

National Forest Advisory Board (NFAB) Meeting

November 19, 2008 – 1:00 p.m.

Mystic Ranger District, Rapid City, SD

Members Present:

Tom Blair, Chairman; Jim Heinert, Mac McCracken, Nancy Kile, Pat McElgunn, Jim Scherrer, Nels Smith, Becci Jo Rowe, Suzanna Martley, Carson Engelskirger, Doug Hofer, Steve Sisk, and Bill Kohlbrand.

Forest Service Representatives:

Craig Bobzien, Dennis Jaeger, Frank Carroll, Dave Slepnikoff, Steve Kozel, Bob Thompson, Rhonda O'Byrne, Mike Lloyd, Wanda Wheeler, Rick Hudson, and Twila Morris - Recorder

Others:

Approximately 15 members of the public, and three congressional representatives; Chris Blair (Johnson – D, SD), Mark Haugen (Thune – R, SD), and Rick Hanson (Herseth Sandlin – D, SD), were in attendance.

Members Absent:

Bob Paulson, Hugh Thompson, Donovin Sprague, Everett Hoyt, Tom Troxel

Lunch & Awards Ceremony:

Bobzien: Thank you for all of your hard work all year. We have a token of our appreciation for you that will be forthcoming in the near future.

We appreciate you volunteering here and offering your expertise. The Black Hills has a gift in every one of you and what you bring to the table.

Areas we'll be continuing to work on in the coming year are climate change, open space, healthy forests and rangelands, and travel management planning.

To all of you and your families, we wish you the best, and we'll see you in January.

Carroll: To add to what Craig has said about this Board, a gentleman by the name of Roston who is running for State Senate in Montana has been using the Black Hills National Forest Advisory Board as a main piece of his platform. Mr. Roston has been communicating with us, and he has established this NFAB notation in Montana.

Bobzien: Secure Rural Schools was passed. Schools decided whether or not they wanted to establish Resource Advisory Committees.

Kozel: Crook County was the first County in the Rocky Mountain Region to have a Resource Advisory Committee. In this round of the Secure Rural Schools, it was more advantageous for the County to select the 25% payment. The County Commissioners were somewhat disappointed that they were not going to have a RAC. The Commissioners were able to see the value in a RAC.

Lloyd: Custer County chose to accept the stable payments. We've had a RAC in Custer County for the last three years. One of the really great things that got done was weed spraying in the Black Elk Wilderness. The law is good for the next three or four years. The stable payments go down every year.

Blair: Do projects require continual funding?

Lloyd: Not all of them. The RACs encouraged good communications. The commissioners have to go through our procurement process which gets cumbersome.

McCracken: Can the County get a bail out?!

Bobzien: Steve had the first Resource Committee, and Mike had the second. After many years Mike is going to retire. Thanks to Mike. Wanda Wheeler is our new Customer Services Staff Officer.

B. Thompson: As the Forest Service timber sale program was reduced, it has had a huge impact. The first secure rural schools were developed to address this. The second plan that just got passed looks like it is designed to begin reducing our need for the program. The Pennington County Commissioners have opted to go with the stable payments, which is an arbitrary dollar amount that goes down a little every year.

Welcome and Roll Call:

Chair Blair: Quorum present, called the meeting to order at 1:03 p.m. Welcome everyone; please turn off your cell phones. Special thank you to Craig for his annual pre-holiday chili feed. Special thank you to Frank and the Job Corps, they have done a wonderful job.

This will be our last meeting for 2008. From the Chair, I would like to wish you and your families a happy holiday season. Next meeting will be January 7, 2009.

Approve October Minutes:

Blair: Are there any changes to the October minutes? Motion to approve minutes made by McCracken, motion seconded by Sisk. The minutes stand as reported.

Meeting Protocols:

Today's meeting is being held for the Board to consider public comments and to discuss concepts for the working group's business plan for charging special recreation permit fees. There will be no vote on a recommendation. Public comments are limited to the last 15 minutes of the meeting at the discretion of the Chair.

Blair: If there is a question as we go through this, we'll address it at the time.

