

NATIONAL FOREST ADVISORY BOARD MEETING (NFAB) – August 18, 2004 --  
Pactola Room/Ramkota Hotel and Convention Center, Rapid City, SD

ATTENDEES: Board members: Chairman Tom Blair, Vice-Chairman Bob Kloss, John Cooper, Aaron Everett, Pat McElgunn, Bob Paulson, Jim Scherrer, Nels Smith, Ed Yelick. Forest Representatives: Pam Brown, Frank Carroll, Marcia Eisenbraun, Gwen Ernst-Ulrich, Brad Exton, Steve Kozel, Cara Staab, and Bob Thompson.

Board members absent were Bryce In The Woods, Ron Johnsen, Jim Margadant, Jeff Olson, and John Teupel.

Approximately 60 members of the public attended.

APPROVAL OF MINUTES: Minutes of the May meeting were approved. No minutes were taken during the June field review. The minutes from the July meeting were not available for review.

COMMENTS TO THE CHAIR: Acting Forest Supervisor Brad Exton stated that the National Forest Advisory Board (NFAB) has been in existence for a year and a half now, and the Forest recognizes the time and energies the Board members put forth. Exton presented awards of appreciation to Past-Chairman Ed Yelick and Past-Vice-Chairman John Teupel.

APPROVAL OF AGENDA: Approved as announced.

TRAVEL MANGEMENT PUBLIC PRESENTATIONS:

Steve Kozel, Bearlodge District Ranger: Information presented on the Wyoming Off-Highway Vehicle (OHV) Sticker program. This program was implemented in 2002 and is similar to the snowmobile program in place in both South Dakota (SD) and Wyoming (WY). The program was presented multiple times before passage by WY legislators. Volunteers assist with implementation of this state program. An internet search for types of OHV management programs across the western United States indicates that Utah, Colorado, California, Nevada, Oregon, and Washington all have some type of sticker program or are looking at implementing a sticker program. Statues are based on modifications of off-road use statutes. It is voluntary for state and federal agencies to enroll trails and areas into program. To simplify the program, an agency identifies areas where stickers are or are not needed. For travel on a designated trail, a sticker is required, and the operator does not need to be licensed. For travel on a designated road, a sticker or license plate is required, and the operator must be licensed. Bearlodge Ranger District reviewed options for designating any roads or trails for OHV use. Designating roads simplified operating OHVs on open roads for the visiting public. All open year-round roads are enrolled in the program. County roads are not included in the enrollment. Benefits Kozel sees in the program are as follows:

- The first process that allows non-resident users to easily comply with state regulations.
- Increased communication between state and federal agencies and the public about OHV issues.
- Accepted readily by the public even with a degree of difficulty in explaining the system.
- Provides a source of funding for the OHV program that did not previously exist. Funding is used for inventories and maintenance of existing trails and roads and analysis and implementation of new trails/roads.

The downsides of the program are as follows:

- Difficulty in explaining what constitutes an OHV.

- Dual designation of some roads or trails makes it difficult to know where a license is needed.
- Liability concerns with young operators on motorized trails as relates to users of the trail, signing, etc. Discussion needs to occur on this.
- County concerns with liability and licensing issues and how county revenues are affected.
- For Forests that straddle state boundaries there is a reciprocity issue.

Overall the contacts Kozel made indicate overwhelming support for the OHV sticker program.  
Cooper: How is this program enforced and what are the penalties?

Kozel: *Distributed copies of the Memorandum of Understanding identifying penalties. In general the program is under state enforcement with federal and county law enforcement assistance. Sticker revenues are prorated back to counties.*

Everett: Currently SD operates on an “open unless designated closed” process. How does that relate to this type of sticker program?

Kozel: *A sticker would be required to travel off-road or trail.*

Blair: How are snowmobile sticker revenues distributed now? How is signing done?

Cooper: Revenues are distributed proportionately to the counties in which they are generated. Stickers are based on the season of operation.

