

National Forest Advisory Board (NFAB) MEETING –

March 16, 2005, 1 p.m. SDSU West River Ag Center 1905 Plaza Drive Rapid City, SD

ATTENDEES: Board members: Chairman Tom Blair, Vice-Chairman Bob Kloss, Shelly Deisch (for John Cooper), Aaron Everett, Pat McElgunn, Jeff Olson, Bob Paulson, Jim Scherrer, Nels Smith, John Teupel, and Linda Tokarczyk. Forest Service representatives: Lonnie Arthur, recorder; Brad Exton, Gwen Ernst-Ulrich, Dorothy FireCloud, Marisue Hilliard, Bob Thompson.

Absent: John Cooper, Bryce In The Woods, Ron Johnsen, Jim Margadant, Ed Yelick

Approximately 25 additional public members, media, and Forest Service staff were present.

WELCOME:

Chairman Blair: We need eight for a quorum, and we have ten members present.

APPROVE MINUTES:

Chairman Blair: You have received copies of the minutes from the January meeting. If no there are no questions or corrections, they stand as printed.

Brad Exton: I introduce to you Marisue Hilliard, who is Regional Acting Deputy for Forest Resources. Marisue is from our Denver Regional Office.

Bob Paulson: When I was in Washington, DC, I picked up a set of handouts, which are fact sheets for our Four Threats to the Forest. During my tenure on this Board, I have not seen this previously, and they are the critical components we are dealing with in our capacity on the Board. I have made some color handouts for your information.

Exton: I must share with you that I have not seen these particular handouts either. We have fact sheets on our forest website that contain essentially the same information, but the format appears to be somewhat different. I appreciate your sharing your copies with us.

APPROVE AGENDA

Chairman Blair: Does anyone have any additional or changes to the printed agenda? I have noted that there will be no fragmentation report; is that correct?

Paulson: Yes.

Chairman Blair: Noting that, the agenda stands as printed.

Chairman Blair: This will be the last meeting of the representatives for the first chartered Board, March 2003 to March 2005. We will review the April agenda later. If anything needs to be included from your tenure, be sure to speak up.

HOUSEKEEPING ITEMS:

Exton: This is probably my last meeting of the 2003-2005 group and probably my last meeting as Acting Forest Supervisor. John Twiss' assignment time has been longer than expected. I'm not sure who will be here next time as Acting Forest Supervisor. I will move to my previous position as Deputy Forest Supervisor and Dorothy FireCloud will resume her duties for Region 3, but will remain in our office through the end of the school year.

On another note, there were remarks from the December meeting that may have been misstated, and some of you were wondering if it is a waste of your time to participate on this Board. I want to affirm that we are one, if not the only, such group in U.S. and we have touched and are hammering away at some very major forest issues. We will continue in such a way to strengthen this Board and the agencies that are represented. We can't and should not take on all issues, but we must take on the major issues. Invasive species and Phase II are but a couple of items that we need to address. I believe the group is very beneficial to Black Hills National Forest and Department of Agriculture, the governmental agency that we fall under. Rick Cables, our Region 2 Forester often wants things run past our National Forest Advisory Board when I have questions of him.

Exton: Marisue, is there anything you would like to add?

Marisue Hilliard: Thanks for inviting me. I appreciate the opportunity to be at this meeting. Regional Forester Rick Cables will likely attend one of the next meetings. He is committed to the concept and the Board that has been assembled. He thinks the Board is very important, as Brad has stated. Our agency has faced "interesting times" recently and one factor to assist us is such a group as we have here today. You are unusual to the Forest Service. Thank you for the personal sacrifices that each of you make to be active and supportive of the works of this Board. When community groups are given control, that's hard for the Forest Service to relinquish, but trust me, we are doing it. We truly need your help as we are taking on some major issues. I must admit that I have learned a great deal about Deadwood on this trip. I really had no idea of some of the history and have not watched the documentary. I appreciate your filling me in on some of the colorful local details.

Exton: We had an interesting discussion over lunch today, and we all chipped in with our personal comments about Deadwood.

