, and the local collaborative agreement between the Yaak Valley Forest Council and the Troy Snowmobile Clubs, and Cabinet Resources Group, dated [], and as depicted on the "Lincoln County Natural Resources Map," dated []. The purpose of the non-motorized portions of the Backcountry Primitive Areas shall be to provide a permanent primitive wildland experience for recreationists and other forest users seeking the guarantee of a quiet, non-motorized experience.

IX. ALL-TERRAIN VEHICLE (ATV) ROUTE STUDY.

IN GENERAL.—There is authorized a study for local collaboration in the development of non-controversial motorized recreation (as well as non-motorized) routes in the county. The findings of such a study may involve private land, or public land, or both, but this Act does not support any findings that propose off-road vehicle use in any of the inventoried roadless lands on the Kootenai National Forest.