

National Forest Advisory Board (NFAB) Meeting
September 19, 2007 – 1:00 p.m.
Forest Service Center, 8221 South Highway 16, Rapid City, SD

Members Present:

Tom Blair, Chair; Jim Heinert, Vice Chair; Jim Scherrer, Ron Johnsen, Bob Paulson, Becci Jo Rowe, Nels Smith, Everett Hoyt, Mac McCracken, Hugh Thompson, Matt Hoobler, and Nancy Kile.

Forest Service Representatives:

Craig Bobzien, Dennis Jaeger, Frank Carroll, Bob Thompson, Steve Kozel, Carl Sumpter, Rhonda O'Byrne, Dave Thom, Craig Kjar, Mike Lloyd, Tom Willems, Rhonda O'Byrne, Twila Morris, Recorder.

Others:

Approximately 15 members of the public, and one congressional representative were in attendance.

Members Absent:

Bob Kloss, Aaron Everett, Donovin Sprague, Pat McElgunn, and Doug Hofer were absent.

Welcome and Roll Call:

Chair Blair: Quorum present, called the meeting to order at 1:00 p.m. September and October are pretty months to get out in the Forest. Spearfish Canyon is just starting to turn colors. One of the benefits to forest fires is that Aspen trees start to take over, and there are areas with 15 foot Aspen trees in the burn areas near Deadwood.

Hoyt: I drew an elk tag for this fall, and have been scouting in the Moon area, using the trail map that the Forest Service has developed for a guide. The map is very accurate; compliments to the person who developed that map. Also, while looking at the bulletin board at Summit Ridge Lookout Tower, I noticed information about a cabin for rent. I rented the cabin and after entering my golden age passport information, I saved 50% on the cabin rental. If you're in the area Moon area the end of the month, stop in at the cabin and say hi!

Comments to the Chair:

Carroll: None at this time.

Approve Minutes:

Chair Blair: Are there any changes to the June minutes?

Motion made to approve the minutes as recorded, motion seconded.

Blair: Motion carried, the June minutes stand as reported.

Approve Agenda:

Chair Blair: Are there any changes to the agenda?

Motion made by Paulson to approve the agenda as presented, motion seconded by McCracken.

Blair: Motion carried, the agenda stands as presented.

Housekeeping:

Carroll: Boxelder Job Corps Center has provided the chocolate cream puffs, and we appreciate the support they continually offer the Board.

Meeting Protocols - Issues:

- **October – Election of Officers. Last election was June 2006; new Board sat in March so a new Board will sit in March 2009. Nominations ongoing for alternates.**

Chair Blair: Because we have two big topics, public comments will be taken at the end of topic rather than waiting till the end of the meeting.

Hot Topics

Public Land & Resources Law Review ~ Frank Carroll

Carroll: Bob Kloss has made available to us a summary of current environmental law titled *The Relationship Between Science & Democracy: Public Land Policies, Regulation, and Management*. The document was co-written by Jack Ward Thomas who was the Chief of the Forest Service from 1993 – 1996, and Alex Sienkiewicz.

Smith: For information, the last foot note is number106!

REGULAR AGENDA

Open Space Subcommittee Report

Paulson: Please take a look at the one page summary of our proposal, which was just passed out. Decoupling land exchanges is what it amounts to. This proposal would provide the Forest Service with the opportunity to sell National Forest System Lands in areas adjacent to municipalities where development is sustainable and use the proceeds to purchase lands from willing sellers.

The new authority specifics are:

- Pilot Authority will be requested as a “test drive” to prove that it is effective.
- Time limited pilot authority, seven years, if effective, Congress can make permanent.
- Funds from sales:
 - Will be deposited in an interest bearing account.
 - Used only for Black Hills National Forest land purchase transactions including closing costs, etc.
 - No salary or overhead expenses can be charged to this account.
 - If authority ends, fund will be closed by purchasing land.
- Representative panel designated by Forest Supervisor to oversee property qualifications.

Paulson: I would like to read an e-mail I received from Aaron Everett regarding the possibility of a vote on this topic today.

- I have a conflict and cannot attend Wednesday's meeting. Tom is out of town and will be unable to participate in my stead. I'm not certain about the full Board members' feelings in this matter, but asking them to vote on something they have only heard about in conceptual terms to this point seems a stretch. I also feel a little uneasy having been unable to distribute our product with the completed final edits to my membership. I was under the impression we would have the final document

in-hand a week or so after our last subcommittee meeting. Little of which matters, I suppose, since I won't be there. Nonetheless, my hope would be for the NFAB to discuss and take public input on the open space recommendation at Wednesday's meeting, and hold the vote in October.