Bob Kloss: In these parts, there is an often-heard comment. Hot Springs tonight, Deadwood tomorrow.

Hilliard: (perfunctory blush)

Exton: Thanks, Marisue. You all know what you are charged with as far as your responsibility to this Board and understand your need to give advice and recommendations. You ARE definitely important!

Even though this is not really a housekeeping matter, I want to recognize the members of the Board who are 2003-2005 members. I have with me Certificates of Appreciation that I will present to you. Affixed with the official seal of the Department of Agriculture, these state:

**United States
Department of Agriculture
Certificate of Appreciation
Awarded to
(NAME)
for exemplary service as a member of the
Black Hills National Forest Advisory Board
March 2003 – March 2005**

March 16, 2005

**Brad Exton
Acting Forest Supervisor**

Paulson: We want to be informed of changes with the forest supervisor etc. John Twiss, Brad Exton.

Exton: Please be assured that we will keep you informed of the changes when we know of them.

RE-CHARTERING UPDATE:

Gwen Ernst-Ulrich: I have a copy of the new charter for all members. This process took time, but all aspects needed to be reviewed as if it were a new charter. Federal Advisory Boards organized under the Federal Advisory Committee Act (FACA) have a website, and each of you is listed on this site.

You will receive a letter as an invitation to the ground breaking April 1 for the new Mystic Ranger Station and Rocky Mountain Research Laboratory.

Jim Scherrer: Has the contract been awarded and, if so, who received the contract for construction.

Bob Thompson: RCS Construction has been awarded the \$6.1 million project.

John Teupel: I have a question on the Charter, 4d, relating to questions from last meeting. It has to do with removing members for non-attendance. Are these are in the by-laws?

Ernst-Ulrich: As a new Board you will be adopting By-laws and Operating Procedures next month under the new charter.

Aaron Everett: Noting the questions on the charter and by-laws are we in violation of the charter?

Ernst-Ulrich: No charter violation is noted.

Kloss: Within the charter, there is a figure of \$36,000 for Board expenses and staff support. Do we know what the status is of the amount allocated and the amounts we have expended?

Ernst-Ulrich: The amount you have noted is an estimated figure, but we need to have a figure to charter and we are using our best estimate of what overall costs would be for various expenses and additionally, staff support. I do not have a breakout for the line item detail with me.

VACANCY RECRUITMENT UPDATES:

Chairman Blair: I will ask Dorothy to provide an update on the nomination and selection process.

Dorothy FireCloud: We had 28 applicants, The Black Hills National Forest Supervisors Office has reviewed those nominations and they have been forwarded to the Regional Office and they are now in Washington office for final review and appointment.

Scherrer: Who are the members and alternates whose terms are being replaced?

FireCloud: These have not been formally announced yet.

Exton: We have received a number of applicants from Wyoming; maybe an additional position for WY is in order.

Ernst-Ulrich: Our Charter calls for 15 so we would have to amend the charter to do so.

Scherrer: It is good to have a new and or increased level but we need to be sure they will participate. Just having someone on the rolls and not being an active member does not serve the Board well.

Smith: I think it's foolish to turn down the Governor's recommendations, and it is a positive step that the Governor is interested in this process and wants to have increased involvement.

Kloss: Since re-chartering is possible, should we make a motion to do so to include the WY folks?

Chairman Blair: That will be up to new Board.

Ernst-Ulrich: I will research to determine what all that might include and what we as a new would Board need to do.

Teupel: We have potential to do great things or do nothing. We have some definite achievements. We can assist with Forest policy. We have a diverse balance on the Board, and that balance has been beneficial in view of the various aspects of Board members' backgrounds and representation of constituency. The objectivity we have seen has been a great assistance. Keep the balance for future Boards. We have been able to establish credibility with public and Forest Service. Once we lose credibility, we have problems.

Chairman Blair: We have moved from the gridlock that continued to surface in the media and have removed the word gridlock from the reports about the Forest Service in the Black Hills, and it's a credit to all of you who are on the Board.

