

National Forest Advisory Board (NFAB) Meeting
October 17, 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, Bob Paulson, Becci Jo Rowe, Nels Smith, Mac McCracken, Hugh Thompson, Matt Hoobler, Aaron Everett, Doug Hofer, and Nancy Kile.

Forest Service Representatives:

Craig Bobzien, Dennis Jaeger, Ed Fischer, Bob Thompson, Carl Sumpter, Craig Kjar, Mike Lloyd, Tom Willems, Kelly Honors, Phill Grumstrup, Jay Kurth, Gale Gire, Twila Morris, Recorder.

Others:

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

Members Absent:

Bob Kloss, Ron Johnsen, Everett Hoyt, Donovan Sprague, Pat McElgunn

Welcome and Roll Call:

Chair Blair: Quorum present, called the meeting to order at 1:04 p.m. Please turn off cell phones. Full agenda today, Dennis is the acting Officer for the day. Nancy Kile is sitting in today for Bob.

Comments to the Chair:

Jaeger: None at this time.

Approve Minutes:

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

Motion made by McCracken, second by Hoobler to approve the minutes as recorded.

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

Approve Agenda:

Chair Blair: Are there any changes to the agenda?

Bobzien: I would like to recognize Doug Hofer as chair of the OHV Task Force committee and he will speak on that topic during the Hot Topics.

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

Blair: Motion carried, the agenda stands as corrected.

Housekeeping:

Jaeger: Welcome to the October NFAB meeting. Dennis reviewed the layout of the building, request all to turn cell phones off. Thank you to the Boxelder Job Corps for the brownies.

Bobzien: I would like to recognize Rick Hanson in our audience today. Rick is the West River Field Representative handling forestry issues for Representative Herseth Sandlin.

Hanson: We had a good meeting last week with the Congresswoman, and the timber industry. Thank you all for your participation, and thank you for the invitation to attend the NFAB meeting today.

Chair Blair: An item of clarification, when we have topics that are action items, final recommendations, etc., it is crazy to have public input after we have signed off on it. For public action items, we are going to allow public comment during that period of time, and then we'll bring it back to the Board and discuss it there. It's only correct that the public should bring it to the Board before we vote.

Scherrer: Will we need to amend our operating procedures to reflect this change?

Blair: I discussed it with Frank and we agree that it is an addition to the protocols, so no amendment will be necessary.

Meeting Protocols - Issues:

- **October – Election of Officers.**

Chair Blair: Open the floor to nominations for Chairman of the National Forest Advisory Board.

McCracken: I would like to nominate Mr. Tom Blair for another term. Tom does a fine job. He'll be going into his fourth year, and he will make an excellent Chairman again in the coming year.

Rowe: Second that motion.

Scherrer: Did we sign on for six years?

Blair: Yes, we started in the spring of 2003.

Blair: I want to see the OHV issue through the legislature, and would like to do one more year as Chairman.

Scherrer: I'm not questioning the nomination by any means; I just wanted to make sure of the time frame.

Blair: We've all been on board since the inception.

Blair: Are there any other nominations for Chairman? Hearing none, can I have a motion to cease nominations?

Everett: I move that nominations cease.

McCracken: I second the motion.

Blair: Motion carried, I will remain another year as Chairman.

Blair: I will now entertain nominations for Vice Chairman of the NFAB.

Scherrer: I would like to nominate Jim Heinert for another year as Vice Chairman; Jim will do a wonderful job.

H. Thompson: Second that motion.

Blair: Are there any other nominations for Vice Chairman? Hearing none, can I have a motion to cease nominations?

McCracken: I move that nominations cease.

Rowe: I second the motion.

Blair: Motion carried, Jim will remain another year as Vice Chairman.

Hot Topics

Herseth Sandlin & Dicks Forest Tour ~ Everett & Troxel

Chair Blair: Aaron, you have the floor.

Everett: We were fortunate to have the Chairman of the House on Interior Appropriations. This guy is an influential and powerful individual. Mr. Dicks is in charge of the Sub-Committee that handles the appropriations for the Forest Service. We arranged with the Black Hills National Forest (BHNF) staff to look at forest management on the ground, and reiterate the importance of the management that the BHNF is doing. We're facing a budget crunch as a result of Supplemental Trust funds. This Region faces a 20 – 25 % budget cut for FY08. Congress hasn't passed the bill yet, and the purpose of our visit was to change that. Mr. Dicks was comfortable with what we are doing here on the Black Hills. Part of this funding situation is because of some funding situations out in the northwest Forests. Good to have the guy whose dog is in the fight, right here on the Black Hills.

Blair: He's from Washington?

Everett: Yes

Bobzien: I would like to echo what Aaron said, we looked at work on the ground which is always good. We also briefed Stephanie about the discussion we'll have today about open space. She remains supportive and is looking forward to the product we produce. Spent some time on the trails, one of the areas was on the roads and trails programs. Mr. Dicks has an interest in investing in roads and trails, he was a real supporter of the Forest Service, very influential, a friend of the Forest and public lands. For him to come out and spend three days here is really something. Thanks to Rick Hanson for his help.

Blair: Any questions?