Paulson: The Sub-Committee has made two presentations before the full board, and we are ready to take questions on our proposal.

Scherrer: Is this the first time I've seen this document?

Paulson: Yes

Scherrer: I can't vote on this till I read it.

Hoyt: I think that is fair. Bob can you summarize the proposal.

Paulson: The summary is this one page document. (Bob re-read the bullet statements)

Scherrer: I just need 10 minutes to read this.

H. Thompson: I have promised those who I represent in Crook County, and the State of Wyoming, that I would give them a full briefing once the committee had a chance to furnish me with a full document. I do need to go back and brief them before I can vote also. I have a couple of comments. My first comment is in reference to the Representative Panel designated by the Forest Supervisor; I would suggest that we always include an affected County Commissioner. Many of these will only affect a couple of counties, but the affected County Commissioner should be involved even if as an ad hoc member. The other comment is about seventh point, no decrease in tax base. Wyoming Farm Bureau Federation would like to see this no net gain in Federal ownership, on a County by County basis, and I would say substantially County by County.

Paulson: Shall we table the vote till October?

Chair Blair: Are there any other quick comments? Especially regarding the no substantial net gain issue Hugh brings up?

H. Thompson: The County plan I'm familiar with is when you sell off valuable land in town, and buy property out of town, you run the possibility of losing value or acreage. A person could buy ten times the amount of land in Crook County as you could in Sheridan.

Hoyt: Doesn't the County by County position hamstringing this process?

H. Thompson: I think it would just require more ingenuity. Maybe we would have to look at property that has a more equal price tag. As long as the affected County Commissioner is ok with it, then it would be fine.

Hoyt: I see your point, but I have concerns with that. The intent of this process is to expedite and enable. The more restrictions we add, the less we can accomplish.

Paulson: If we sold 20 acres in Custer, and buy 20 acres in the boonies, we would have money left over – where would the money go?

H. Thompson: We would have to look for ways to get it balanced, with wiggle room, contingent on the affected County Commissioners approval. I would also reiterate the suggestion to have the County Commissioner as an ad hoc member to the Representative Panel.

Paulson: We know that the Custer County Commissioners are supportive.

H. Thompson: Maybe they don't have a - no net gain policy.

Blair: If we're selling a 50 acre tract of Forest Service in trade for a 100 acre track, but the 100 acre track of land isn't as valuable – that would be wrong.

H. Thompson: If the County plan says no net gain – you might want to do it over a period, because it would balance out that way. Right now we have a 25% differential and it is still hard to balance out.

Blair: If you're dealing in two separate Counties then you have two County Commissioners.

Smith: We talked about building credits on wetlands so that we can use the credits for balancing the account for wetlands if you come up short, was that included in the proposal?

Paulson: Bullet eight reads; preservation of wetlands and floodplains.

Smith: Preservation – not the balance of the transaction?

Paulson: Correct.

Kjar: This is summarized on the second page of the four page white paper. It reads; the legislation would include provisions for "banking" wetland ecosystems.

Smith: Thank you.

Paulson: The four page white paper is the one that Pat McElgunn drafted.

H. Thompson: I want this to work, and I can support this, but it has to be done right.

Blair: The issue with the County and their no net gain policy, is it money or is it just land?

H. Thompson: Part of it is just plain philosophy; part of it might be valuation. If it costs the County more than they will receive with such things as outlying agriculture property, County infrastructure costs, etc., it doesn't make sense.

Blair: We've had this discussion in the South Dakota Legislature, when it pertained to the State acquiring land, and it always boils down to a philosophy of the State or Government owning more land than is being kept private.

H. Thompson: Crook County is a little to the right of Attila the Hun in political matters (with apologies to Frank Carroll, Senior.)

Hoyt: I enthusiastically support the plan, but I would be reluctant to support it if it is to be contingent on the support of a County Commissioner. If this is going to work, a Representative Panel would be appropriate.

H. Thompson: We do have to comply with the Federal Land Management Policy Act (FLMPA) and that says they will have to be consistent with County guidelines. The ad hoc County Commissioner would be involved that way.

Blair: That member might not be an ad hoc member, rather a real member that has a vote.

McCracken: The South Dakota Association of County Commissioners has an Executive Director that we may consider to represent all Counties in the State.

Paulson: Craig, please address the Representative Panel. Who would be on the Panel?