Teupel: In the January minutes, on page 4, the wording on "will" or should be "may or shall" deem vacant, and "may" make a recommendation.

Chairman Blair: Minutes should be reflected in the by-laws, after 3 consecutive unexcused absences, the chair "may" remove him or her from the Board. Please reflect this wording as a change in the January minutes.

Chairman Blair: Is there a motion to amend minutes?

Smith: I make a motion to change the wording from "shall" to "may."

Teupel: I second the motion, and paragraph 2, section 4 needs to be reworked.

HOT TOPICS

Phase II Update:

Chairman Blair: Let's move on to Phase II.

Exton: At the close of our comment period we have received 5,200 comments; of those, 4,500 were in letterform. Their content will determine their usefulness in the process. We received two recommended Alternatives. In dealing with 1,400 pertinent comments, there are probably eight to ten issues involved. We have a staff that is sorting and cataloging the information of the content analysis.

Exton: Sub committees work best vs. individual comments, and May 1 is the target date for receiving a Board recommendation. We will show an array of comments, draft alternatives, the industry alternative, the biodiversity alternative, State comments, etc. and that is what the county cooperators are working on now.

Chairman Blair: I am organizing a sub-committee to specifically deal with Phase II and these are my recommendations.

Nels Smith, Chair
Jeff Olson, Vice Chair
Linda Tokarczyk

Bob Paulson
Aaron Everett

I am leaving slots for new two incoming Board members.

Our next Board meeting will be April meeting 20, so our time is very short and there must be intensive work in getting the recommendation finalized. The two new Board members can look at past comments from the Board.

Paulson: Are you adding the two members for a couple of weeks' work?

Kloss: Are you looking for individual and collective statements from Board with recommendations from the sub-committee?

Chairman Blair: I want to develop a recommendation from the sub-committees to the Board. Then the subcommittee will go away.

Scherrer: How long to you envision the Phase II sub-committee to exist?

Chairman Blair: A month at the most.

Scherrer: You must know the people who are going to be involved and they must be ready to meet the requirements in a very short time.

Exton: We have seen the names of the nominees, but we are not at liberty to divulge those names at this point.

Jeff Olson: Are you expecting the sub-committee to come up with an alternative?

Chairman Blair: I will be looking for a recommendation, but it's possible it may not happen. They may not come up with one.

Teupel: Is it wise to put two new members on for this short time and critical issue?

Chairman Blair: I will meet with Brad at the break to check about the two new members and see what he thinks.

Travel Management Update:

Paulson: Regarding the Forest Service Centennial Project, there is e-mail about a Travel Management project from Frank Carroll. I am concerned that the OHV issue will be a sideboard issue added on, and we have not made any final decisions for the OHV issue. We need to keep all of this in context.

Exton: This is an internal project and does not include the whole OHV issue as far as travel management and recommendations. There is approximately \$10 million dollars allocated nation-wide for our (Forest Service) Centennial celebration by using those

allocated dollars for specific Centennial Projects. We have submitted four projects and we think we may be awarded one.

Thompson: This is an internal thing within the Forest Service system. We are not soliciting from the public for grants. We were given a very short turn-around time to get project submitted by the deadline. Get your projects submitted now was the deadline we were working under. I am asking you, what is this Board's priority for the Forest Service? I have heard you talk about sensitive area closure -- signing the areas that are closed. This small project will include volunteers; we will get the signs and have volunteers place them. There is not a separate agenda, and this is not separate from anything we have talked about previously. To match the scope of a project to the possible dollars we are hoping to receive, I have taken approximately 125,000 acres of the Forest, which is roughly ten per cent, for the expected grant of \$100,000.

Scherrer: There is no question of the need for money in the recommendations. We need to seek whatever funding we can find. There is a factor; however, it is communication. Not just communication but communication of the issue. The factor is communication. Don't miss opportunities to appropriately communicate, but also don't miss funding opportunities. The money is key. Let's get the dough.

Olson: I have a question on behalf of the Sportsman Club, regarding road density and closing off-road travel.

