

NATIONAL FOREST ADVISORY BOARD MEETING (NFAB) – November 17, 2004,
1 p.m., West River Ag Center, Rapid City, SD

ATTENDEES: Board members: Chairman Tom Blair, Vice-Chairman Bob Kloss, Aaron Everett, Jim Margadant, Jeff Olson, Bob Paulson, Jim Scherrer, Nels Smith, John Teupel, Linda Tokarczyk, and Ed Yelick. Forest Service representatives: Craig Beckner, Kerry Burns, Frank Carroll, Blaine Cook, Gwen Ernst-Ulrich, Brad Exton, Pat Hudson, Mike Lloyd, Deanna Reyher, Dave Thom, and Jeff Ulrich. South Dakota and Wyoming Liaisons: Greg Josten and Joe Sandrini.

Board members absent: John Cooper, Bryce In The Woods, Ron Johnsen, and Patrick McElgunn.

Approximately 10 citizens and Forest Service staff were also present along with various media representatives.

Chairman Blair called the meeting to order at 1:07 p.m. Last month's minutes and the current agenda were approved.

HOUSEKEEPING ITEMS: Facilitator Frank Carroll noted the Forest's gratitude to South Dakota State University for the use of its facilities, adding that the past few meetings had been held elsewhere to accommodate the numbers the travel management topic prompted. Bob Paulson indicated his desire that the meeting date and its location be publicized on the Forest website earlier.

MEETING PROTOCOLS – ISSUES: Carroll reminded the Board that re-chartering will need to take place in January. He passed out copies of the current charter and bylaws and operating procedures along with a document containing potential bylaw and operating procedure changes noted in red. The draft changes include decisions and recommendations the Board has made since its inception in March 2003. Carroll asked members to read through the document and be prepared to create a final document in January. Carroll also passed out a summary of the directive from the Washington Office concerning a Board member's endorsement of a political candidate. The decision memo contents are given below.

1. A Board member of NFAB may serve as a spokesperson for a political campaign and may also use their public title to identify themselves in the communication. A visible disclaimer is needed to indicate to the public that the member is not speaking for the Board.
2. The motions recently passed by the Board do not have any legally or procedurally binding effect. They are to be considered another form of Board correspondence and so noted in the record.
3. We may amend the by-laws and operating procedures of the Board in January to achieve the effect of the motions, but it will not be necessary to amend the Charter.

4. Since Board members are neither government employees nor special government employees, the Hatch Act does not apply.

Paulson asked about staggering members' terms. Carroll indicated the Forest hopes each member who is able to continue (recognizing that some will not because of changes in duties, such as leaving a political office) will do so. Acting Forest Supervisor Brad Exton indicated a desire to know who would like to continue and whether the member would prefer a one- or two-year term. Nels Smith asked for total length of term clarification, and Exton confirmed that members may be appointed to serve two-year terms and be reappointed for a total length of six years. John Teupel questioned the need for staggered terms, as new people filling the 2005 vacancies will have up to six years of time to serve while those remaining have only another four. After the next two-year term ends, additional changes are likely to create even more staggering of members' terms.

Ed Yelick noted that because of the need to seek out potential Board members based on their areas of interest and expertise, the process needs to begin soon, as it is lengthy. Bob Kloss said he thought there was an ongoing application process on the Forest website. Yelick indicated there would still have to be an application period for specific vacancies.

Carroll indicated there would be a background check, which is sometimes a slow process. Chairman Blair said he thought people should indicate whether or not they plan to continue by the end of the day. Jim Scherrer said he thought the following rule should be enforced:

d. If a Board member fails to attend two consecutive official meetings, the Secretary may remove the member from the Board. (Charter/Departmental Regulation #1042-14).

Chairman Blair pointed out deciding to terminate a member is at the DFO's discretion. Paulson said several members have missed more than two meetings in a row, but Chairman Blair said that many are excused absences. Exton indicated the two-year term completion creates an opportunity to replace members who have been unable to attend regularly. Teupel said he thought there might be a point where *may* becomes *shall*. Carroll noted that while the language in the Charter, which will not change, says *may*, changes to the bylaws and operating procedures are appropriate. Section II, 4 in the Bylaws and Operating Procedures addresses meeting attendance expectations.

Carroll explained the role alternates play in the replacement procedure. Smith asked how appointments to this Board differ from the Crook County Resource Advisory Committee (RAC) because people on that board have the interest and expertise but are not necessarily elected officials. In line with that, he wondered what regulation allows an appointment as a political designee. Carroll said that no elected officials at any level in Wyoming were willing to serve; hence Linda Tokarczyk was selected to represent elected Wyoming officials upon recommendations based on her service as a Crook County Phase II Amendment cooperator and other involvement in natural resource issues.