Bobzien: Of similar interest, three weeks ago, I met with Governor Rounds, and Under Secretary Mark Rey. Their interest was in the health of the forest and the Black Hills and our work with communities, and the State. Secretary Even, South Dakota Department of Agriculture, made an earnest request that we are funded in the areas needed. The photos we displayed made an impact. This visit was similar to the Herseth Sandlin trip.

Blair: Any Questions?

OHV Task Force Report ~ Hofer

Chair Blair: Doug, you have the floor.

Hofer: I'll back up a little and give you a summary on how this Task Force ties to the Advisory Board. Eighteen months to two years ago, this Board, along with the Forest Service began to look at travel management planning as a priority, and we've spent a lot of time on it. The Chief had identified that unrestricted OHV travel in the forest was one of the biggest threats to the National Forest. That led this group to appoint a Sub-Committee to look at the OHV use in the Black Hills. The purpose of the Sub-Committee was to help the Board make recommendations to the Forest Service, and help the Forest Service work through the travel planning. The preliminary plan is now being reviewed.

One of the recommendations of the Sub-Committee that was adopted by the Board, was that the Governor should look at a legislative frame work to address funding and program administration, and other issue that need to be considered as it relates to OHV use in South Dakota. There are very few legislated requirements for OHVs in South Dakota. The use has grown dramatically; South Dakota has a unique law that allows an OHV to be licensed as a motorcycle, and this is the only licensing regulation there is. Governor Rounds did appoint the Task Force. His charge was for us to take a look at all of the issues that really pertain to a State wide program or State wide considerations that pertain to OHVs, and come back with recommendations as to what changes, or legislative frame work would be appropriate given the growing use and growing conflicts.

The Task Force consisted of 14 members, four of the members are members of the National Forest Advisory Board, and include Tom Blair, Mac McCracken, Craig Bobzien, and me, I also chaired the Task Force. The Task Force met six times. The group has really dug in and looked at all of the issues from all perspectives. We have considered the perspectives of OHV enthusiasts, dealers, agency folks, public safety folks, and others of a variety of interests. We ground through the information and developed a comprehensive list of recommendations that the group adopted at the last meeting and are being finalized. The intent of the task force is to present a final to Governor Rounds by November 1.

A list of four first priority considerations was developed, and will be presented to the Governor. The four priority considerations are:

1. Establish an OHV Definition. Without that we can't do much, currently, there is no definition of an OHV in South Dakota.
2. Repeal the current law, 32-20-13, that allows OHVs to be licensed as a motorcycle. If we continue to have that option in South Dakota (we're one in 50 that does), it would be impossible to have an OHV program. There are other issues as well, but they can't be called motorcycles. We want to deal with it for what they are. Public safety and regulation, licensing and funding of a program that would be geared to support OHV use and recreation.
3. Require OHVs that are utilized on public lands, trails, right-of-ways, etc., to be licensed. Not on private land, but only on public land.
4. The State of South Dakota would be given the responsibility of administering the OHV program with a key element of developing OHV trails. The program would be administered through the Dept of Game Fish and Parks, Parks and Recreation. Similar to the way the snowmobile program is administered.

There are a lot of other recommendations, that would shake out but these are the top four. The next step in the process will be to present this to the Governor and once it's in the Governor's hands it will be a public document for anyone interested. The Governor will decide what parts of the recommendations he's interested in moving forward with as part of his legislative package. This all remains to be seen. The time frame we are on is one to facilitate the Governor so he can make his decision in a timely manner.

McCracken: Good report Doug, thank you. We did talk about how to move forward once we all agree; the Governor, Staff, and all. There was talk of having different bills, etc., but we decided to try to put everything in one bill and take it to one committee rather than spread it out over several different bills.

Scherrer: What Committee will it be presented to?

McCracken: That depends; the president would assign it to a Committee. There was talk of moving it into the Transportation Committee. It will depend on the two people in the various chambers.

Blair: Representative Peterson in Wall, and Mac are both transportation people in their respective houses. This will be a fairly high profile bill and looked at as a Senate and House State affairs type of bill. Right now the Governor is correct in appointing it to those two.

Bobzien: I think this is a great thing for South Dakota and the Black Hills. Part of the reason is the interspersed ownership; private, county, state, etc. One agency only on this would really be a challenge. The snowmobile model we have is a good start to go with. What goes in the comprehensive legislation, and what gets added remains to be seen, but the sooner we can get it done the better. It was the recommendation of this Board that got the Governor to start this. What this Board has to do now is to talk to others about the importance of the legislation. We will be able to secure long term easements for recreation, access, trails, etc. There will be a lot of capabilities where right now we don't have any.

McCracken: This is going to be a team effort as we move forward. We have to educate people, and we'll need Mr. Harlan's help to do that. When the final report is out, it will be available on line. Start sharing the executive summary right away.

Scherrer: Given the fact that this is the end of October, and you want it to go to the Governor in November, that seems a little optimistic. The process is complex and crosses a lot of lines. Give me a sense of this as far as a best case and worst case scenario for 2008. Will it be voted on in 2008?

McCracken: Our goal is to present it and work it through both houses, and come out with some piece of legislation.

Paulson: Are the legislators aware of this?