Thompson: We have about a 1.5-day time frame to sign the closed areas. About closing roads; those decisions were already made. What we want to have in addition to this is to GPS a certain number of roads and trails for inventory.

Olson: What about the output proposal?

Thompson: There are no additional decisions to be made.

Smith: Jeff is dissecting the document. The statement from the document (e-mail). Will you, Bob Paulson, read the section in which the wording, "supported by" appears?

Scherrer: Are you referring to *D Intermediate actions*, bullet point?

Paulson: I have e-mail about the project, and the support wording.

Shelly Deisch: Bob, will you please read the sentencing in its entirety?

Paulson: "This project will solve long term environmental and social issues dealing with recreation user conflicts, inappropriate use of National Forest System Lands, watershed degradation, and a loss of wildlife and sensitive plant habitat. This project is user driven and has a great deal of support from the South Dakota Off-Highway Vehicle Association, Black Hills Cycling Association, the South Dakota Department of Game, Fish and Parks, Black Hills Sportsmen, and the National Forest Advisory Board. The first two groups

have repeatedly requested direction and are literally waiting in the wings for materials and direction to proceed. An important but not measurable output will be the significant press coverage that these efforts are getting and will get, including coverage from four regional television networks, regional newspaper and, based on our partners intention, coverage in national OHV and Mountain Biking magazines. Measurable outputs include the following:

- Sign OHV area closures: 125,000 acres
- Sign designated travel routes within area closures: 1000 miles
- Restrict use and rehabilitate 10 degraded areas.
- Close and rehabilitate 20 miles of roads

Inventory by GPS 750 miles of single and two track trail/roads”

Smith: The wording states that there is strong support. This project has strong support from, (names of the groups listed in the e-mail)...
And that’s where the sticking point is.

Chairman Blair: We need to look at the (wording) of support vs. endorsement.

Chairman Blair: This discussion closed, and it is time for a break

BREAK

Chairman Blair: Before we continue I just want to mention that we have representatives with us today from our congressional folks. We are pleased to have them join us, and they have been attending in the past, we invite them to continue to join us and keep abreast of what is happening with the Black Hills National Forest and with this Board.

Teupel: Before we get on with our business, I want to express what I have appreciated about Bob Thompson. I appreciate the fact that he is a leader, and he takes advantage of opportunities. He is a leader and he works to get around the bureaucracy, and I commend him for trying to get money. If it is a matter of misplaced nouns or verbs, it’s the risk we all take. I have done the same, and it happens. I appreciate the initiative to take the actions to get some funding. You (Bob Thompson) were out in the lead and you caught the arrows.

Paulson: This has not gone the way it is was intended. I was not speaking of open unless closed. How can we help support the steps taken? These are first steps. What about follow-up funding?

Chairman Blair: I want to draw this item to a close.
There are no type A personalities on this Board; it’s more like quad A!
It’s easy for one to get one’s foot in one’s mouth. I can speak from experience.

Smith: The documents must say what they mean and mean what they say.
Bob (Thompson) took the shot when it was the opportunity was at hand.

Chairman Blair: Do we have the Invasive Species report?

Teupel: With the delay in chartering and the cancellation of the February meeting, we have scheduled a meeting for April 12 from 9 a.m. to 12 noon and 1 to 4 p.m. unless we finish earlier. We have nine members who are part of this sub-committee. A written report will follow soon after our April 12, 2005 meeting

Chairman Blair: Will you, John, continue on as chair of this sub-committee until its completion, even though you are going off the Board?

Teupel: Yes.

Chairman Blair: Regarding the two new members that I spoke of earlier and their being on the Phase II sub-committee. After meeting with Brad during the break, they will not be included in the new sub-committee.

Kloss: I have a Hot Topic. I have a handout for everyone referencing a Panel Discussion at Augustana College.
(refer to handout)

Please refer to the December minutes where the invitation to the Board should be included. The Black Hills Archeological and Historical Symposium will be April 16 at Black Hills State University and the Augustana College Center For Western Studies 37th Annual Dakota Conference at Augustana College, on Friday and Saturday, April 22-23. I took the opportunity to attend the Great Plains Tribal Leaders Conference at Crazy Horse on February 16 and 17. I have a copy of the agenda for each of you. It was an excellent meeting and gathering of tribal folk, Forest Service representatives, and others. (disseminated a copy of the agenda)
I have a request for Dorothy FireCloud to comment on the Conference.

