

Barry Rosenberg  
487 Greenhood Rd.  
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**TESTIMONY OF BARRY ROSENBERG TO IDPR BOARD (7/30/13)**

I am Barry Rosenberg and reside at 487 Greenhood Road, Priest Lake, Idaho, 83856.

Mr. Chairman, members of the Idaho Department of Parks and Recreation Board, Director Merrill, and North Region Manager David White, thank you for allowing me and other citizens to present our concerns to you regarding the current and proposed logging in Farragut State Park and the procedure for making that decision.

Farragut State Park is a beautiful place, and the trail that winds its way along the lakeshore could be regarded as its crown jewel. Today it is rare to encounter an unmolested forest full of old, large trees with an understory of beautiful native vegetation such as snowberry and syringa that is so assessable and appreciated by the public. And that is why there was and continues to be a large public outcry against logging the area.

It is a functioning forest that lacks serious insect or disease problems and it has a low risk of wildfire. It is primarily composed of large, old Douglas fir and ponderosa pine that have coexisted for a long time. Dependent on aspect and soil moisture some areas are heavier to ponderosa pine, some to Doug fir and some have equal amounts of both species.

I was a member of the Citizens Advisory Committee (CAC) formed by the Idaho Department of Parks and Recreation (IDPR) in November 2002 in response to the large public opposition to the Idaho Department of Fish and

Game (IDFG) announcement in August 2002 by that it proposed to log the extremely popular lakeshore trail area, from Buttonhook Bay to Jokuhlaup Point.

This is the second time I've had the privilege to present on this issue before the Board. The first time was shortly after the IDFG announcement in August 2002 at Coolin, ID. Karen and Dave Shill also made presentations. After our testimony some Board members made a site visit to the lakeshore trail area. Shortly afterwards the Board recommended to delay the logging and suggested the formation of a Citizen's Advisory Committee.

I was pleased to have been selected as a participant of that diverse committee. Our work was primarily focused on the proposal to log the lakeshore area. The tasks assigned to the committee were comprehensive and would require a significant commitment of time and effort. I believed if the committee accomplished the assigned tasks and reached consensus, its findings and recommendations would be highly credible.

The findings in our report were based on all of the information accumulated during CAC meetings, field trips, and interaction with noted resource specialists. Significant emphasis was placed on public opinion gleaned from the open house comments. After extensive discussion, negotiation and compromise, all seven CAC members reached consensus on the recommendations.

The primary recommendation being that it would not be in the best interest of the resource, the public or the park to log the lakeshore trail area.

Even though the CAC did not receive formal notification, I thought that the agencies had accepted our recommendations. This belief was reinforced by David White's presentation at the January 2004 IDPR Board meeting. He reported that IDPR and IDFG had accepted the CAC's recommendation not to log the lakeshore land as described in the CAC report. The Board accepted

these findings. Janet Torline will provide further information on this in her presentation.

Nine years after the committee filed its report, the IDFG started logging the area in question. I was not contacted by the agencies in regard to their decision. I felt betrayed. I would not have spent eight months pursuing the assigned tasks if the agencies indicated to the CAC at the beginning that they would not seriously consider our primary recommendation of "no logging in the lakeshore area."

When I expressed my disappointment to agency staff, I was told that some of our recommendations were implemented even though the agencies were not obligated to do so.

The following are major recommendations listed in the CAC report that were not, to the best of my knowledge, implemented.

- Page 4, A1: I spoke to Dave Leptich on Friday July 26, 2013 and inquired about the amount of additional logging proposed and was told between 85-125 acres. It seems as if the project/silvicultural boundaries have not been established.

Page 5, A3: Logging should be conducted to minimize impact to the forest floor. Logging to protect soils are usually conducted over at least two feet of snow in order to minimize impacts (See photos). This did not occur.

Page 5, A8: "All large trees, except those posing a public hazard, regardless of location in the park, should be protected. A large tree is defined as being 20 inches dbh." The photos I will be submitting show that large 20+ dbh Douglas fir (up to 37 inches) were logged at the viewpoint, and in the 10-acre cut adjacent to the viewpoint in the lakeshore trail area.

Page 5, B1: There should be no logging in the lakeshore area (defined as extending from Idlewilde Bay shoreline up to an elevation of 2231 feet).

Page 7, G1: The Farragut State Park Master Plan, developed in 1975, should be updated and initiated by 2004 and should be in place before any further developments are implemented.