McCracken: At this point, I would say no, and it will behoove all of us to inform everyone. I would guess we'll have smaller meetings, to answer questions, etc. The news media will be a tremendous help. We've come so far; we can not let this dissipate.

Heinert: This was a Governor's Task Force, and you'll be reporting to the Governor. Are you sure the Governor will be receptive to the recommendations?

Hofer: I'm really pleased that the Task Force took it upon themselves to identify for the Governor, the top four most important aspects of this. It may come down to how comprehensive the bill will be this year. An optimist's view would be that it all gets acted upon this session. The Task Force has done a good job of identifying the critical initial steps, it would be my hope that those priority steps that are outlined would be given first consideration, and the Task Force is in agreement that these are the most important steps for this year. The question no one can answer at this point is how comprehensive the outcome will be.

Scherrer: Craig, refresh my memory, what is the deadline for the Forest Service to have the "closed unless otherwise designated open" plan in place.

Bobzien: 2011 at the latest, but it is not mandated. Our goal is to have it effective in 2009.

Blair: Several things fit well with us bringing this legislation forward. If we're optimistic and much of the bill will be passed, effective July 1, it gives us some time to build revenue. Obviously, if we have some of those sessions in the Eastern part of the state, we might want to have some people there to talk about this. One last thing, I really want to thank the Board members. We started this three years ago with a small Sub-Committee, with people from the public participating. We hosted multiple meetings. Thanks to those people, they set the ground work. Gregg Mumm brought some people from Pierre to talk about the OHV issues when we first started.

Hofer: Since this committee represents folks from Wyoming, in terms of a legislative frame work, Wyoming is ahead of where South Dakota. Wyoming took that issue up several years ago and dealt with some of the same issues. For the record, Wyoming is not at ground zero, they do have a funded program, some framework, not viewed as perfect I'm sure, but they have made the conscious decision to deal with the issue.

Blair: This is not an issue that the Governor decided to pay lip service to. He put people on this Task Force from every view point. All these people were the ones who were able to answer the questions. Doug Hofer did a yeoman's job of bringing this together. Scott Carbonneau was the glue that stuck us together.

Chair Blair: Any other comments or hot topics?

Bobzien: One more thing I would like to mention. This morning, Dennis and I were briefed by Greg McGranahan, our Timber Sale Contracting Officer, about some spikes that were found in a road over by Sundance. A logging truck received about \$400.00 in damage to the tires from the spikes. It's under investigation at this time. This was on a logging road southeast of Warren Peak; it appears from the photo like they are heavy spikes. We do not know if it is a malicious act, but they were buried into the ground with part of it sticking up. Steve Kozel can't be here today, but he'll be looking into this.

Blair: Any other comments, if not, we'll take a five minute break.

REGULAR AGENDA

Norbeck Project Report ~ Kelly Honors

Blair: Next on the agenda is the Norbeck Project Report, welcome Kelly Honors.

Honors: I am the Planning Staff on the Hell Canyon District out of Custer, and I'm the District contact for the Norbeck Project. The District last reported to this Board in January, so I would like to give an update and some background.

The Norbeck Wildlife preserve – this is a unique and special place, not only for the natural features, but the man made features as well, people are very connected to this area. The Norbeck Wildlife Preserve was established in 1920. The Organic Act said that the Norbeck should be managed for game animals and birds and their breeding places thereof.

Bobzien: The areas to the south, Custer State Park, are areas in particular that were mentioned to Under Secretary Rey, and Governor Rounds.

Hofer: Have those timber sales been sold?

Honors: Yes, in 2002, Congress passed a law that allowed the Needles and Grizzly Timber Sales to go ahead.

Smith: What was the need for an EA on the Norbeck when it was in existence for so many years?

Honors: Wildlife habitat, which is not at its potential and optimum conditions. That was the basis for the Needles and Grizzly.

H. Thompson: Did the Legislation just wipe out the litigation then?

Honors: Yes it did.

Smith: The timber industry and other users, including the Forest Service, and most Environmental Groups, did some very serious work to come to an agreement. One group held out and sued, and that was the former Friends of the Bow, now the Biodiversity Associates.

Honors: I'm not an expert on all those legal maneuvers that occurred.

Fischer: There was a lawsuit in 1994 that challenged the Grizzly and Needles Timber Sales, and proceeded till 2002, but the Forest Service was not able to implement the two projects, and in 2002 there was increasing concerns about fuel hazards, and the need to improve wildlife habitat. It all was resolved in the PL 107-206, that allowed and directed the Forest Service to do the timber sales.

Smith: Didn't the Biodiversity file suit, which led to the legislation, and the suit was thrown out?

Fischer: That is correct, they did challenge that, there was an action that took place in Beaver Park, which was also challenged on some legal basis, and that was overturned.

Blair: Beaver Park was the trade off of adding acres to the Black Elk Wilderness, because Beaver Park was an explosion waiting to happen. These events took place shortly after the Grizzly Gulch event.

Honors: One of the other things the bill said was that the State and the Forest Service should be working together.

Kelly resumed her presentation.

Paulson: Are there any different species in the Norbeck area than in the rest of the Forest, anything unique to Norbeck?

Honors: No, nothing unique to the Norbeck.

Rowe: Have the numbers in the twelve species been dwindling?