FireCloud: The Washington Office has been responsible for policy development of tribal issues. When we met in November of 2004 not all issues raised could be answered. That is why we scheduled this most recent meeting. We wanted to have Washington Office representatives to provide policy guidance especially about Special Forest Products.

Dave McKee is in the process of developing a tribal advisory board for tribal consultations. He is also developing tribal liaisons on government-to-government consultations.

The issue remains as to how will the tribal advisory board through a designated tribal liaison and National Forest Advisory Board interact? There is protection of sacred sites from an order signed by President Clinton.

Chairman Blair: Thank you, Dorothy. I will call on Bob Thompson for a travel management presentation.

REGULAR AGENDA:

Thompson: PowerPoint presentation.

In establishing the Travel Management subcommittee report, we need your input and public support.

Scherrer: It sounds like we are heading to closed unless open.

Smith: I think we should be talking open unless closed and working to close sensitive areas. Does the meaning of open mean the indiscriminate use of ATV, ORV, and OHV?

Thompson: What does the mission mean? Until it has been clarified, we will continue to have misunderstanding by each of us who read and interpret it.

Teupel: We need to include TIPS or something equivalent.

Scherrer: It is our responsibility in helping riders understand where to go.

Everett: A common thread in all of this is ownership, including having the Forest Service not being too paternalistic.

Thompson: Sharing is a two way street, and I'm confused as to where we are going.

Teupel: A developed trail system and closed unless open are not the same.

Thompson: The Board's recommendation and interpretation by the Forest Service may sometimes be different.

Paulson: It is important to adequately articulate the mission statement.

Scherrer: We have two (opposing) issues, pristine forest and multi-use forest. The Board hasn't yet decided whether it is to be closed unless open or open unless closed. It is a consensus issue.

Kloss: The recommendation from a sub-committee does not mean that is agreement from all members. Speaking as individuals is not necessarily the consensus of the Board or the Board's recommendation, i.e. mission statement.

Thompson: Closed unless designated open doesn't mean the whole forest ends up closed.

Many issues are included: soils, archeological, sub-divisions, etc.

Exton: Providing for a designated route and area system is not a complete open or closed situation.

Smith: Open unless or except designated closed, etc. In order to open a road or trail, you must go through the administrative process. The Forest Service must have a very good or

compelling reason. Administrative roadblocks will be rampant if it closed unless open and then you try to open something. It's easier to have it open unless closed than to close and then try to open even specific areas or trails.

Thompson: We will have to work on an area-by-area with the folks in each area. Working with the folks who are immediately affected has been extremely successful.

Everett: A signing boundary of open areas is easier than closed areas.

Olson: Steve, (Kozel) if you designate a route you must remain on it, right?

Scherrer: If it is a designated route, you can still travel cross-country?

Steve Kozel: Yes.

Paulson: Was Rick Hudson supposed to give periodic updates on the progress?

Exton: Bob Thompson's presentation today is a specific update in lieu of a separate report from Rick Hudson.

Scherrer: We need to update the subcommittee's document so we know when there is completion of certain items that are listed in the tasks to be accomplished.

Linda Tokarczyk: How effective is our education of the users? Is there a way of determining how this is working?

Paulson: One measurable point is garbage collection. If we see a significant decline after actions are taken, then that is a unit of measure, right, Bob (Thompson)?

Thompson: That is one indicator.

Kloss: We need to educate users and non-users as to who the users are. Non-users are not educated as to the use/needs of users.

Smith: Education far exceeds enforcement. Regardless of education or enforcement, the knot-head element still remains.

Kozel: We are replacing signs because they are removed. It is expensive and time consuming.

Tokarczyk: It is important that we encourage people to take ownership of things that are being done right.