Smith asked about the legal precedent for a board member's political candidate endorsement. Carroll explained that the Forest asked for an informal Office of General Counsel (OGC) opinion through e-mail rather than wait for a formal response that could take up to six months. He said he would e-mail the actual response to all Board members.

Jeff Olson asked whether we need to stay with the current assigned interest-level categories. Carroll said that while the categories are in the charter, there probably aren't unmovable sideboards. Smith asked whether we could allow the option of an elected official recommending a representative to serve in his or her place, and Carroll responded the regulations are able to be amended.

Teupel expressed concern about the current regulation that allows an alternate member no Board involvement unless the regular member vacates the position permanently. Smith wondered whether the Board could make use of the alternate by having him or her fill in when the regular member can't be at a meeting. Aaron Everett said he thought the geographic distance for meetings had possibly prohibited more active Wyoming participation and wondered about moving the meeting location to better accommodate that faction.

Kloss said he thought ongoing solicitation for members might provide a larger member pool for the future. Exton said the press interest in the Board's activities should cause more folks to want to consider membership. Chairman Blair asked that members accomplish the following through the public affairs shop by December 1: Notify Exton of the intent to remain for a two-year term or leave and submit any potential bylaw/operating procedure changes or concerns. Carroll indicated public affairs would e-mail members the documents for editing purposes.

The Board selected meeting dates for the next six months. Wednesday, December 8 and Wednesday, January 5, 2005 had been chosen at a previous meeting. Dates selected for February through May 2005 include the following: Wednesday, February 16; Wednesday, March 16; Wednesday, April 20; and Wednesday, May 18. Carroll said February would be the last meeting for members leaving after two years of service.

HOT TOPICS: District Ranger Mike Lloyd and Forester Pat Hudson from Hell Canyon presented information on the Forest's first project under the Healthy Forest Restoration Act (HFRA) known as the Bugtown Gulch Mountain Pine Beetle and Fuels Project. Carroll reminded the Board about the field trip into the area scheduled for tomorrow. Part of HFRA stipulates the collaboration will take place earlier in the process before alternatives are developed. Scoping will begin in early December. Hudson presented the project specifics, including the purpose and need for action, relationship to Forest Plan direction, and proposed treatments. Hudson said emphasis is on public involvement in the planning phase.

Discussion points from Margadant, Olson, Scherrer, and Teupel involved the following: how HFRA regulations differ from the normal planning process and concern about the

need for more information if the Board (either collectively or individually) were going to provide constructive input. Lloyd noted that under HFRA the public involvement takes place earlier in the process, including the opportunity to object. Because the project can't be held up by appeal or a lawsuit, work on the project can begin after the decision notice is signed. Hudson said the forest hopes to have a signed decision by September 2005 so treatments can begin before the bug flight in 2006.

Kloss said the Board should be able to help fix a "sick" forest. He wondered if we could look at the Wabash Timber Sale and what might happen there in regard to HFRA. Everett gave a brief history of the Wabash situation, saying Wyoming Sawmill sometimes buys a sale in South Dakota but often never harvests. Paulson noted that there was concern about a mountain pine beetle situation near Bear Mountain eight to ten years ago, and he wondered how that might be related to the current situation. He explained we need to think about what the desired future condition is and how to get back into the historic range of variability. He said the HFRA project seems to be reactive rather than proactive. Fragmented ownership and fire suppression have taken the forest outside of normal conditions. Everett said a closer look at the Phase II alternatives might provide some insight into the current situation.

Teupel said while it is good for the Forest to bring this first HFRA project to the attention of the Board so the project's progress could be followed, it would not be right for the Board to spend time looking at all the HFRA projects the Forest might do in the future.

Chairman Blair encouraged Board members to attend the field trip tomorrow. Smith said that while he couldn't attend, he thought it was good to have a field trip for local landowners to get them involved and offer educational and incentive assistance when possible. A 15-minute break followed.

PHASE II: Resource Officer Dave Thom introduced the Phase II Amendment Draft Environmental Analysis (DEIS) discussion by explaining that the planning team would share a few details with the Board, provide a discussion opportunity with a panel format, and extract opinions from the Board before the public comment period ends December 15. He indicated the panel would include members of the Forest Planning interdisciplinary (ID) team in addition to South Dakota and Wyoming ID team members Greg Josten and Joe Sandrini respectively.

Planning Leader Jeff Ulrich gave a PowerPoint presentation overview of the Phase II Plan Amendment. Ulrich summarized the alternatives in relation to the purpose and need, decisions to be made, and trade-offs among the alternatives. Discussion included concern about fire hazard and crown fire potential. Smith asked a basal area question, which Silviculturist Blaine Cook answered. Yelick asked how much the level of funding had to do with the ability to carry out individual projects authorized under the Plan or Amendment. Ulrich responded the Forest has several sources of funding, and the amount of those funds and the timing of their receipt dictate what the forest is able to accomplish at any given time.