HOT TOPICS

Travel Planning Update

Bobzien: Time line for Draft Environmental Impact Statement: Proposed action from meetings, public comment, alternatives were developed. The public commented on all types of things. Comparing notes from other Forest Supervisor's, we received extensive public comments. The evaluation, from all the different resources of concerns, is extremely rigorous. We had to stop some of the work because of the fire transfer that happened at the end of the fiscal year. Our internal reviews will begin this Friday. Frank is leading the Team, and we plan to complete this by January 16. We plan to post the DEIS on the internet on January 20, 2009. We'll then set up our public meetings, and begin the public comment process. We'll respond to the DEIS, which will lead to the final.

Means to fund the system under action alternatives: Public comments and NFA B comments were for a number of different things, and one particular thing was a desire to have an active system. Done in an environmentally conscientious way, and socially acceptable. Action alternative needs to have a means to finance. Initially we talked about a registration system. It's important to have a proposed trail pass for the motorized trails, so that we know we have some type of feasible way to have the kind of system that the Board and public would like to have here on the Black Hills.

REGULAR AGENDA

Working group discussion of the special recreation permit fee business planning process and efforts of the group to date

A new notice of our intent to assess special recreation permit fees appeared in the Federal Register last week. Public comments will continue to be taken through January 7, 2009. Comments may be mailed or e-mailed to: Black Hills National Forest
Attn: Travel Planning
1019 N. 5th Street
Custer SD 57730

The Board will consider and discuss public comments on the proposed fees and business plan at the January meeting, and make a recommendation to the Forest Service at a later meeting.

Special recreation permit fees would not be assessed until the Motor Vehicle Use Map (MVUM) is published, and notice to collect fees has been posted in the Federal Register for six months.

B. Thompson: We'll talk today on an informational type basis regarding the Working Groups work, the public comments, and to get us all up to date on the issues we are dealing with. We'll also talk about Wyoming vs. South Dakota State law.

Scherrer: Three people are charged with making a recommendation to the Board, and the Board will recommend to the Forest Service. The three of us (Becci, Tom, and I), knowing what is going on, and our primary goal today is to bring everyone on board, so that every one knows what is going on. We believe everyone can bring ideas to us to take back to the Working Group. When we give you a recommendation today, we hope that the whole group is together on what we can give to the Forest Service. We want to give the Forest Service some strength to go forward with the plan that Craig mentioned.

Thompson: The draft will look at a number of alternatives, which address all the issues folks have brought up. The alternatives will present a range. What we are talking about today is just about funding, regardless of the outcome of the DEIS.

Funding: Last month the Board met at the Civic Center, and a number of people came forward to testify. The dollar amount that was talked about was \$40.00.

Blair: We've also had a number of written comments.

Thompson: Frank is handing out a summary of all of the comments, 119 comments all together. The date for people to submit their comments has been extended to January 7, 2009.

States deal with traffic on roads. Obviously you need a license, and you have to register the vehicle. Also the state has rules about how old you have to be, etc. Difference in State roads, how do the laws apply?

Hofer: Oil road, maintained gravel road, logging road, which are all open to public traffic. Are you saying that the State highway laws apply to all of those, or just certain levels?

Lloyd: The Attorney General says that if it's a road, and we're not somehow restricting traffic on it, State highway laws apply. State traffic law does not apply on trails.

Hofer: Technically in South Dakota your ATV has to be licensed as a motorcycle to be on the road.

Lloyd: Wyoming has addressed this by opening some roads by having a registration sticker. We need State legislation.

Thompson: If the road has a number on it, State law applies to it.

Carroll: A highway is any place a vehicle is allowed to go.

Blair: Unless restricted. That's where we get into that area of enforcement, signage, and maps. One reason this has expanded and taken us longer is because of this issue. The Attorney General has the force of law until challenged.

Thompson: Lots of states do not license their ATVs.

McCracken: States Attorney or AG's office. It is AG's office? We're talking about the EIS draft and funding, will you entertain questions on the business plan?

Thompson: In answer to your first question, it is the Attorney General. Now, I would like to get everyone up to speed with what the State laws are. In Wyoming, Steve, could you tell us, first of all, can you get a license on ATV's?