Honors: Yes, they identified species that could represent many other species and habitats. Even though we have something like the Goshawk, there are other species that would benefit from the management.

Smith: Was Blue Grouse on the list?

Paulson: There were Blue Grouse in the Black Hills in the 1800's but there aren't now.

Everett: Kelly, for your information, the species list on the website gave an error when I tried to print it.

Honors: A brief update of where we are at now. We developed the proposed action, and sent it to over 200 individuals, groups, agencies, and tribal representatives beginning on August 1, 2007. A news release was also made available to announce the start of the scoping period for this project. To date we have received 33 letters, e-mails, or phone calls with comments on the proposed action. Those comments have ranged from full support to full opposition. Some of the recurring comments are related to the burning within and outside of the wilderness; protection and utility of recreation cabins; maintenance of large trees; hardwood, shrub, and riparian habitat enhancement, and existing mountain pine beetle activity.

The next step for us is to continue public involvement including another public meeting, determine the significant issues, and develop alternatives to the proposed action, within the next few months. A Draft EIS is expected in the spring and a final EIS next fall.

All Norbeck documents and information can be accessed electronically at:

http://www.fs.fed.us/r2blackhills/projects/nepa/public_docs/Norbeck_Wildlife/index.shtml

Scherrer: When are you going to start cutting pine beetle killed trees?

Honors: If we're able to stay on track, and the decision is not challenged, the earliest would be 2009.

Scherrer: Doug for Custer State Park, what's your plan for continuing the initial start that you did two years ago?

Hofer: Last year we went to the legislature. The Department of Ag co-sponsored a bill to do a thinning project on the boundary of the park. The project was to try to put in a buffer zone to thin the trees in such a way that the beetles would not spread. The contracts were advertised this fall. They had to wait till late summer to see which trees had been hit, so that the thinning would be in the appropriate place. The trees are marked, the contracts have been advertised. Between now and mid winter, there will be contractors doing the work. What I learned though, is that about 80% of the boundary work is going forth as planned, but in about 20% of it, the bugs were moving so much faster, they had to drop the line south to cover all the affected areas. This leads to my questions. The Forest Service has been out in the Black Elk Wilderness looking at what kind of beetle activity has occurred this past season. Has anyone quantified this to know if it is spreading faster, and what happened in 2007?

Bobzien: We have our aerial flights that are usually a year behind. We know we still have the spread that you are describing.

Honors: The entomologist here at the Research Station says that in places it is spreading quickly. They have been out with some State folks looking at the situation.

Kile: What kind of hardwoods were here when Custer's expeditions came through?

Honors: There was a variety, not just aspen, and not just in the Norbeck.

Kile: Are those varieties documented?

Rowe: Are there any avenues available that you could use to expedite the process in the Norbeck?

Bobzien: This has been a controversial project. We've been moving forward, Kelly is holding open houses, etc., but there are others that do not want us to move too fast. We know we have rapid growth pine beetles, and fire. Part of it is getting the buy in and support of the public, but we do plan to continue on.

Everett: Talk about the way you developed the proposed action, it is different than most other projects.

Honors: The purpose and need is for game habitat and birds, so because of that, we looked at what species, what habitat, what kind of landscape alignment we want to occur, and then decided how to get to that point.

Everett: In a lot of projects I've read, the Forest Service will say, for example, 100 acres of thinning to x-density, but on this one, it just says Goshawk. It's a little bit Greek to read.

Lloyd: For the Norbeck, the Organic Act says to manage for game animals and birds, so we can do things in there, and they might benefit the control of mountain pine beetles, but the bottom line is for game animals and birds.

H. Thompson: With all the restrictions you have, multiple ownerships, management of the Norbeck itself, you're dealing with a poster child for poor forest health. The deck is stacked against you as far as managing for a healthy forest.

Honors: Some wildlife does better in open stands, too, so the goal is for a mix that can end up serving several purposes.

Chair Blair: Are there any more questions or comments? If not, we'll move on to the next topic, the Open Space Sub-Committee Report.

Open Space Sub-Committee Report

Paulson: This document was passed out at the last meeting, but we did not have appropriate time to review. We would like to have a full discussion and decision on the document today.

Scherrer: I was one of those who asked for it to be delayed. I have a question about the four page document, on page two, last sentence of the first paragraph that reads: The NFAB believes such a new authority should be shaped after the principles in the "Sisk Act" with its confined criteria of the USFS selling real property at an appraised market value to a state or local government. My question is what is the Sisk Act?

Paulson: Pat McElgunn wrote this piece, and I apologize that he is not here to answer that. Craig distilled the four page paper down to one page, and that one page is what is up for discussion, and decision today.

Kjar: The Sisk Act allows the Forest Service to sell land directly to people who have used the land under permit; we put deed restrictions on it.

H. Thompson: We don't want reversion clauses on any of this.

Smith: Does the Sisk Act limit the sales to governmental entities, or can it go to the private sector also?

Kjar: Yes, you might have a County with a fire dept, or a school district that would be able to use it, so it is limited.

Smith: That's my concern; that reference to it might take on a life of its own. We've identified some possibilities of going to the private sector for these exchanges.