Becci Rowe: Presented a slide presentation on Botany Canyon (lower end of Stagebarn Canyon). A compact disk (CD) of the presentation was provided to all NFAB members. The process to develop an OHV/Access Management Plan will be long, but we need to act now to protect and preserve the more delicate areas. Model possibility (SD Mining Law) is only one of many that could be used as a model to step forward now to protect delicate areas.

Smith: Is Botany Canyon a designated name or is it designated as Stagebarn Canyon?

Exton: *Botany Canyon lies within Stagebarn Canyon and is designated on the Forest Visitor Map.*

Smith: Are slides 12 and 13 designed to be comparative photos of the same location?

Rowe: These photos are of different locations. Slides 22 and 23 are of the same area photographed at a 10-year interval.

Scherrer: How would you propose to implement the “permitting” mentioned?

Rowe: That would need to be studied.

Chris Carbone: Grateful to have the opportunity to make this presentation. Stated she chose the site for her home because of the closeness to the Black Hills National Forest (BKF). Use of OHVs has made it easier for users to enter the Forest. Many still enjoy the Forest by hiking, but the numbers are dwindling. Problems seen are as follows:

- Reduction of vegetation by OHVs and 4x4 vehicles.
- Destruction of vegetation and creation of “renegade” trails when other options (fire trails) are readily accessible.
- Increased erosion because of impacts of OHV use.
- Increased littering – users carry in, but for some reason don’t think they can also carry out.
- Noise pollution for nearby residents and other users.
- Ease to use the forest for target practicing.
- Ease in having large “parties” within the forest (increased dangers associated with vehicle accidents, fires, etc.)
- Privately maintained road in subdivision is used as access for OHVs (The road is currently signed by the homeowners association.)
- Limited or non-existent signing increases problems.
- Parking areas for off-loading the OHV equipment might assist with narrowing area of use.

Paulson: Have you seen a change in the amount of activity?

Carbone: Estimated a 25-30 percent increase in the number of “renegade” trails. Signing seems to be something that has limited effectiveness.

Smith: Is this a private or public road that is maintained by the homeowners? He also requested clarification of the area occupied by Carbone.

Bob Thompson, Mystic District Ranger: Provided information on the area of Carbone’s residence.

Blair: Did the signing provide any noticeable relief?

Carbone: Signing appears to have provided some relief during the recent Sturgis Motorcycle Rally.

Elaine Ebbert: PowerPoint presentation provided – Resident of Black Hawk – Botanist by profession. Educating the public on what areas are appropriate for OHV use is critical. Concern that there will be a critical loss of ice-age plant and other sensitive and endangered listed species. Cited non-management/enforcement by FS as part of the problem in Raddick Gulch Area. Removal of fences by FS at both ends of Raddick Gulch and small blockages are inefficient and lead to “destroying the village in an effort to save it.”

Cooper: Every issue that we all deal with is defining the degrees in which we restrict management of an area. Minimize conflicts within variety of users. Would you be willing to sacrifice a portion of the Forest where OHV use is allowed or are you thinking more in terms of a diverse use?

Ebbert: That is tough but lean toward designated areas for OHV use that also allows for quiet areas for non-motorized recreationists. (Similar to snowmobile/cross-country skiers). Concern with designating areas leaves the opportunity for the area to only increase in size due to not-enforced use.

Bob Burns: Hard copy presentation presented to NFAB members. Owns land adjacent to NFS lands. Concerns of these NFS-adjacent property owners is the OHV use and the problems associated with it (resource damage, noise, dust, safety, etc.).

Believe the FS is taking a positive step in looking into this type of use.

Believe the closed unless designated open is appropriate way to go.

Licensing/sticker idea seems positive.

Lack of law enforcement personnel needs to be addressed.

TIPS line would be a good move forward.

People who leave their OHV tracks on the Forest are similar to those leaving litter – It depends on your definition of litter.

Cooperation is needed for everyone to reach his or her goal – Enjoy the BKF.

Paulson: Have you ever put in a tank trap? What is the most effective closure method?