Page 7, IV A: An objective monitoring protocol should be developed to verify compliance with the work plans and prescriptions. Such a plan if created, was not distributed to the CAC.

Page 8, IV B: An oversight committee should be formed, appointed and approved by the CAC and the agencies to monitor compliance with the Farragut State Park Natural Resource Plan work preformed. I was never requested to appoint members of this group.

Thank you for your attention to my testimony.

Barry Rosenberg

# FARRAGUT STATE PARK CITIZENS ADVISORY COMMITTEE RECOMMENDATIONS

## INTRODUCTION

A Citizens Advisory Committee (CAC) is typically used to bring public opinion into the planning process for activities being contemplated by a government agency. That agency would normally develop a tasking document, approved by that agency Board, and then invite specific citizens, or citizen groups, to participate in the execution of that task. Each individual participating on the CAC must agree, in advance, to accept and fulfill the task, as approved by the Board. It is understood that the findings and recommendations of the CAC are advisory in nature, and provide one set of considerations upon which planning decisions will be made. They are the result of much hard work, analysis of presentations made by professionals, and input from the general public, and thus should be given due consideration. The tasking document provided to this CAC is included as Attachment 1.

### I. Scope of task

**A.** Guide the development of a work plan to address the agencies' resource management objectives.

Produce specific recommendations for implementing each of the five management issues of the Farragut State Park Natural Resources Plan (FSPNRP).

1. Ponderosa Pine Management
2. Wildfire Hazard and Risk Management
3. Western White Pine Restoration
4. Noxious Weeds
5. Visitor Use Areas

**B.** Assist the agencies in their interactions with the larger public.

1. Help to incorporate constructive criticism into the work plan.
2. Help present the final plan to the larger public.

**C.** Provide for oversight and public communication of the agencies' execution of the guidelines and constraints of the final plan.

### II. Background and Documentation

#### A. Introduction

1. The Farragut State Park Natural Resource Plan (FSPNRP) was completed in February of 2001, and subsequently approved by the Idaho Department of Parks and Recreation (IDPR) Board of Directors. The Idaho Department of Fish and Game (IDFG) had earlier updated its Long Range Management Plan

for the Farragut Wildlife Management Area in July 1999, but this document was not referred to in the FSPNRP.

2. Based on these two documents (among others), a Draft Work Plan was announced to the public in April of 2002 for a Ponderosa Pine Restoration Project on approximately 240 acres of the Park along Lake Pend Oreille, and an open house was held on August 2<sup>nd</sup>, 2002 at Bayview Idaho to explain the project and receive comments. The vast majority of the public attending the open house and/or providing comment vigorously opposed this Plan, which called for extensive logging and controlled burns on approximately 165 acres of the restoration project.
3. The IDPR Board held their quarterly meeting on August 13<sup>th</sup>, when the project was put on hold, to allow more time for public comment and further Board consideration.

## **B. Farragut Citizens Advisory Committee**

1. In November, the IDPR invited ten citizens to participate on a Citizens Advisory Committee (CAC), which would explore options and guide development of a Work Plan to implement the FSPNRP. Those ten individuals *are*:

Stefany Bales – Intermountain Forest Association (resigned)  
John Bentley – Local Area Resident (resigned)  
Mark Compton – Coeur d'Alene Chamber of Commerce  
George Guedel – Bayview Chamber of Commerce & Park User  
Harvey Richman – Park Neighbor & Park User  
Barry Rosenberg – Kootenai Environmental Alliance  
David Shill – Spokane Resident & Park User  
K.J. Hackworthy-Torgeson – The Nature Conservancy (resigned)  
Mark Weadick – Citizen & Independent Consulting Forester  
Susan Weller – Coeur d'Alene Audubon Society (deceased)

2. In addition to the 10 CAC members, there are three agency representatives who have been regularly participating in CAC activities. They are:  
Dennis Woolford – IDPR representative & CAC meeting facilitator  
David Leptich – IDFG representative & CAC minutes  
Ron Fryzowski – Idaho Department of Lands (IDL) consulting forester
3. The first meeting was held on December 2, 2002, when a number of procedural issues were resolved, and the CAC tasking was discussed. A second meeting was held on January 7, 2003 when the IDPR/IDFG responded to a number of issues, which came up in the first meeting. A task statement was provided and discussed extensively. On January 27<sup>th</sup>, six CAC members met to discuss modifications to the task statement, but at the third regular meeting the next day, Mr. David White (IDPR) indicated that the CAC task statement was an IDPR document and was not negotiable with the CAC. Mr. Bentley regretted that this document had not been made available

earlier, and resigned from the CAC. Ms. Torgeson was never able to participate in any of the CAC meetings and activities, due to other commitments, and also resigned.