Bobzien: I don't have a preconceived idea on representation, but I do have thoughts on purpose and function. The purpose is for the Panel to provide oversight to look at the intent being provided for and what the proposals are, to look at the properties, the funds, and act as a third party reporting system. I'm thinking about the function more than the parties who would make it up. I would want it as simple as possible.

Paulson: Let's defer this one month. I will correct the bullet about wetlands and re-email the summary.

Blair: Discussion via e-mails are necessary over the next month, on both documents. We'll put this on the front of the agenda for the October meeting.

H. Thompson: Plan on voting in October.

Bobzien: For my benefit, and the benefit of the Board, are there other identified points that anyone needs clarification on so that the Sub-Committee can be ready for next month. This is a huge deal and in terms of goals, it would be my goal to have a proposal that is well thought out enough all the delegations will agree that it is good.

Blair: Are there any other concerns?

Scherrer: Assuming we come back in October and make a recommendation on this document, what is the legislative process and time frame from that point?

Bobzien: In summary, we would like to have black and white statements that are clear to us and clear to the Board members, a set of recommendations, and a document that is sponsored by up to the six delegates from the two states. Once the recommendations are made with an accompanying narrative, the information would have a sponsorship that would be asking for drafting services. They would go through that in a formal process of asking for drafting services.

Mark Haugen: From our office stand point, everyone is supportive and ready to move forward.

Scherrer: If the Legislature supports it, they take it to the House?

Bobzien: They would do research for proper wording on the proposed bill.

McCracken: An un-even number of delegates from Wyoming and South Dakota would be better if it came down to a vote.

Bobzien: I'm talking about the Federal Delegations.

Paulson: We could move forward with one from each state.

Bobzien: With the representation that we have here on the board, when we come to a recommendation, we are looking at having across the board consensus.

Paulson: Nels, would you run this by the three Wyoming delegates? I'll do the same on the South Dakota side.

Johnsen: Is there any Legislative precedence for this?

Paulson: Yes, there are seven or eight bills, and we're not far off, the biggest new thing would be keeping the money on the Forest.

Johnsen: The process would be the Senator would submit to Legislative Council.

Hoyt: If we have substantive amendments to this plan to propose, could we send them out to all Board members five days prior to our next meeting?

Blair: Yes, have your comments to the Board for consideration by the close of business on October 12th.

Carroll: Send your comments to either Twila or me.

Heinert: Are we to understand that the Forest Service is receptive to this concept? (Editor's Note: The Forest Service is unable to lobby Congress by law.)

Bobzien: Yes, the Washington Office has been advised and all of the feedback has been very positive. They are familiar with the structure and concept wise, they are supportive.

Heinert: If we are successful, then the Forest Service would actively advocate the Legislation.

Bobzien: That's why we would ask for drafting services so that Administration and Congress would be involved.

McCracken: Before the next meeting, I would be interested to know how many states are using this type of process.

Paulson: There are none, there have been ad hoc versions done in seven or eight states, but none like our proposal.

McCracken: If this all unfolds, and moves forward, I would think it would take one to two years to see the outcome (cell phone rings), also, Nels, when meetings are in progress and cell phones ring, you have the opportunity to buy donuts!

Paulson: This Forest is more fragmented than most; we have more need than most because they don't have the concerns that we have.

Blair: Let's bring this to a close unless there are other comments. Are there any comments from the public?

John Sanders: Is there wording in the proposal that would require someone to sell land, even if the land owner did not want to sell?

Smith: We specify exactly the opposite; willing seller/willing buyer only.

Blair: Remember to have your comments in and e-mails send by October 12th.

Blair: Take a break, back in 10 minutes.

Travel Planning ~ Frank Carroll

Carroll: The way we want to cover this today is to bring in several things; the first is our proposal of designated routes and trails, there are several sets of maps; the proposed action map, the SDOVC routes, the Norbeck Society, Forest maps overlaid on the travel map, and all recorded routes. There are small sets of maps for you to take if you would like. Also the Notice of Intent that describes the proposed action and the public comment form are available for your review.

Blair: There are two things going on in the state of South Dakota, we've gone forward with the Forest Service and the NFAB's recommendation, but the parallel course is the Governor's Task Force on OHVs. The Governor's Task Force is dovetailing with the Forest, but also the whole state of South Dakota. We have to understand the link, and the need that those two things have for each other. The Forest is the largest

recreation area in the state, second to the river system and maybe some areas in the northeast. Remember, with ATVs they are multi task vehicles, and a modern work horse with the agriculture component. I was able to go to speak to the state tourism board, because this is a huge tourism issue, when we talk about approximately 30,000 snowmobiles, in the Hills, we sold 16,000 ATVs last year in the state of South Dakota. Deb Helmer from Department of Revenue talks about 65,000 to 75,000 potential South Dakota vehicles, and there's no guessing about how many of out of state visitors.