H. Thompson: With that reversion clause in there, we should get that Sisk Act out of the proposal.

Paulson: I would like to remind you that we are just asking for consensus on the one page document.

H. Thompson: I would just hate to see that end up in the legislative bill.

Paulson: I meant to hand out just the first page, the attached four page document is not what we are focusing on today, we want approval of the one page.

McCracken: I do need further clarification. In the reference material, with the Sisk Act, Government entities are the only options to deal with in a purchase.

Paulson: That is not the case.

Kjar: The Sisk Act is also an act that allows the proceeds of the sales to be retained by the Forest Service. Without Pat here for clarification we don't know for sure what his intent was. It does limit the property, and the entities. We probably just need to take that out.

Blair: Certain principals of the Sisk Act could come back on us later on. When we were developing the intents of using Deadwoods money for historic preservation, we didn't realize how much of an impact some of the wording would have. We really do need to be pretty clear about what is being sent forward.

Scherrer: With all do respect, there is no way you can separate the two documents. You can see how we came to the conclusion of the four page document down to the one page. The point is, you can't separate them, we're not arguing the concepts, we can't look at the summary without looking at the supporting documentation.

Kjar: We just need to reword the document regarding the Sisk Act. We can word it so that we are clear about the use of the portion of the Sisk Act that allows us to retain the money. But we do have to be clear that we will not limit who we can sell to.

Smith: If we retain any reference to the Sisk Act, we could eliminate the last sentence, but if we do, I believe it should be a matter of illustrating precedence, and the only thing that is referenced is the ability to sell.

Rowe: Apparently you chose to explore the Sisk Act, because it had criteria that you thought was useful and needed. Was the Sisk Act the only Act that has advantages, or would one of the other Acts be more conducive to what you what to accomplish?

Kjar: The Sisk Act had a broader application which was the best choice. There are several acts that address the sale of specific parcels of land, but we need a broader authority.

Smith: Was it the one that the folks from the Southeast, who visited us, used?

Kjar: No it is not, this is a different one.

Everett: I move the following amendment be made to the last sentence of the first paragraph of the four page document: ...although it is not NFAB's intent to constrain... perspective buyers.

Scherrer: Second the motion.

Smith: I would like to propose an amendment to the amendment, to replace the word constrain with restrict. Restrict is more absolute that constrain.

Everett: I agree with that change.

Kjar: The Sub-Committee believes the new authority should be shaped after the authority of the Sisk Act, that allows retention of receipts.

Everett: The purpose of the amendment is to clarify why the Sisk Act is mentioned, so if it's mentioned at all, it should be qualified.

McCracken: In the hand out that talk about State or local government, should we have the word state, in there?

Everett: I would defer that question to Craig. Would the word other governmental entities cover it?

Hofer: In the context of this, everything, state, private, everything would be within our intent. It's not our intent to restrict it to just one or the other. This doesn't say what our intent is; it says what our intent is not.

Smith: Municipalities are cities and towns, but the State is not a municipality.

Hoobler: What is discussed is the intent of the Sisk Act, and how it's not the NFAB's intent to restrict perspective buyers as is the intent of the Sisk Act.

Hofer: I would make a motion to change the wording on the one page summary, third paragraph; instead of saying "lands", say, "private in-holdings within the Black Hills National Forest".

Scherrer: I second the motion.

Smith: On the other side of the coin that was just pounded to a pulp, isn't it possible that a government entity would have something available for sale or trade? In other words, if you say private in-holding, you preclude government in-holdings.

Hofer: Strike the word private.

Smith: How about the words, adjacent to... and following?

Hofer: I don't like that because it's too many guidelines.

Smith: I know some examples, but just want to make it more literal.

Kjar: The Black Hills does have specific authority to buy land within three miles of our boundaries.

McCracken: How about the word contiguous, meaning right next to it.

Hofer: The point is simply, you don't want to leave it as it is now.

Kjar: It is important to know we already have authority.

Hofer: This will be hard enough to sell to congress without pushing your luck.

Smith: How do you see us creating a negative message?

Hofer: The whole thought process is to block out the Forest so it is more accessible. If you look at areas outside the boundaries of the Black Hills, you are not helping the Forest.

Heinert: Would we give up the authority we have now?

Hofer: It just wouldn't be covered any longer.

Hofer: Within the Forest boundary is also a restriction that could bite us because within the boundary there is almost as much private land as Federal land, and in some cases it doesn't even match along the boundary. One of the things I envision is realignment of the boundary. If you limit it to land within the existing Forest boundary, you're putting a restriction that could stand in the way.

H. Thompson: When we showed the staffers the map, the purpose was to work on the pattern of in-holdings. I would either not address it here, or address it as exterior boundary. I think we're breaking faith with the public if we don't.

Heinert: Nels made the case for striking the word private.

Hofer: If there's a government to government transaction it would be outside this act.

Bobzien: This right now would not preclude it, so I would say that is a possibility.

Heinert: So you're saying that it is not necessary.

Hofer: Do you feel it is restricted by having the work private?

Bobzien: As far as having the word private, I think it would advance the intent of this. Having that word is more restrictive yes.

McCracken: So you believe that private should remain there.

Bobzien: I do think that is what our intent is, to go after a change in ownership, such as other governments, converting private to public.