Burns: Have not personally put in a tank trap. A post and rail fence seems to be the best means, but even that is not foolproof. Barricades create problems in fire response. Signs, small gates, and small fences should generate the respect needed.

Scherrer: Everything I’m hearing (enforcement, stickers, barriers, signing) all equate to funds. What do you see as non-resident user requirements and what is the advantage?

Burns: Non-resident users create impacts without generating any revenue concurrently.

Scherrer: We need to be cautious that we don’t generate funds from only one type of user.

Ken Rost: SDGF&P Northern Hills area: Hard copy handout - Manages the SD snowmobile system.

Blair: How many fines were levied last winter on snowmobiles?

Rost: Sixty to seventy.

Smith: Do you have enough voluntary compliance that enforcement is minimal?

Rost: Feel that without the enforcement, compliance would be significantly reduced. Keep the outlaws under control and reduce their numbers.

Paulson: Where are revenues generated?

Rost: Much from other parts of the state.

Kloss: How many years ago did this snowmobile program begin?

Rost: Approximately 20-25 years ago.

Paulson: What was the impetus for establishing this system?

Rost: Requests from the snowmobile community.

Scherrer: Request clarification of the final paragraph of presentation. What is the source of the rumors?

Rost: ATV users, members of this board are two sources.

Shelly Deisch and Dr. Gary Brundige: SDGF&P -- PowerPoint presentation and hard copy information provided.

Paulson: Why are ATVs not allowed within Custer State Park?

Deisch/Brundige: Just have never allowed this type of use. Some bikes are allowed and horses are allowed anywhere.

Blair: Must you obliterate the trail or remove the use on the trail?

Deisch/Brundige: Trends within the park indicate no use is the primary factor for returning the wildlife to vacated habitat. Smaller mammals may be directly impacted, but we do not have the research for the BKF to speak directly to this.

Brundige: May be relating to the type of use the road/trail has had.

?: How are other state lands managed?

Cooper: As a general rule limited use is the standard.

Smith: What is happening with lion numbers across the BKF in the last few years?

Deisch/Brundige: Increasing in both instances.

Craig Shaver: Chairman of Meade County Natural Resource Committee – Hard copy presentation. Oppose “closed unless posted open” (CUPO) because this creates added burden to reopen areas for use. Need to be able to act quickly to address concerns, and current planning requirements are a detriment to this, as is the burden of reopening areas in the CUPO Forest. What relation is there between human impacts to natural impacts (signal to noise ratio)? This covers the position of Meade County Commission.

Comment/question from Shaver: Group ownership and commensurate responsibility for management and protection of the land used to be the norm. How do we get back to the general person on the street taking responsibility for preservation of the public lands for responsible, respectful use?

Kloss: What sociologists and others have reported relates to the privatization of experience. The collective response is less important than the individual.

Blair: Obviously we cannot control the freeze/thaw equation, but we can address other factors.

Shaver: Need to remember the freeze/thaw when coming to decision.

Tim Pavek: Hard copy of PowerPoint presentation provided. Resident of the Black Hills and avid recreationist. Sees himself as representing “family recreationists” who motorcycle, hike, climb, ride horseback, photograph, etc. in the BKF. Belong to the old school that sees himself as a conservationist who must be responsible in his use of the land to ensure it is available for future generations. Limited contact in all of the years of riding in the hills with other user groups and

believe that is a means for co-existence. Prairie Project is leading into the future for multiple-use management. Focus of this presentation is on off-highway motorcycles (OHM), one of the “single-track” user groups. Commend Mystic Ranger District for their work.

Paulson: Where do you primarily ride within the Forest?

Pavek: Most riding is in the Sheridan Lake area.

Paulson: Are you familiar with Victoria Lake Closure Area? What do you think of that closure?

Pavek: Yes. Believe there were some politics involved in this decision. In general supported continuing the closure of that area.

Ben Mahoney: Not present.

Diane Burgard: Sheridan Lake Road resident. Agree with the concept that signing is needed, but believe the signing needs to direct users to other states. Believe there should be no motorized use of the Forest. Foot travel only and no target practicing. The few irresponsible motorized users spoil everything for the others (motorized and non-motorized).