### **C. CAC activities**

During the 4-month period from February to May 2003, the CAC participated in a series of visitations and lectures from experts, in order to develop a basis for the consensus findings and recommendations. Farragut State Park was visited three times:

1. On February 8<sup>th</sup>, the CAC members visited Farragut Park for an on-the-ground overview of the Park's natural resources.
2. On March 8<sup>th</sup>, Dr. Leon Neuenschwander, a co-author of the FSPNRP, accompanied the CAC and reviewed the fire ecology of timber stands within the Park (see Attachment # 2).
3. On May 13<sup>th</sup>, Drs. Arthur & Catherine Partridge accompanied the CAC along with Dan Brown Resource Manager with the IDL. Drs. Partridge and Mr. Brown commented on the forest ecology of the lakeshore area (see Attachments # 3 & # 4).
4. On April 10<sup>th</sup> the CAC toured the Tubbs Hill ice storm project area in Coeur d'Alene with Mike Denney, IDL Forest Fire Warden; Dan Brown; & Karen Haskew, City of Coeur d'Alene Urban Forester. Prescribed burns were viewed in ponderosa pine on the south aspects of the Hill.
5. On April 22<sup>nd</sup> the CAC toured logging and prescribed burn areas of Heyburn State Park with members of the Park staff. This area was part of the Heyburn State Park ponderosa pine restoration program, started in 1993.
6. On April 29<sup>th</sup> the CAC received briefings from Don Wagner (IDL Fire Behavior Expert) regarding fire behavior models specific to Farragut State Park (see Attachment # 5).
7. On May 27<sup>th</sup> Nina Eckberg (Kootenai County Noxious Weed Specialist) provided information and answered questions regarding the spread of knapweed and hawkweed in the Park.
8. The CAC also held regular monthly meetings to discuss findings and conclusions, as well as to identify and plan for future activities. These regular 2003 meetings were held on February 25<sup>th</sup>, March 25<sup>th</sup>, April 29<sup>th</sup> and May 27<sup>th</sup>. At the end of May, Ms. Bales resigned from the CAC, having participated in only a very limited number of CAC activities.
9. On March 11<sup>th</sup>, The CAC conducted an open house (as required by the agency tasking) in order to take public testimony regarding the 5 management areas listed in the FSPNRP. The document was made available on the Internet, at the Park visitor center, and at the IDPR regional office. Comments were taken orally, in writing and via the Internet (see Attachment # 6). Attachment # 6 only includes the verbal comments. The written comments, including those taken via the Internet, were given significant weight and are available upon request. Each comment was

reviewed and absorbed by the CAC members, so that public opinion could be fully considered in making the final recommendations. The CAC will present its final recommendations and findings to the public on September 18, 2003.

10. The 5 management area were each described and comments were taken specific to each area as follows:
  - a. Ponderosa Pine Management
  - b. Wildfire Hazard and Risk Management: Protecting People and Park Facilities.
  - c. Western White Pine Restoration
  - d. Noxious Weeds: Presence and Management
  - e. Visitor Use Areas: Visitor Impacts and Management

#### **D. CAC Consensus**

The CAC has been meeting for eight months. On May 20<sup>th</sup>, and again on June 10<sup>th</sup>, 2003 the CAC met (without agency participation) to develop a list of findings, which could be used as the basis for recommendations made in each of the five FSPNRP management areas. These findings are based on all of the information accumulated during CAC meetings and field trips. Significant emphasis was placed on public opinion gleaned from the open house comments. The CAC had to deal with conflicting opinions from experts as well as the public. After extensive discussion, negotiation and compromise, all seven CAC members reached agreement on the following recommendations.