Smith: I concede.

Blair: Does everyone understand what the change is, if so, the motion is carried.

Paulson: Again, I would like to say that the Sub-Committee is only seeking endorsement of the one page summary.

Blair: Is the one page document "NFAB Open Space Committee Report Summary" the only page that will go forward.

Paulson: Yes

H. Thompson: Currently land exchanges are restricted within a State. Are we saying that within the BHNF we have freedom to operate across State boundaries?

Paulson: This is addressed in seventh bullet, no decrease in tax base.

H. Thompson: If we sold land near Custer, can we buy land in Wyoming?

Paulson: That would be allowed.

H. Thompson: So it covers anything within the Black Hills National Forest.

Everett: I would like clarification on the initial five million dollar appropriation that is requested. It is my understanding that we were not going to ask for this because we were looking at it being self funding (page three last paragraph.)

Blair: In all of these legislations, sometimes there are up front costs, if you have oversight or administrative costs. Is the Forest Service assuming that they will absorb the cost?

Paulson: The thought was to either sell off a chunk of ground to start this process or request an appropriation.

Blair: If you sell a chunk of ground you are almost in violation of your own principle.

Kjar: That was a discussion in the group; we did not want to take money from lands we've sold, to use for start up costs.

Blair: Do you view the five million dollar request inappropriate?

Everett: When you are going to Congress to sell a self funding program, yes.

H. Thompson: When we had meetings with all the delegation staffers, I thought we told them that it was a self funding proposal, and that we wouldn't be asking for money. Again, I'm trying to understand what we told them.

Representative Blair: Our understanding was that it was a self funding project and there would be no appropriation needed to fund the program.

Scherrer: On the four page document, second page, last paragraph, the sentence that starts with: The land adjustment must be important... and includes the wording... the communities contained within. Their goals are not consistent with the first half of this sentence.

Everett: The intent is to describe that the process is to be carried out with oversight. The Forest Service is not going to be in the business of forcing land exchanges.

Heinert: Whether it's intended or not, there are inconsistencies between the two documents.

Blair: Separate the two documents. The motion is to accept the front page as amended.

Paulson: The four pager is too restrictive. The drafting services will make the necessary changes.

Hofer: Is our motion that the first page goes forward as amended?

McCracken: And the amendment reads: The Sub-Committee recommends pursuing legislation that will provide opportunities to see appropriate Black Hills National forest Lands and use the proceeds to purchase private in-holdings within the Black Hills National Forest from willing sellers.

Paulson: There is no value in amending the second document.

Patty Brown: So since the money part of the second document didn't come forward to the summary, it won't be part of the recommendation.

Blair: That is correct.

Nancy Hilding: I would like to thank the Sub-Committee for their work on this.

In reference to the seventh bullet on the bottom of the first page - no decrease in tax base... sometimes we think it is in the interest of the government, but there are many other ways it is economic in the counties, it is a serious issue to think about.

In reference to the second bullet – if this was going to be a huge issue to the county.

In reference to the last bullet, it is too restrictive, shouldn't always go into the adjacent land. You should add: selling property around towns where property value is high. One impact is on open space and trails, when you sell property around Custer or Hill City, you might create an open space issue. You should address that if you are selling property around a community, the community should have the opportunity to buy the property.

I also have a question about local government support. The tribes, consider that the Black Hills belong to the them, what has been done to get tribal buy in?

Blair: Bullet number two probably answers that concern, regarding trails and other areas of concern. The sales still have to go through NEPA.

Hilding: The controversy that is going on now about the mountain in Rapid City, what if the people want the land to be purchased by the town. There should be a point when you talk to the locals, and the town.

Blair: Look at the second bullet form the bottom, which reads: Local government support for sales/purchase.

Paulson: The third bullet down also addresses this. Our Native American Representative, Donovin Sprague is on our Sub-Committee.

Blair: Public comment period is closed.

Smith: No net loss of private land, in Wyoming, that is essential to get the support we need.

Blair: We talked about that at the last meeting.

H. Thompson: I've since talked to the folks I represent, and I sold this document to them, with out today's revisions. If we tinker with this very much, I probably could not vote for it.

Blair: Any further questions?

Smith: We have to get a good sale to get money in the kitty. Some of the lands that are most logically needed to be disposed of are in the Bearlodge. There are 40 acre parcels that quite logically could be sold. It just hit me that if we get literal and descriptive with the language, we might eliminate some of these good possibilities.

H. Thompson: I would ask you not to make those changes. What they do not want to have to do is provide County services for those areas, where a remote 40 acres turns into a sub division. I would address that in a different form that in this legislation.

Paulson: This could also be handled in the old land exchange program. This legislation addresses in-holdings.

Smith: The old ways are unworkable. Considering what Hugh said, I will withdraw my statement.

Blair: Do I have a motion to adopt the one page document, as amended? Motion made and carried.

Smith: I would like to ask that the minutes reflect, that the motion applies only to the summary sheet as amended, and that the four page “concept” paper is not approved or endorsed.

No objection was raised.