Wildlife Biologist Kerry Burns gave a briefing on species viability for the management indicator species and the relational alternative effects. Olson asked what effects in addition to vegetation were considered for species viability, mentioning road density, water quality, etc. Burns answered that other elements were considered. There is little information in the literature on road density limits for most species. Riparian and aquatic ecosystems are generally covered under best management practices (BMPs) and water quality objectives.

Cook discussed the structural stages of a pine ecosystem. He said Phase II did not recalculate the allowable sale quantity (ASQ). Discussion concerning the ASQ and timber cut in the 1990s ensued, with Kloss, Everett, Yelick, and Chairman Blair taking part. Olson asked what part pre-commercial thinning plays in ASQ.

Ecologist/Botanist Deanna Reyher discussed the candidate research natural area (RNA) process. She explained the 1997 Land and Resource Management Plan (LRMP) Record of Decision (ROD) and Settlement Agreement required the Forest to evaluate areas for potential inclusion in the RNA system. The Forest examined 121 areas and narrowed the field down to the nine placed in the alternatives.

Ulrich explained that any specific alternative will be a compromise with a goal of balancing the emphases. He said the comments to date generally focus on dense stand management, goshawk management, funding, RNAs, socio-economic effects, and species viability.

A panel consisting of the ID team and the state liaisons convened so the Board could ask questions of all. Scherrer asked the liaisons their opinions concerning Alternative 6, which is the Regional Forester's preferred alternative. Josten said while SD also prefers Alternative 6, it is not a carte blanche endorsement and the state realizes the Regional Forester can choose parts of all alternatives. South Dakota prefers the alternative for its focus on public safety, species viability, and HFRA implementation. South Dakota has misgivings about not much emphasis on the Forest except for the wildland-urban interface (WUI) and the at-risk communities (ARCs). The concerns that the ARC areas could result in improved deer habitat and draw deer predators (mountain lions) closer to main human populations and that many high-density stands will remain at high risk for mountain pine beetle infestation are causing the state to continue to work on its positions on these issues.

Sandrini said the ID team (including cooperators) worked hard to develop Alternative 3, which is the diversity across the landscape model, and because Wyoming has multiple uses, Alternative 3 was initially the most attractive. When bureaucratic restraints and limitations on the model caused Alternative 3 to lose the proposed variety and mosaic of habitat and limit its viable multiple-use aspect, the state become unable to endorse any alternative. RNAs are a concern. He also said the Forest Service looks at structural stages and the animals look at it understory-wise. There may be a discrepancy between the plan to increase hardwoods (aspen) in Alternative 3 and the amount of timber proposed for removal that could provide for the additional hardwood growth.

Sandrini said analysis tools often tie the Forest Service's hands. In response to Teupel's query as to how that happens, Thom said resource inventories are important but add considerable time to the total analysis.

Sandrini said the tough part about alternatives based on structural stages is that it seems to be more suited to a project-area mindset than a Forest Plan mindset. Stages can look different even when categorized as the same. He said the animals know where to go to access a particular structural stage because they focus on slope aspect, understory, etc.

Ulrich said looking at Alternative 3 by watershed in terms of what the structural stages and the desired conditions would be means that sawtimber volume would decrease. Cook said assigning by watersheds would put deficiencies in some areas, which is truly subjective, and the watershed analysis was not part of Phase II. Burns said a manageable scale is needed; the inability to deviate from structural stage objectives can cause timber volume to go down.

Kloss asked about riparian zones. Reyher said Appendix D has riparian area objectives. Kloss asked which is better; Burns said Alternative 3 has 1,000 and Alternative 6 has 500. Reyher said there are hardwood restoration components in both. Burns said Objective 214 concerns riparian restoration.

Everett said the structural stages emphasis with respect to species viability is too rough. He said more specific information is needed on structural stage 4C in relation to creeper and goshawk. He wondered what an average structural stage 4C stand really looks like.

Josten said we have to do more to resolve the 9" to 18" diameter at breast height (dbh) size dilemma. A natural disturbance is needed, but in the condition the forest is in, a natural disturbance could mean ending up with a dead forest. Burns said the Forest could treat 4C and 5 stands to try to maintain them, but they do not stay in the same spot and more information is needed about what stand types species prefer.

Yelick asked what would happen if Phase II did not go through. Thom said we will operate under Phase I until Phase II is resolved. Teupel asked whether Alternative 3, which seems to offer the best balance, was an arbitrary decision, or what it was based upon. Burns said it was based on the species they had to consider (wildlife driven), and Range Management Specialist Craig Beckner said it was not arbitrary.