### **III. Citizens Advisory Committee Recommendations and Findings**

*For the purpose of this document the CAC decided on the following definitions:*

- 1. The lakeshore area extends from Idlewilde Bay shoreline, up to an elevation of 2,231 feet (FSPNRP page 44). The area incorporates the steeper lakeshore property visible from the Lake Pend Oreille, plus areas of heavy recreation use including Whitetail, Snowberry, and Buttonhook campgrounds.*
- 2. A large tree, as defined by the CAC, is 20" DBH (diameter as measured 4-1/2 feet above the ground), and larger of any species.*

#### **A. General forest management**

The following recommendations pertain to both the ponderosa pine management and white pine restoration areas.

1. Tree stand, project and silvicultural boundaries should be defined on the ground with Global Positioning System (GPS) before the agencies make any site-specific work plans.
2. When logging is considered, citizens' input should be considered and incorporated by the agencies during the work plan development. The citizens' recommendations shall become part of the public record.

3. If logging is done, it should be conducted after September 10th and before spring breakup in order to minimize impact to the forest floor and public use. It should also be conducted so as to have minimal soil impact. Precommercial thinning in pine stands should be conducted from August through November in order to minimize the risk of insect buildup.
4. There should be no logging or burning during the breeding bird season—mid-May through July.
5. Post-logging and thinning cleanup should be accomplished to reduce the fire hazard to an acceptable risk and maintain aesthetics acceptable to Park users.
6. Revenues generated from timber sales in Farragut Park (which includes Fish & Game ownership) should be held in reserve for FSPNRP non-commercial, natural resource management projects at Farragut Park such as pre-commercial thinning, planting, weed control, etc.
7. On the parade grounds and other areas appropriate for reforestation of ponderosa pine, western larch and blister rust resistant white pine should be encouraged. We recommend planting these species on appropriate Forest Habitat Types (sites) to speed stand establishment. Multi-species should always be planted and existing natural reproduction should be kept as part of the stand being established.
8. All large trees, except those posing a public hazard, regardless of location in the park, should be protected.

#### **B. Ponderosa pine management**

1. It is recommended that there be no logging in the Lakeshore area based on high public use and concern for maintaining the aesthetic values associated with existing forest (see "F" for further reference).
2. In order to meet the objectives of the (FSPNRP), logging to promote ponderosa pine management may be considered in other areas of the Park, excluding the lakeshore area as defined herein. This does not preclude the removal of public hazard trees as is currently practiced by the Park. In the event of an unusual condition such as an ice storm, salvage logging may be considered. If such an event should occur, the logging and burning prescriptions should be similar to those used during the ice storm salvage logging of Tubbs Hill (spring 1997).
3. The CAC recommends precommercial thinning in overcrowded stands in areas such as Pump house 8 and the south side of Highway 54.

#### **C. White pine restoration**

1. CAC agrees with the need to restore western white pine as a species component within stands on appropriate Forest Habitat Types. Planting stock should be from blister rust resistant sources. Western larch should also be planted in order to enhance species diversity within these stands.

2. The CAC recommends selective timber harvest as an appropriate management activity for the removal of stagnated low vigor lodgepole pine overstory, and to provide openings for natural regeneration and the planting of blister rust resistant white pine.

#### **D. Wild fire hazard and risk management**

Over crowded tree stands could raise the fire hazard. The precommercial thinning of these stands, while raising a short-term fire hazard, could in the long term reduce the fire hazard, maintain stand health and improve the aesthetics for the Park users.

1. Low intensity controlled burns, mowing or other mechanical means should be used in areas like the parade grounds to reduce the fire hazard.
2. Fire behavior predictions are based on models using an "average bad" fire weather situation as noted in the FSPNRP, page 29. As fire weather conditions change there will be a corresponding change in fire behavior. We agree with the Idaho Department of Lands fire behavior analyses that the current risk of stand replacing wildfire along the lakeshore is low but it would increase with the absence of controlled burning (see Attachment # 5).
3. Periodic low intensity controlled burns can be appropriate on the lakeshore for fuel reduction to reduce the fire hazard to an acceptable level if they are performed in the following manner. There should be no commercial thinning associated with the burns. Heavy duff should be removed from around large trees to minimize the risk of excessive damage and mortality. In the Lakeshore area the size of burn areas would be limited to 40 acres or less in any one year. The objective of the burns should be to reduce the buildup of small woody debris to lessen the risk of a stand replacing fire. Care should be taken when altering the existing brush component.