We have to have substantial legislation changes. We will probably have two more meetings on the Task Force; the Governor will tweak our proposal then bring it back to the Task Force for a visit. We will be ready for the Legislative Session of 2008, and probably by December of 2008 we'll be ready for Legislative Research. It will be timely because the tourism board meets around the 20th of January, and that will be an area we will want to kick off. This is a multi million dollar industry in the Hills, and the Hills also need to be protected. They have unique links on what we want and how to accomplish. We know that by 2009 we will have rules on the Forest. The money issues that need to be developed, several of the things are fall back positions, if we get hung up on a particular issue; we need to be ready to respond to those things. Everyone is talking about OHVs, I get phone calls and visits daily.

Hoyt: Does the Task Force have any preliminary recommendations that the NFAB used?

Blair: The process the NFAB used laid a little bit of the ground work for the Task Force. Obviously the Board didn't have to deal with licensing, sticker tax, etc. One of things we are looking at is that South Dakota took a vehicle that by all standards was not for highway use, but that we can now use on the highway. One of the key components is allowing some of that discretion to go to the County or city. We also do not believe that three ATVs driving down hwy 385 should be able to pass at 55 mph! This will be one of the more difficult hurdles to pass. Scott Carbonneau wrote about two children riding back to back on an ATV and they went into a mine shaft – one is killed; we need to be more responsible. We also talked about the 9,000 miles of trail that has doubled in the last few years.

Bobzien: I would like to start some discussion with Board members and Rangers. I will also share a couple of things that came up in interviews I've given; I like to ask the reporters questions after their interview with me. Bill Harlan asked if there was any shootin' or hollerin' in Custer!

I asked Bill what he thought about the meetings, and the process. He said he thought that the three years that has been invested in the public prior to getting to this point, has made a difference. We came out with the recommendations from the Board and the public. We don't have the perfect plan, because there isn't one, but nonetheless we wanted to reflect the opinions of the Board. Now we would like to be more specific with people's comments.

I asked Heather from the Black Hills Pioneer what her take was. She said what the Forest Service does on the trail systems really matters. She said she noticed that if we have a big motorized event, the town is full, it jumps out to her that if we give consideration to both sides, it's a win-win situation. It reinforces that we are trying to recognize all uses.

What can you do to help? Shift gears to help develop alternatives. Get more involvement at State level and County levels. We've been out talking, so now what you'll see is that some Counties will be more proactive, but we do want to get this staged now to get down to specifics. Where are the routes that will affect neighborhoods, Counties, etc? Part of being on the Board is representing your area, your community, across State and Counties. The Board wants to stay strategic, we may be on the cusp of a large spike of people who want to outfit for motorized uses – there are just many possibilities.

I'd like to hear feedback from Board; comments, suggestions for next steps, advice.

Blair: It is interesting that you mentioned Custer. It has been three years, and we started in Custer. We took a break, went outside for some fresh air, and it was a beautiful evening with a big moon. I remember the parking lot was full of rock climber jeeps, not a huge turnout, but 75 or so. When we started talking about money, there

was one gentleman who said, I don't care what we need to do, but I want to preserve our rights!

All the rangers have been wonderful help; Tom Willems has also been wonderful.

Carroll: Rangers tell us your thoughts about the public meetings.

Kozel: The first meeting was held in Sundance, we had 50 people which was a good turnout. The meeting went well, good interaction, good questions, people looked at the maps, tried to understand. The general sense is we are in the ballpark of what people's expectations are. The question and answer period showed a concern about education and enforcement, how are you going to fund it? Other questions, how did you consider non-motorized uses? We emphasized that this was a starting point, for people to start making specific comments.

Smith: I attended the Sundance meeting. The attendees broke into different tables and had one on one conversation, which had to be tough duty for the Forest Service folks. People were reading and paying attention.

Kozel: We have another meeting set up for the public to come in, on Saturday, October 13th, so that they can have more time to visit one on one.