Carroll said no decisions are made in a vacuum; the Forest follows the National Forest Management Act (NFMA), which should be thought of as a rulebook. Teupel said the forest needs diversity across the landscape, and Burns said the landscape approach is a broad ecosystem approach versus micro-site management.

Ulrich said we have 89 emphasis species, and 40 percent depend on aspen. He said the alternatives were structured to have significant differences. The final preferred alternative is a compilation of the best elements of all alternatives. Olson asked why the

Forest couldn't choose Alternative 3 and add more timber to it. Burns said if the Forest doubled the volume in Alternative 3, it would essentially mirror Alternative 6. Teupel asked if the Forest has targeted the wildland-urban interface (WUI). Ulrich said the WUI is set to be 50 percent low-to-moderate fire hazard in Alternative 3. Sandrini said the structural stages don't say what the understory is. He asked whether Alternative 6 was more viable because of money. Thom said funding could basically make 3 into 6 or 6 into 3.

Olson asked if the species were keeping the Forest from removing the wall of wood. Burns said the Forest has a fair amount of dense stands. The conflict between viability and timber harvest only relates to a small number of species. Ulrich said the Forest needs to have some 4C or high hazard. Everett said the conflict is worse because while universally 4C is needed, a stand of trees reserved for goshawks that is supposed to be 4C doesn't resemble 4C. He said it's important to remember that stands will be replaced by disturbances. He said if we look at Alternative 3 on a watershed level we have a ton of material about which we could do nothing.

Chairman Blair asked what would achieve the best objective in ten years. Would we be managing the Forest into bankruptcy? Ulrich said the Forest can't work outside the legal box. Thom said the best case scenario for Phase II is to use good feedback to make a decision and sign a final decision notice and get on with forest management. He said the Forest is to begin a Forest Plan revision within another three years.

Smith said he agreed with management by objective but wondered what the objectives are. Sustained yield and the multiple-use act need to be kept in mind. He said the guidelines have become the goals. The Forest needs to have so many dispersed visitor days, etc. There's a difference between producing a terrarium and production. The Forest should go back to output goals. Teupel asked if the HFRA changed anything. Is Alternative 6 a response to political goals? Ulrich said it was a response to fire and insect hazard issues.

Thom reminded the Board we need comments in December. The Forest agreed to provide contact information for the state liaisons so the Board could query them over the next few weeks.

Subcommittees were assigned to focus on issues for the January and February meetings: Paulson, Everett, McElgunn, and Yelick will put together fragmentation recommendations for January. Smith, Tokarczyk, Teupel, and Johnsen will compile an invasive species recommendation for February's meeting. Kloss indicated having Forest Service staff and others outside the Board with a strong interest in the topic on subcommittees has been helpful in the past.

December's agenda was to include a round robin Phase II discussion so members can give individual input in relation to their interest group representation. Exton requested written versions of the comments. A group decision or recommendation is not desired.

Thom said Board recommendations need to be timely to be helpful. Teupel noted that opinions provided after some current Board members leave in February will mean some who have spent time gathering knowledge and expertise will be unable to provide input. Smith asked if the Board couldn't pool its knowledge and approach the document that way.

Scherrer reminded the Forest that the Board wanted a travel management update from the Forest in December. Chairman Blair reminded people to let the Forest know by December 1 concerning signing up for another term.

PUBLIC COMMENTS: Bill Colburn, who works for Pope and Talbot and is a local state cooperator, said the cooperators individually had views on the process, and individuals should be heard from instead of the State liaisons only. He formally requested a 30-day extension of the comment period. He said the Forest used to be able to cut 89-90 mmbf of timber or 25,000 acres per year. Now the Forest cuts less timber (18,600 acres) and loses trees to bugs instead of commercial timber. He said the Forest has too many trees on too many acres, and Phase II will do nothing but create more problems for this Forest. Chairman Blair asked to hear from the rest of the cooperators in December. Margadant suggested maybe the Board could get cooperator's reports.

Kloss said that a healthy forest requires a healthy Forest Service. He hopes the health doesn't suffer from legal ramifications.

Tokarczyk said more information on RNAs is needed, as about 150 people showed up at the Phase II Open House in Sundance. Beckner passed out an RNA Q and A paper.

Smith made a motion the Board recommend a 30-day extension to the 90-day comment period. Everett seconded the motion. The Forest said the possibility may be driven by key timber projects that may be delayed and Phase II contracting agreements. The motion carried.

Chairman Blair adjourned the meeting at 5 p.m.

MINUTES: Corrections or additions to the above notes were as follows:

Vice-Chairman Kloss had referenced a decision notice at the last meeting. He distributed to the Board a copy of the letter and attached decision approving the nomination of Danby Park and Bugtown Gulch areas to the preliminary list of special, exceptional, critical, or unique lands.

Bob Paulson: pg 6, last paragraph, the recommendation will **not** be done by January.