Thompson: Jenny Gulch is a fine example of what has worked.

Paulson: A large fine or impounded vehicle is a public relations tool to educate especially when these actions are published. What is the fine?

Thompson: There is a \$250.00 fine.

Chairman Blair: Let's move on so we have time for public comment.

Chairman Blair: The Black Hills are in SD, which is considered by many to be the backyard of the people living throughout the state. The January meeting was intended to get a cross section of the people who are involved. Locally, we have a good interface. In eastern SD, NFAB is not recognized. We need to use this Board as a template for actions such as going to the state legislature, funding issues, and working with other agencies. I want to re-implement a travel management sub-committee with a larger group, which will probably be Board and non-board members.

Getting the word out about NFAB by using methods such as brochures, a map and message of Leave No New Trails. We need to be talking about -- money, enforcement, and by spreading out meetings over the state.

We need to have a good facilitator, a money person who understands the points of finance and working with the State, an industry person from the OHV industry, etc.

These are the names for the sub-committee:

I am asking:

Tom Blair, Chair

Jim Scherrer, Vice Chair

Bob Thompson, Forest Service

Dennis Bucher, BLM, Belle Fourche

Dona Rae Peterson, Tribal, Tourism, Ridgeview, SD

Greg Mumm, Off Road Riders

Jeff Johnson, Sporting salesman, Sioux Falls

Scott Carbonneau, GFP, Sioux Falls

People in eastern SD think of the Black Hills as their playground. We need to offer direction such as the snowmobile system provides. I am looking forward to having things in place in 2006, and we can show we have done a good job. Let me know your concerns before our organizational meeting April 20.

Paulson: We need to distinguish between a non-compsumptive user vs. a non-user and add more to this group.

Smith: Forest users use for whatever purposes, to hike, camp, take pictures, etc. There is a distinction between users, on the forest vs. those who don't even go into the forest.

Chairman Blair: There are consumptive users other than motorized or mechanized users.

Scherrer: What is the level of interest of the governor of SD?

Chairman Blair: Cooper articulated the governor is interested and may use this new group as an advisory board.

Olson: We should also be looking at other industries such as sports.

Smith: There are other actual users not commodity users, such as an industry group.

Teupel: There are non-users, users, and other users.

I will be glad to serve on committees, etc. wherever I may assist, including lobbying.

PUBLIC COMMENTS:

Chairman Blair: I want to move on to public comments.

Nancy Hilding: We have a variety of users, in and out of state and combinations thereof. Is NEPA included in the new WY map?

Kozel: We have used NEPA's past decisions, and we have employed previous multiple NEPA processes in making a decision, i.e. on individual projects.

Derek Alexander, forest permittee: Not all areas of the hills are being destroyed. Do you think we have a major problem? I don't think so. I don't think all closures are necessary.

Chairman Blair: This is not an issue to shut down the Forest; it is to control areas of expansion of use. Expansion in the Forest has grown very rapidly.

Alexander: I have seen evidence of overuse and misuse, and I don't want to see it continued.

Chairman Blair: Our Black Hills are becoming very well known and highly used.

Scherrer: Many opinions have been expressed about the use and areas of use. I don't think it's a small area. It's greater than that. (Referring to the photos in the PowerPoint presentation)

Alexander: Do not get me wrong; I'm for multiple uses.

Teupel: We are seeing increased use by multiple users. There is increased pressure; increased regulations are becoming necessary for resource protection.

Paulson: Out of town users are using areas where they don't realize they don't belong.

Alexander: I don't want all the public punished because of a few.

Greg Johnson: What about making material available at the point of sale of vehicles that potentially may be using the Black Hills National Forest? What are the liability issues on a trail system?

Thompson: We have not specifically addressed that particular issue as it relates to a designated trail system.

Chairman Blair: I will entertain a motion to adjourn.

Motion to adjourn: **Teupel.**

Motion Seconded: **Scherrer.**

Chairman Blair: All in favor, say "Aye."

Motion carried unanimously.

Meeting adjourned: 4:53 p.m.