B. Thompson: We also have a public meeting scheduled on October 13th. Steve captured the summary well. We had about 400 people at the Rapid City meeting, which shows the interest people have in it. The night before, they held a Cabelas public meeting and had 100 people show up, so that tells you where people's interests are. We had many of the same comments as the other meetings; how are you going to enforce this, and our answer is, it will be easier to enforce a designated route system than what we have today. It will be clear when the route system is in place. I was really pleased with the attitude that people had with it, and knew that it was just a proposal. They were very respectful, that was better than we could have ever hoped for. The other thing is that even though most district folks know the land pretty well, we don't know the land as well as some of the users.

McCracken: How many were jeepers at the meeting of 400?

B. Thompson: I don't have a good feel for that.

McCracken: One of our neighbors is into jeeping; there are a few people that will ruin it for everyone.

B. Thompson: I think people will understand that, and 90% of the people really want to do the right thing.

Paulson: It was my observation that about 75% of the attendees were OHV users and 25% other.

Kaye Olpin: The meetings went much better than expected. The users are starting to understand that they can participate, and it was interesting that some people were silent, and they understand that they need to comment in writing. Another interesting thing was the number of people who had never been to a meeting or been involved in the process, it has been very public and broadcast, but half of the people had never been to a public meeting. These folks are the ones we'll probably see in the office asking more questions. The week after the public meeting we've had more people come in the office asking for maps.

Carl Sumpter: It was interesting going to the meetings, and seeing the differences, there is a vast difference between 400 people in Rapid City and 80 in Custer. What Kaye said was true, when asked if they had attended another meeting only 40% had. The meeting was subdued, we made opening comments, then the people went to the tables, and there was lots of discussion, some pointed, regarding specific user groups. The next open meeting will be on Saturday, October 6 from 9:00 till noon. Really haven't had anyone come into the office and ask for anything. People were good and cordial at all meetings with a general resignation with regards to participation, whether they want to or not. The process will work well, pleased with turnouts, and cooperation.

Scherrer: A lot of folks in this room were not here when this first started. At the first meeting, Bob Kloss was Chairperson, Gregg Mumm was there, and it was very interesting in that it was the first time the groups came together and said - we have to deal with this issue. The reason the Forest Service is getting comments about the cooperation is because the Forest Service has handled it just as democracy should be handled, and what the Forest Service has done is educate the people. Bill Harlan has covered this like nothing else, Bob Thompson carried the mail big time on this and had meetings, and Tom you know when we sat at the Ramkota, people came up and told us what their input was – for hours, and hours. The result is what you're seeing now. I'm proud that I've had involvement and witnessed the Forest Service's passion, drive, patience, and willingness to take it on the chin. The majority of the people want to do it right, and will follow the rules. I'm not at all surprised at this success, Craig, you picked it up when Twiss left, and have done a great job with leadership. I'm proud of the Forest Service for doing what they are doing.

Blair: This is similar to the gambling initiative in Deadwood, it took three years and we had a little tag line that has flowed over. As a similarity we went out as a small group and became comfortable with the people of South Dakota, and they in turn have become comfortable with us.

Hoyt: Jim, could you embellish on "willing to take it on the chin"? I couldn't help but notice the manner in which the public meeting was managed. There was a nice young lady at each table, and who could get mad at her?!

Carroll: The next document I would like to discuss is the "Comments on the Proposed Action" paper. It goes through the Sub-Committee recommendations. A person can check the box that says OK, or they can write in their comments.

Blair: Have there been any that said no?

Carroll: We've only received a couple dozen written comments so far. There was nothing to vote on and we were not trying to achieve an outcome, so we've only gotten a few comments so far.

Beginning with number one and two, we're talking about all known and recorded routes – there are also trails that aren't mentioned any place, we think that number might be 10,000 or more. There is approximately 800,000 acres taken out where you may have been able to cross in the past.

Number three, a mix of funding is a great proposal, but how are we really going to pay for it? Congress will have to help us out, along with various groups, the States, Counties, interest groups, businesses, etc.

Number four, cooperative management between Federal, State, and Local Governments; UTV's are big sellers these days; there was a UTV rally a few weeks ago. The routes being proposed are on National Forest System Lands, the white areas on the map are other properties, Counties, Cities, etc., gateway areas and opportunities – imagine "The Blair Memorial Mud Bog." When you go south through Hill City, past the high school, there is a sign that says "Trailhead Access." Someone has decided to capitalize on this already. We hope communities will pick gateways where people can come in, park, and get services, but this is not yet developed. (Editor's Note: Craig believes the sign refers to the Michelson Trail.)

Blair: The UTV rally sponsorship was incredible, those people all had passion, they are ready to help.

Carroll: There's an intersection between what the public needs and what the Government, etc., need. They are already making sure they have access. It's in all our interests to help the Governments, Cities, etc.