Bobzien: Just a couple of things before we close out on the open space topic, on behalf of the Black Hills National Forest, this is a great piece of work, and I appreciate the added value of the comments. The purpose of this product, the intent, was once we had a recommendation, the Advisory Board would submit to the delegates to ask for support. Best case would be that we would have full support from both states, and then ask for drafting services. I would suggest we have the Board in a consulting role for clarifications, etc., then go on to Congressional action. I would suggest that the Sub-Committee submit a transmittal letter for Chairman Blair to sign to further it on.

Blair: Motion made and carried. A letter will be drafted.

Mitchell Project Report ~ Bob Thompson

Bobzien: Phill Grumstrup is the Team Leader for this project, welcome Phill.

Grumstrup: Most of you are familiar with this project, and you were briefed a year and a half ago. I’ve been the Team Leader for over a year, it has taken a long time to develop, and we’ve done a lot of public input. We are now at the stage of implementation.

At the end of June, we published the final environmental impact statement (FEIS), and copies are available if you are interested. The record of decision was recently signed. After the FEIS was signed, we went into the objection period. This was different than a standard NEPA project that includes an appeal process. We did this project under the Healthy Forest Restoration Act, which provides for an objection process prior to the decision being made, instead of an appeal process that takes place after the decision. We received one objection from a group in Laramie Wyoming. Our response to that objection went to the reviewing officer in Denver and we were directed to proceed. Consequently, Craig Bobzien signed the record of decision in September 2007. We are permitted by law to implement immediately, and we plan to.

The first thing we are going to do is start thinning the area; it will cover about 15,000 acres. There will be up to 9,000 acres of prescribed burning. This work could take up to 15 years, but more than likely only 5-10 years. The Forest will be thinned; the fuels will be reduced, removed, and disposed of.

One of the most noticeable areas of work will be along the main corridors surrounding Hill City. This will be completed with thinning contracts, and stewardship contracts. Prescribed burning will be done in house.

Everett: For the information of the Board, Stewardship Contract is a contracting mechanism that enables the Agency to trade the value of timber for service work like thinning, road maintenance, and goods for services.

Grumstrup: I would like to introduce Gale Gire and Jay Kurth. Gale is the Silviculturist here on the Mystic District, and Jay is our District Fire Management Officer.

Gire: Most of the areas will be thinned to various densities. The time schedule is accelerated, especially the areas around Hill City, Storm Hill, South of Highway 16, we are trying to get to those areas as quick as possible. The first treatments will be in the Storm Hill Timber Sale, right around the first of the year. The idea being is to get the stands thinned out before the bugs start to do their thing next July. Next we plan to move to the west side of the planning area, into the Elmo Timber Sale. This will be done next spring, early. The idea

being, the bugs seem to be progressing this way, so we want to get this treated as soon as possible. Also the major fires tend to run to the north and east. By treating this area first south and west of Hill City, this will reduce the fire hazard right off the bat. Then we'll progress to the south east of Hill City, and north of Hill City, which is a lower priority, and will work on those towards next summer. The sales and treatments are on those schedules, but the sales can last up to three years. It might be as late as next fall for the Elmo Timber Sale. Next we will progress to the east from Twin Springs Road, probably late next summer or next fall.

H. Thompson: About what percentage of the work will be done using stewardship contracting? What percentage will be done using appropriated dollars? What type of stewardship contracting will be used?

Gire: It will be a mix of stewardship and other contracts. For stewardship, the general plan will be timber values supporting the non commercial treatment.

H. Thompson: In today's market, that might be a tall order.

Gire: There may be some areas not included in the stewardship contracting. There may be some units, such as in the McVey area that we would look at using other appropriated money. The objective will be to size the projects where timber values can carry the project wherever possible. This might involve shrinking the size of stewardship contracts in order to meet this goal, and then using appropriated funds to accomplish the other project work.

Kile: How many tribal entrepreneurs is there that could be involved in the projects?

Everett: Right off the top of my head, I don't know if there are any tribal contractors bidding. The contracts are all advertised in Fed Biz Ops, and advertised in newspapers, etc.

Kile: Are there any private sub-contractors that have been used for Forest work?

Everett: The Black Hat hand crews have been doing work

Kile: Are there any affirmative action options the Forest Service could use?

Everett: The contracts are awarded on best value, and awarded by small business, as far as the particulars regarding affirmative action, I can not answer that.

H. Thompson: I was under the impression that they could flat give it to the tribes.

B. Thompson: The Forest has been working with the Rosebud Tribe and our District is heavily involved, basically training and encouraging the tribal folks to do the work that we would normally put in a contract on the street. We've worked to develop that, as a Forest, we've been working with the Tribe to develop the skills.

Kile: Do you involve the tribal colleges?

B. Thompson: Specifically the Rosebud Tribe in regards to thinning operations.

McCracken: Is there a nice two page overview of the project that we can take out to our constituents?

Grumstrup: There is a background and a summary sheet that you could use.

Kurth: Fire treatments are going to have to follow the thinning treatments. The goal is to reduce the fire hazardous fuels. Some of the areas we may be able to get into prior to thinning, in all likelihood, we probably won't be in there for a couple of years. It's a five to eight year project because of the amount of fire, depending on suitable burning windows (periods that meet burning prescriptions). We'll write specific burn plans for each area. What we'll try to do is intersperse other prescribed areas in order to limit the amount of smoke in the area for any given season.