#### **E. Noxious weeds**

1. Promptly establishing tree cover in those areas designated for white pine and ponderosa pine restoration will effectively shade out knapweed.
2. Care should be taken not to increase the noxious weed population. Any activity that could increase the risk of spread of noxious weeds should be very carefully scrutinized.
3. Farragut Park should work closely with Kootenai County noxious weed specialists and apply integrated management techniques to control and reduce the existing populations of noxious weeds. Herbicide applications should be used only where absolutely necessary. Applications should not be used where they could pose a danger to the public.

## **F. Visitor use areas**

1. Visitors to Farragut Park are fiercely protective of the aesthetic experience in the lake/forest habitat. The quality of that experience should be protected by an updated master plan. (See Section G, 1).
2. The lakeshore is the primary use area for park visitors. There are trails, campgrounds, picnic areas, playgrounds, swimming areas and the boat launch area. Whatever is done must be compatible with heavy visitor use. No logging should be conducted in this area except as otherwise noted in this document.

## **G. Other recommendations**

In order to ensure the best possible management of all future activities and developments in the Park, the following recommendations are made:

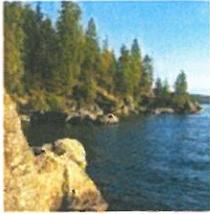
1. The Farragut State Park Master Plan was developed in 1975 and is outdated. An updated Master Plan for Farragut Park should be initiated by FY 2004 and should be in place before any further developments are implemented.
2. It should be deemed a high priority to cleanup the prior logging projects on the north side.

## **IV. Future oversight**

- A.** The CAC recommends that the agencies develop an objective monitoring protocol to verify compliance with the work plans and prescriptions.
- B.** The committee recommends that an oversight subcommittee be formed. This committee (appointed/approved by both the CAC and the agencies) would be made up of volunteers who live near the Park and have the time and interest to observe any prescribed FSPNRP work performed. If the subcommittee believes there is a compliance problem, a meeting would be scheduled with the agencies involved to address the perceived problem. Work may need to be stopped until the perceived problem is resolved.

### **Attachments:**

1. Tasking document
2. Dr. Leon Neuenschwander (University of Idaho Professor Emeritus)
3. Dr. Arthur Partridge (University of Idaho Professor Emeritus)
4. Dan Brown (IDL); research findings on forest ecology
5. Don Wagner (IDL); fire behavior modeling
6. Public comment summary



# Kootenai Environmental Alliance

July 29, 2013

Hello my name is Adrienne Cronebaugh, Director of Kootenai Environmental Alliance. KEA and our membership do not support any lakeshore logging activities within Farragut State Park. The finalization of the CAC recommendations in 2003 were celebrated by our organization as a win for healthy forests and clean water.

In 2004, our membership was further encouraged by your adoption of the Farragut Natural Resource Management Plan where – as Janet Torline outlined- it stated that thinning for “Ponderosa Pine restoration” would only take place “above the CAC’s designated lakeshore area” and that an oversight team would be developed that included citizens from the area.

We are very disappointed that this oversight team was never developed and that citizens and organizations like KEA that have shown an active interest in the management of the park were not directly contacted in regards to the Viewpoint clearing and Ponderosa Pine Restoration project along the lakeshore area.

Via our FOIA request to both Idaho Department of Parks and Recreation and Idaho Department Fish and Game we learned that a News Release for an Open House on the Jokulhlaup View Point clearing and proposed Ponderosa Pine restoration was sent out by David Leptich from IDFG on August 5<sup>th</sup> 2011. And unfortunately only the Spokesman Review posted that announcement.

As you can see from this sign in sheet that was at the Open House on August 17, 2011 from 6:30-7:30pm. No one attended. Either because no one knew about it or they couldn’t make it there for that narrow one hour window. Either way this was not adequate public input for moving forward with a project that was clearly in conflict with the CAC primary recommendations.

When the logging began there was an out-cry from our membership as we and they feel betrayed and our concerns ignored.

Despite our requests the proposed Ponderosa Pine restoration area, the specific type of logging nor the specific timeline for this proposed project has been defined for us. Without this information the public cannot adequately comment (and the agency can’t take final action) until this information is provided.

In closing, I’d like to ask you to stop the progression of any further logging along the lakeshore at our treasured Farragut State Park and preserve its natural beauty for the generations that are yet to come.