Number seven, Game retrieval, there is a lot of discussion about this.

Number eight, firewood cutting, this is not in the proposal; this will continue to be managed using the Forest Service firewood permit system.

Number nine, dispersed camping, we received a lot of interest in this area also.

Number 10, mud bogging will not be allowed.

Scherrer: If you could have seen the blood left in the room when the mud bogging issue was discussed at our first meetings!

Carroll: The private sector will step up and provide this opportunity.

Hoyt: While Phillip is hardly a gateway community, while traveling home from Pierre, there was a banner proclaiming "Mod Bogging Championships" 90 miles in Phillip.

Carroll: Number 11, we did not propose OHV use in open areas. There are a number of reasons, but partly because we haven't had time to look at those areas.

And finally we asked are there specific routes or areas with which you have concerns? The good news is in the next two months you can go in and see a Ranger or a staff person who has been involved, or call and come see Tom or me, over the next two months. August 2003 was the first time this Board considered this topic, so we're starting to turn the corner to completion. It would be to our benefit to help leadership in Counties, etc. engage in the process.

Rowe: A red flag that might be hanging up some communities is number six, the noise level limit for OHVs of 96 decibels. Colorado Springs communities, outlying and gateway have restrictions between 7:00a.m. and 7:00 p.m.

Carroll: We put that number in based on what people were working with nation wide. Thank you for that information, we want to have your comments in written form.

Willems: The County noise level is for street vehicles such as motorcycles, riding through residential neighborhoods. 96 decibels on public lands is the level we are at now. Most machines are at or below the 96 decibels. Over the next four years the industry standards are going to continue to come down, especially with street legal vehicles; they will be under 80 decibels.

Rowe: ATV users like to travel in groups so the more you have the higher the decibel levels are going to be.

Carroll: Communities have to designate the decibel levels individually.

McCracken: What does 96 decibels compare to?

Blair: A chainsaw runs 120, a skidsteer is 90 decibels. If you put on a decibel level limit, you have to be prepared to measure it, some communities have run into this. It's extremely difficult to measure on an average street.

McCracken: Did you get any comments on number three, funding?

B. Thompson: One or two, folks were wondering about the sticker system, etc.

McCracken: Number four, any comments about the South Dakota Governors Task Force on OHVs?

Carroll: People kind of think that the Task Force is a good thing, no negative stuff, not big government talk.

Blair: When we first started, to some degree even people on the Board felt that we were being spoon fed by the Forest Service, people are inherently a little distrusting of Government process. The feeling is that the Government asks for comments, but they are not heard. This process has changed that feeling.

Smith: I commend you on the proposed action, because so often times you get a proposal that really give you no option! But in every case, there are options.

Hoyt: If we are short of perfection when we publish the map and amendments are necessary, will it be a big process to amend the map?

Carroll: We would have to go through public comments, required NEPA, etc.

Hoyt: What about minor points.

Willems: Minor points will come from District Rangers, and the users should contact the District Rangers to give input. There will be plenty of ongoing opportunities to fix things that are not working. We may even have an opportunity to do some limited forest wide coordination.

Hoyt: Is that after the plan is adopted?

Willems: Yes and that rule is written right into the plan itself. Also, we have the ability to use Forest Service special orders to close areas in the case of fire, etc.

B. Thompson: This is supposed to be a living document that does change over time. I think certain expectations need to be built in, such as how does it change and what makes it change? We're going to find that we might have to change things temporarily. For instance, in a timber sale, shift use in areas that might be getting over used, etc. It will be important for us to have a means of making changes without a huge, laborious process. Some groups might come in and ask for changes, etc.

Carroll: Big fires could suddenly change the area of flooding.

Blair: Let's take a break, back in 10 minutes.

Rowe: Number five, the Sub-Committee recommendation was for multiple scale loops. There are so many known routes, and it has been scaled down, but it is alarming to see the number of dead end spurs. The dead ends could cause folks to make their own connectors between them. Knowing the environmental filters will start engaging and address the dead end spurs, and that they can go back to the recommendation of multiple scale loops will help.

B. Thompson: That's our proposal but we know there are other ways of looking at this and other alternatives, we know that people will submit other recommendations. Do recognize that a lot of people go to a dead end and park. A non motorized user goes to a dead end to start their walk. This is for every user; some will park to hunt, hike, etc.

Rowe: I was just observing the number of dead end spurs and was curious if some will be reduced.

Blair: A person attending the meeting I was at was talking about the loops and some of the limited number of loops, but as we looked at the map, some have to be dead ends, some can not be looped, they run into a canyon, or a rock wall, etc.