Hofer: How many acres of prescribed burning were done on forest this year and last year?

Kurth: On the Mystic District alone, 1,700+ acres were done last year, 2,000 acres were done the year before, and the target for this year is 2,500 acres. The target for the Forest is 7,500 (12 square miles).

Rowe: How do you orchestrate the burns, and what is the process. As you start the prescribed burns, are they going to follow after the thinning work is done?

Kurth: It depends on the piece of ground, such as in the Samelius areas. That area is all up hill and away from treatment areas. In other areas, we will be waiting for other treatment to be done first.

B. Thompson: Studies have been done in terms of accomplishing thinning as well as prescribed burning, and people get nervous about that, a lot of people wish we would not have to do burning. What the studies show, is that broadcast burning is absolutely essential if we are going to reduce the intensity and severity of wildfire. Thinning and burning together is the best thing we can do.

Kurth: Brand new research says that effectiveness of thinning isn't good enough because of the ground fuels. Gale will go in and thin in high crown fire potential areas. Fire on the ground will reduce the fuel below. The prescribed fire we've done around Horse Creek for example includes both new burning and maintenance burns (follow-up burning in previously burned areas.) In some cases, part of the prescribed burn objective is to kill trees and create areas for wildlife. In maintenance burning these areas, we're often not able to get enough fire generation to kill the trees. This demonstrates how prescribed fire treats the fuels and lowers the intensity of a wildfire.

B. Thompson: In the existing conditions, there is a high potential for crown fire. Think about the return interval for fires, it is 15 to 20 years. You have to keep getting back into the areas to treat them.

Rowe: When will you get started, on the thinning, over story removal, and burning process?

Kurth: I will start after Gale has completed his work. The Samelias Peak area is one area we could move forward with first.

Scherrer: The area that was thinned out opposite of Zimmer is about knee deep with fuels and ready to be burned.

Kurth: I don't want to feed the same people a steady diet of smoke over the next few years either, so we'll have to make sure we move things around.

Smith: Are you involving the private and non Federal land owners?

Kurth: We try to design our projects to use roads for fire lines, and to have them burn uphill. We do not seek out private land because they still own the liability. (Reference made to the Wyden Amendment.)

H. Thompson: I'm impressed with the holistic nature you are using and integrating the aspects to end up with a healthy forest.

Bobzien: Thanks to Bob, Gale, Jay, and Phill. A few months back in an interview, the area of most concern, was Hill City, no place else on the forest are we working in peoples back yards. Bob, Gale, Jay, and Phill have gone out to the public to gain their trust. This is a large scale project, thanks to the District for doing this good work, you did a great job.

Blair: One housekeeping note, the next meeting will be November 14, 2007, rather than the day before Thanksgiving. The time will also be moved up from 1:00 for an appreciation luncheon.

There will be no meeting in December.

We try to hold our first meeting of the year in January prior to the legislative session, which is the second Tuesday of the month, which would be the 8th of January. I propose that we have our January meeting on the 2nd of the month.

Hofer: Do we have to meet on Tuesday?

Scherrer: Can we call the January 2nd date a tentative date?

Blair: Yes, and adjust in November.

Blair: With the potential opportunity of sitting down with legislative group, it's important to come with a singular message. I know it's hard to get everyone together, but I'm afraid OHV may get lost if we don't. I will ask Dennis possibly early in December to develop a cracker barrel meeting here in Rapid City to discuss OHV.

McCracken: We can try and arrange that, but our time becomes limited.

Blair: One last item, we must keep our public comments to three minutes.

Public Comments ~ Chairman Blair

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

Hilding: What I'm hearing is that by opening the tree tops, the Jasper Fire was from this new generation of trees coming up, and you're actually creating crown fire.

B. Thompson: There are many factors that can affect wildfire – the continuity and type of vegetation such as fuel breaks, hardwoods and meadows, structural stages in the pine trees, and the amount of fuel on the ground. The tools we are using to reduce the potential for high intensity wildfire are the same, but how we are applying them on the ground is different that in the past.

Hilding: 10 or 15 years later we have another risk of fire, is the risk to the bottom or is it that the lower level is going to jump to the top?

B. Thompson: The object is to break up the continuity, and to reduce the fuels.

Troy Hall: Since the maps for the trail system have been published, I've been getting a lot of calls from people who want to start trailheads. One of the things that can go a long way is to seek letters of support from members of this Board. How do we go about seeking approval from the Board?

Blair: Deal with the Frank or with Dennis, to get on the agenda for a block of about 15 minutes. Several weeks prior to your meeting date, send e-mails to the Board so that we come in knowledgeable.

Hall: It's important for this group to partner with these people.

Patty Brown: Thanks the Forest Service for doing a good job. Workshops and public meetings are working, and I'm really glad to see public involvement. I'm encouraged, and hope we come up with good system.

Blair: The time frame is going to move up to before noon for November – appreciation luncheon.

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 Scherrer. Meeting adjourned at 4:28 p.m.

Next Meeting:

The next NFAB meeting is scheduled for Wednesday, November 14, 2007.

Future Meeting Dates:

- December – No Meeting