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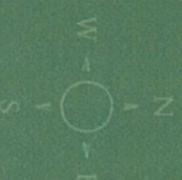
**Kootenai Environmental Alliance**

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## Farragut State Park:

# Logging of Jokulhlaup Viewpoint and Lakeshore Area

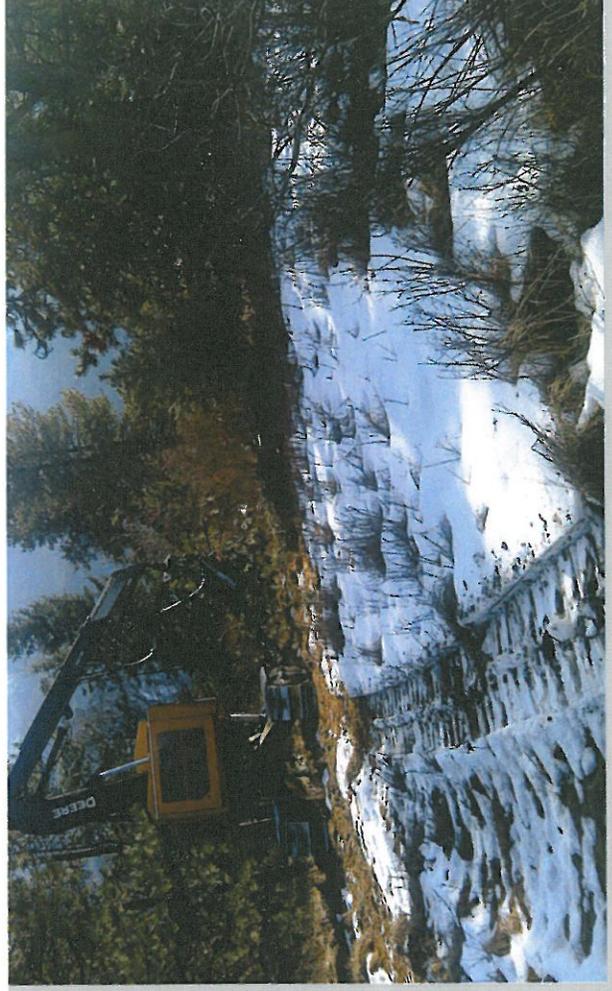


## Poor Soil Management

The pictures to the right depict logging taking place in the Locust Grove disc golf area. This type of poor soil management goes against the Citizens Advisory Committee Recommendation

*“#3 If logging is done, it should be conducted after September 10th and before spring break in order to minimize impact to the forest floor and public use. It should also be conducted so as to have minimal soil impact.”*

In order to have minimal soil impact logging should occur on no less than 2 feet of snow.



## Logging Aftermath

The trees that were logged from the Jakulhlaup viewpoint and the adjacent lakeshore area exceeded the Citizen Advisory Committee (CAC) recommendation that “8. All large trees (defined as over 20’ DBH), except those posing a public hazard, regardless of location in the park, should be protected.”