B. Thompson: Your point is a good one, and we tried to incorporate dead ends in some places, where the dead end would provide an access to a walk in, etc. Maybe it's not enough so comments are still needed.

Rowe: It's a good starting place, and a phenomenal effort.

Willems: The vast majority of those spur routes are open existing roads. We took a look at the existing system; the vast majority has Forest Service system numbers on them. They are not added trails, they are actually roads. There is an opportunity to add those in the future.

McCracken: Did you say a chainsaw is 120 decibels?

Blair: Yes

McCracken: Number seven, motorized use up to 300 feet off an open route to retrieve a downed elk. A number of years ago I shot an elk, and drove in to retrieve it. What if you had an extensive fine for going further than the location of the elk, to still allow for motorized use in the retrieval process?

Carroll: Number seven makes us consistent with the rest of the Rocky Mountain Region. Maybe another alternative is what you just described.

Paulson: The Black Hills are user friendly, and the people are generally lazy. They should quarter the elk and pack it out.

McCracken: There are people with health challenges and other issues that make that not an option.

Paulson: We don't need to make the Black Hills wheelchair accessible.

McCracken: There's no way I could do it.

Paulson: It might be that your time is past, and my time is coming. It's a matter of hunting ethics.

Hoyt: I take strong exception to that comment. It has nothing to do with hunting ethics. It's a matter of looking at other alternatives.

Paulson: If you hunt elk in the Bighorns you don't expect to drive up to the elk.

Hoyt: Point taken, but I still take strong exception to your comments.

Carroll: This is the first cut; please get your suggestions in. We've given a starting point; there are a lot of comments in the paper that follow the line of thinking.

Scherrer: We had a three hour discussion at the second Sub-Committee meeting regarding this issue. We included a Biologist from Custer State Park, Steve Kozel was involved. 300 feet was the recommendation from the Sub-Committee. 300 feet was established based on information from the Biologist, and what the expected number across the region was, etc. The number wasn't just pulled out of the hat, the points were all discussed. It was agreed upon when you look at the maps, and the number of roads, you can see where you can drive. There aren't that many places that are beyond three hundred feet from a road. This is simply background information; let's not spend a bunch of time debating it. Fill out the comment form and submit it.

Blair: Once we got 300 feet as the magic number, another problem was, are they going for retrieval or hunting? The substantial fine for not having an elk to go after might be a good idea.

McCracken: Make it big, like \$1,000.00.

Smith: I was circulating a photo of a 28 year old fellow that killed an elk, dressed it, and cut it in half; he was a ¼ mile from the nearest road. It took three people to pull half an elk to the road.

Scherrer: If I go hunting in Alaska, there is no debate; you have no motorized access, so you hire a guide, and someone who is in a position to take care of it. I think there are other ways of doing it. Again, that's how we arrived at the number and all these things were discussed.

Carroll: Shelly Deisch with the SD Department of Game, Fish, and Parks is here, Shelly, do you have any comments?

Deisch: Our agency has received comments from people that have said, if the fine is only \$200.00 then I'll just do it anyway. If the fine isn't hefty enough, it could become problematic. It also opens the door for another business opportunity. You don't just go elk hunting in Colorado without having a plan lined up for packing out your animal.

Kile: Gateway communities, decibel levels, private industries, adult entertainment, these are all things we need to address and be proactive about.

Paulson: You specifically mention that we did not include areas of cross country use, or open areas.

Carroll: We'll look at alternatives if people come to us asking us to look at areas, and can help us with specifics; we could include it in an alternative.

Paulson: Any idea how many alternatives we'll end up with?

Carroll: No, when you think about it, a designated system of 4,000 miles is one of the biggest in the country.

B. Thompson: Some folks may believe that something is suitable as an alternative, and it seems reasonable, other people have other ideas, and we owe it to everybody to look at their proposal.

Paulson: Have you received any cross country proposals to date?

B. Thompson: Yes, and we did not consider them for this proposal.

Blair: One of the things we discussed at the Task Force meeting is that hundreds of acres of land have been sold with the premise that you are surrounded by Forest Service, but the other unsaid thing is that you can ride your ATV right out on public land.

Rowe: Are you trying to say that cross country travel could be a private enterprise?

Blair: Neither Board wants to step over into the line of private industry but as we have seen in Phillip, mud bogging is now being held in South Dakota.

H. Thompson: Have you gotten comments from grazing permittees who are concerned about their continuing rights for motorized access, spring maintenance, and fence maintenance?