Blair: Do you think closing the Forest is realistic?

Burgard: Believe it would be.

Greg Mumm: Representing several organized motorized user groups. PowerPoint presentation (handout does not include photos). “You can’t do that!” “Oh, yeah? Watch me.”

Paulson: Concern with the moving things around concept. Requested clarification.

Areas that are useable in the summer are not necessarily useable in the winter and use areas could be shifted. Similar to habitat mitigation issues.

Paulson: Are you in favor?

Blair: Ownership – literal or figurative?

Mumm: Figurative – Carry your own water.

Cooper: With designated trails, what is the deterrent to going off the trail system once established?

Mumm: The greatest barrier is to hit the offenders in their checkbook.

Blair: Would a model of the TIPS program be workable?

Mumm: Definitely see this as workable.

COMMENTS FROM GENERAL PUBLIC:

Smith: General information I’m hearing is the problem is the renegades and every person needs to be concerned with gaining control of these users. Official law enforcement is not the answer because of the prohibitive costs involved with policing every acre of public lands.

Paulson: Next meeting will also be dedicated to this subject, so please feel free to come back at that meeting to make a formal longer presentation.

Cur Nupen: Tilford area – Like the Wyoming approach, but the permit needs to be readable when the trespass occurs near private land, so that the landowner can retain the number for enforcement procedures. Forest protection needs to be the responsibility of every individual and every Forest Service employee. Need to get a handle on enforcing violations – TIPS, law enforcement from all levels.

Matt Hennies: Black Hills Jeeps – What is the Forest policy for having a reserve law enforcement unit?

Exton: *Non LEI folks are involved in enforcement.*

?: A neon orange flag or patch.

Ted Erleywine: Motorcycle user and instructor -- Believe solutions exist and that it does not need to be strictly a trail system. What works in the northern hills may not be the best response in the southern hills. Signage will be a big factor and then the minority needs to be cited with a

violation. This lack of respect slips into other areas of management of the Forest and into other areas of society. Dirt bike riders transfer into users of the highway bike as well.

Colin Patterson: Geology Professor (representing self) -- Need to attach some urgency to addressing the issues of areas being damaged by inappropriate use. Provide signs to identify use areas or non-use areas. Provide education.

Bob Rohrback: High Meadows area -- Don't necessarily agree that the trail in his area needs to be closed, but rather that a trailhead needs to be developed to provide clarity for the users.

Nancy Hilding: Prairie Hills Audubon Society -- Would like to come back for a more substantive presentation. Recreation Management Act requires management for all users. Need to utilize Recreation Opportunity Spectrum.

One minute to Board:

Scherrer: Very good presentations, well thought-out and limited in emotion. Thank you very much for the handouts and for all of the valuable information presented here today. Now this Board is challenged to help develop something

Smith: Good input and thoughtful presentations. With all of the expertise around the table believe we don't have all of the information needed to solve this problem alone.

Paulson: Would like to learn more about the signing process used in Meade County.

Everett: Echo Jim's comments and appreciate hearing from everyone. Indicative of the various ideas and how broad and complex this is and now we need to break these issues down into solvable portions. Need more help from the public to accomplish this.

Cooper: Complex and difficult problems are just that with relation to solving – difficult and complex and if things were easy someone else would have come to a solution. BKF is not unique in dealing with this issue. Changes have occurred in other areas and they will occur here. Any advisory board needs additional advice.

Kloss: Appreciate everyone's comments and regret that we had to limit you to 15 minutes. Quote by G Pinchot, June 14, 1907).

Blair: Next meeting September 15, 2004 – Contact Frank Carroll by September 8 to allow finalizing the schedule for that meeting. The Board will then begin the process of sorting through the information we have heard. "If you aren't part of the solution, you are part of the problem."

Request to adjust the time for the next meeting to accommodate working public. Get comments to Carroll.

ADJOURNMENT. Next meeting September 15, 2004.