### Pictures:

#### Top

32” Diameter at Jokulhlaup Point 1-1-12

#### Middle

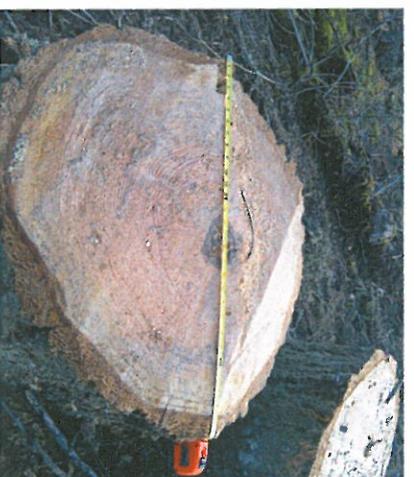
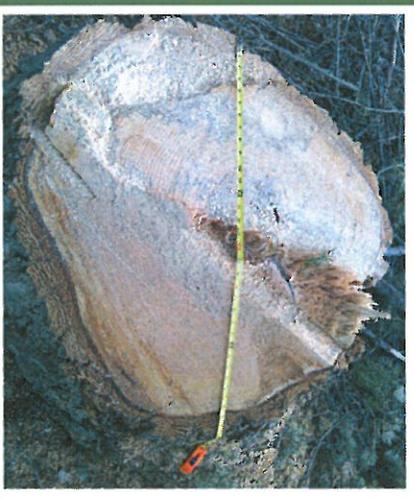
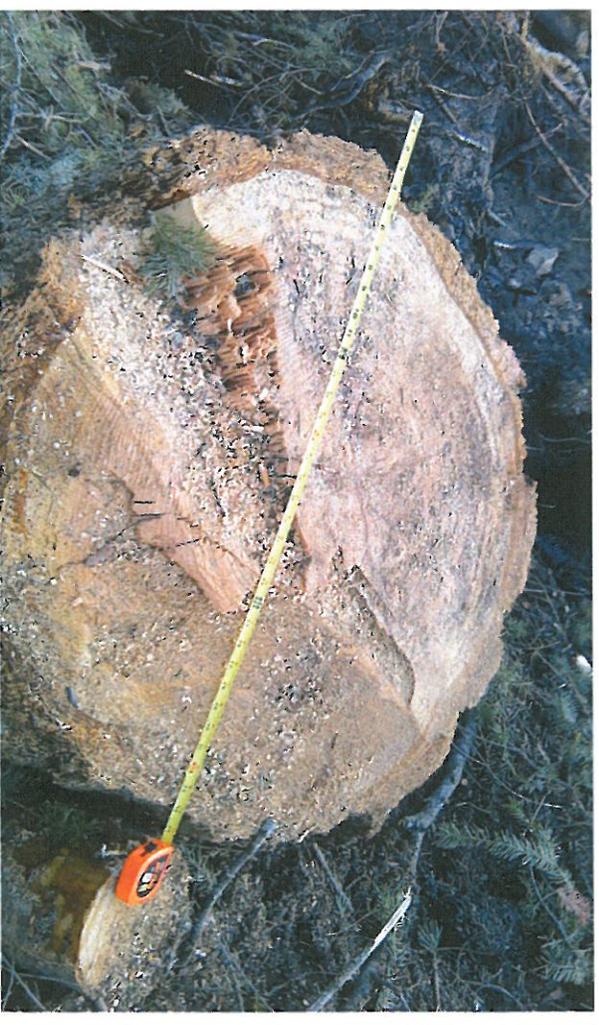
Prescription Area Adjacent to Jokulhlaup Point

33” Diameter at Jokulhlaup Point 1-1-12

#### Bottom

29” Diameter Jokulhlaup Point 1-1-12

Prescription Area Adjacent to Jokulhlaup Point





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Reply to: Seattle Office

July 29, 2013

Idaho Department of Parks and Recreation

Re: Farragut State Park Logging

Dear Commissioners:

We write on behalf of Kootenai Environmental Alliance with regard to the plans for additional logging in Farragut State Park. Kootenai Environmental Alliance, its members, and other concerned citizens have raised a number of concerns regarding the ongoing logging within Farragut State Park. While we recognize that limited thinning may be appropriate in certain areas for legitimate habitat restoration purposes, recent logging has not been so limited. Instead, some of the logging has involved clearcuts and other logging has been “thinning” in name only – leaving fewer trees than would be required if the thinning were being done consistent with habitat restoration purposes. The pictures below provide a couple of examples of past logging which gives rise to our client’s concerns.







Kootenai Environmental Alliance seeks to avoid a recurrence of the type of logging depicted in the above pictures. One frustration we have is an inability to obtain a clear statement of the logging contemplated in the future. Staff has not clearly described the specific logging operations it is contemplating nor the specific prescriptions that would apply to future logging generally. Instead, KEA and members of the public are forced to guess as to what the future holds. That uncertainty has bred a significant amount of concern. We urge you to direct staff to provide the public with a clear delineation of future logging plans and specific prescriptions that will be applicable to those plans *before* any further logging is authorized. This alone should go a long way to providing a road map for resolving conflicts.

Clearly, logging of the type exhibited in the pictures above is not consistent with the Legislature's direction to your agency or your own planning documents. In creating this agency, the Legislature indicated that the agency should develop long range plans that would assure "protection . . . , development and wise use of areas of scenic beauty, recreational utility, historic, archaeological, or scientific interest, to the end that the health, happiness, recreational opportunities and wholesome enjoyment of life of the people may be further encouraged." IDC 67-4219.

Consistent with the Legislature's direction, State Parks has developed a master plan for Farragut State Park. Your "Master Plan Guidelines" (May 2001) states that a park master plan "sets forth and informs the basis from which detailed plans and specifications for actual park development and operations are prepared." *Id.* at 7. That is, master plans matter. Specifically, any logging proposed for Farragut State Park must be consistent with the Park Master Plan.