Bobzien: Yes we have, and basically the response is that those will be handled under the individual grazing permits.

H. Thompson: I have an implementation question. Gates, open unless closed – gates are a pain because people are jimmying the locks. Also the mud bogging need has been fulfilled by Rifle Pit County Road Number 108.

Kozel: With the number of gates out there, it will take time to implement the plan, and some of the gates will stay, but as people become accustomed to the system, we can evaluate whether or not we need them.

H. Thompson: Public education about public land issues is the key, because most gates have a trail around them.

Kile: I was able to pull some information off the US Department of Transportations website. There are ways to determine the impacts of the noise, and perhaps enforce the decibel levels that are established, especially in the urbanized areas.

Colin Paterson: A comment on the comment form, the reason they are agreeable is because there are no blocks to check NO. Is the form on line?

Willems: Yes

Paterson: What is the proposed action in relationship to the interest groups and various other groups, regarding their desires?

Blair: Commenting from the Governor's Task Force, all the interest groups got listened to.

Paterson: Is the proposed action middle of the road?

Blair: Predominantly middle of the road, yes, but the Hills are used and viewed differently than the grasslands in Harding County. So from the Governor's Task Force, we are looking at it from the middle of the road. Much of the money will be produced by user groups. We started down this road particularly from this Board, as the Forest being a multiple use thing, it's been rocky.

Rowe: Various user groups, funding from user groups; there may be a little bit of bump if designation of those funds go to specific user groups, special access to the funds for development of their special interests.

Blair: I'm not so sure that that will stay in place; it will be revisited in October.

Smith: Especially in the sense of user fees, it is legitimate to say that it ought to go to the benefit of the user group or the group that contributed it. You have to designate the recipient and the contributor. If they had their nose out of joint we have to recognize the mission.

Rowe: It will take proper oversight.

Paterson: What percent of the designated trail system is what user created?

Willems: What we have out of the 4,000 miles is 165 miles of trails open to all vehicles.

Paterson: Of the ones that aren't system roads, what number are user created?

Willems: 165 miles of trails open to all vehicles. User group inventory is 3,800 miles of trails, 800 miles are user created routes.

Paterson: Have these been analyzed as for wildlife sustainability, etc.?

Shelly Deisch: Winter range, and seasonal closures; I think there are some areas that were converted on the proposal from the original proposal.

Willems: Some were yes.

B. Thompson: For example, the McVey area, currently it is managed with seasonal closures. In working with the Biologist, we looked at that and as long as the density stayed low, the proposal was to provide a true route to get from one area to another. Those are more areas we need to hear from the public on.

Patty Brown: I represent the off road community. 9,000 miles of roads and trails, it's not the roads we're so interested in. I would use a road to connect to trails, but we don't want to ride on roads.

3,200 miles of the trails are roads, 80 or 90% are roads that I could encounter full size vehicles on. Trails open to just ATVs are very limited. Driving down a road that is maintained well is not the preference of our users. The objective is narrower trails. 79 miles of single track trail is not sufficient. Single trackers travel faster, and could do 79 miles in a single day. Are we accommodating for our winter use. I didn't see any blue trails at all in the Southern Hills, so those are considerations, too. To me a trail system means trails, not just roads.

Sumpter: Please stop in to the District and talk with us. We have a couple of meetings scheduled, please come in and visit, we do understand that there are gaps. This is a proposal and we'll listen to your alternatives.

Smith: In regard to Colin's questions and Tom's answer, every road was user created initially when we first started using the Forest Service.

Paterson: Users have a tendency to create trails because it is exciting. There will be a need for some exciting trails, but they should not be considered part of the trails if they are not sustainable. I like the approach the Bearlodge District has taken. The existing hiking trails have been separated from the motorized trails by putting the motorized trails in a different part of the Bearlodge, so the conflicts are minimized. On the rest of the Black Hills I don't see them separated. Motorized users concentrated, and areas for non motorized, and peace and quiet would be ideal.

Public Comments ~ Chairman Blair

- **Including any collaborators in travel planning who have observations or comments.**

Chair Blair: If anyone from the public wishes to address the Board, please do so.

Adjournment:

Chair Blair: If there is no other business to come before the Board, I will ask for a motion to adjourn.

Motion made by McCracken and seconded by Smith. Meeting adjourned at 3:58 p.m.

Next Meeting:

The next NFAB meeting is scheduled for Wednesday, October 17, 2007.

Future Meeting Dates:

- November 14, 2007
- December – No Meeting