The *Farragut State Park Master Plan* was prepared in 1975. It has been supplemented by the *Farragut State Park Natural Resource Plan and GIS Database* (2001). That plan (at 3 – 4) quotes and incorporates PAR 5:73 which pertains to timber management on State Park lands. Those rules create very stringent limitations on logging in State Parks. The depth of the concern is reflected in the first rule: "Each tree considered for removal will be judged on its own merits." That is, swaths of trees cannot be designated for logging *in toto*. A tree-by-tree analysis is required.

The rules go on to provide that most tree removal is limited to safety situations or removing trees necessary for right-of-way and other construction projects. None of those general authorizations apply or would authorize most of the logging that has occurred in the park in the past (or which is threatened in the future).

It appears that the only allowance for logging that could conceivably justify staff's current intentions is Rule 8 which provides: "Under special circumstances, timber may be cut and harvested to reestablish an essential game range, to establish or preserve a spectacular view, to retain a desirable species, or to change the type to a species more suitable for park needs."

The foregoing rule is followed by another limiting rule: "Under no circumstances will the commercial value of a tree within the park be considered a criteria for its removal."

Rule 8, quoted above, provides exceedingly limited ("special") circumstances in which timber may be cut. It does not appear that staff has made the case for cutting any timber in the park subject to the limited circumstances allowed by this rule. Members of KEA, the Audubon Society, and others have repeatedly provided facts and evidence demonstrating that the extensive logging done in the past (mischaracterized as "thinning") does not fit within any of the "special circumstances" set forth in Rule 8.

The *Natural Resources Plan* establishes certain prescriptions for thinning. *Resource Plan* at 61. These prescriptions were controversial when published in 2001 and led to the development of a Citizen Advisory Committee (CAC). The CAC developed an alternative set of prescriptions which were embraced by the Parks Commission at that time. At your January 22, 2004 meeting, Mr. David White briefed the Board on the CAC's recommendations. He concluded by recommending adoption of the CAC's recommendation for no cutting in the designated Lakeshore Lands. The Commission then unanimously approved that (and related) recommendations. See Minutes of January 22, 2004 meeting at page 3. This action, to our knowledge, has never been rescinded or modified. Staff must adhere to this policy adopted by the Board nearly a decade ago.

While adherence to that policy will avoid some of the worst logging feared by the community, there were other portions of the CAC's recommendations which were not formally adopted by the Parks Commission at that time. We urge you to correct that oversight and formally adopt the remainder of the CAC's recommendations in the near future. Alternatively, you could create a new citizen-based process that would review and update, as necessary, the prescriptions generated by the CAC process from a decade ago. Either way, no logging in the park should occur until after the proposals are reviewed for consistency with the CAC recommendations (the original ones or as may be updated in the future).

Finally, we note that because funds from the federal Land and Water Conservation Fund were provided to support development of Farragut State Park, the park is subject to additional constraints under Section 6(f) of the federal Land and Conservation Fund Act (LWCA). Pursuant to that federal law, no property acquired or developed with LWCA funds may be converted to other than public outdoor recreation uses without the approval of the Secretary of the Interior. Even then, approval can only be given if the State provides substitute properties of greater or equal recreational value:

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve shall conversion only if he finds it to be in accord with the then existing comprehensive State Outdoor Recreation Plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

...

16 U.S.C. 460(1)-8(f)(3).

We urge that the Parks Commission move cautiously in light of this federal law restriction. Over-zealous logging will destroy the recreational value of these lands and put the State in violation of federal law.

In closing, we would like to emphasize that the gap between your staff's intentions and the public's goals may be very small or, conceivably, even nonexistent. A large part of the problem stems from the lack of clarity with regard to the agency's current intentions. If all that is contemplated is a conservatively administered thinning program that removes the minimum number of trees necessary to accommodate legitimate conservation purposes, then there may be no dispute at all. We encourage the agency to be forthright about its intentions and to work with KEA and other members of the public to assure that any logging in Farragut State Park complies with the principles established by the Citizens Advisory Committee.

Idaho Department of Parks and Recreation  
July 29, 2013  
Page 6

Thank you for your consideration of these comments.

Very truly yours,

BRICKLIN & NEWMAN, LLP



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DAB:psc

cc: Kootenai Environmental Alliance