Kozel: In Wyoming, any public road that is open to public travel requires the vehicle to have a license plate and the driver to have a license. Wyoming passed an OHV registration act that allowed owners of OHV's to buy a sticker for their OHV to operate on enrolled roads. Enrolled roads are those that have been entered into the sticker system. An OHV must have all the safety equipment. On trails, in Wyoming, if it's an enrolled trail, the OHV must have a sticker on the vehicle to be on the trail, a license plate does not count.

Blair: You may also be underage on an enrolled trail, what about supervision?

Kozel: Yes

Martley: For clarification, Wyoming has a two tiered plan. Sticker only, they may go on enrolled roads, with a license plate they may use all the roads.

Kozel: County highways typically are not enrolled.

Thompson: In South Dakota, as far as a road you can drive your jeep on – if you are going to be on that route, you must have a license plate to be legal. If you're from Minnesota, you can't get plates, lots of states don't license their ATV's. Built in opportunities here in South Dakota, in Wyoming, if you are in the enrolled system, you don't necessarily have to have a license plate. Many states have some type of system, but South Dakota does not.

Blair: Clarify – a visitor from Minnesota that comes with an ATV not licensed, it would need to be on an enrolled road. Road 117, which Minnesota vehicle could not ride on that road?

Hofer: Only about 20% of OHVs in South Dakota are licensed.

Blair: That is very loosely enforced.

Thompson: You can bet it would be enforced if there were an accident or a death. Everyone clear on the type of routes you can put your vehicles on?

Smith: Laws that are in place but ignored, the only time they come into play is when there has been an accident or a law has been violated.

Hofer: The real point is, if there is a law that is nonsensical for whatever the situation is, at some point the law needs to be changed. If you mean don't acknowledge it, I don't think that's an answer.

Smith: My only concern is that you end up with something on the books that will cause problems.

Blair: Our problem is several fold, one is how we act. We can't, and don't advocate changes in legislation, which would be required to do this. The Governor's Task force suggested that we do away with the license system in South Dakota, so we are bound to respect the laws of the State.

Smith: We're not making recommendations, but we have a lot of folks here that are going to be involved. A heads up as this moves forward.

Blair: Most of the people on the task force are well in agreement to do away with the license system.

Sisk: My experience is that if you have a law on the books and it is not enforced, the Agency that is in charge of enforcing it is hanging out if it is not enforced. Not having enough money is not acceptable to the courts. We better be real careful what we are proposing.

Thompson: Largely what we are talking about is that State laws become the County Sheriff responsibility to enforce more than anything. It isn't a National Forest System law to enforcement.

Hofer: You would have the Counties argue that.

Thompson: My only point is the sole burden is not on the Forest Service.

Sisk: We don't want to set the Counties up for a fall.

Thompson: We're all just trying to deal with what the laws are.

Blair: We'll have a variety of people come to us, and tell us that I'm allowed to ride on the road, and I don't need a sticker.

Hofer: Coming up with a license is the difficulty. I made the point to Frank sometime back that the success of the OHV license that the Forest Service is talking about really depends on how broad an area that license allows people to ride on. From where I sit, I think the OHV community would support the broader plan of all the trails they can ride on rather than the narrower view. The Working Group took the comprehensive view, of how would we approach re-writing South Dakota law. Maybe out of necessity, the one aspect of this, which is the current law that requires a motor cycle license, is what is really complicating the OHV/FS world. This is a major issue, and if it means taking a look at just that one aspect, it suddenly does become part of this discussion. It has huge implications to the success of the plan.

Martley: I'll play the part of the least informed. When I read the very first proposed action, it was about the authority for the Forest Service to take action. The action was to shift the burden to everything is closed unless we open it. What this group is talking about is law, licensing, etc. It seems to me, that we should not be talking about how we can change State law, but how we can inform the Board. What if we were to have a national sticker to allow motorized use on certain roads?

Thompson: We have to understand the legal structure we are working with. With that, we need to go on to the next step. Some of us are trying to solve things, and this is just intended to educate and understand.

State law applies to the extent that the Forest Service says it applies. The Forest Service has the ability to circumvent State law. We have the ability to use mixed use, and there are implications, but we have the ability to do that. Mixed use is only that we'll have vehicles that are licensed and unlicensed on the same road. If we say that a road is a mixed use route, they can ride on it without a license. When we say supersede State law, we are only talking about a license plate, not a driver's license. Our legal council has told us not to engage in conversations about how States license drivers.

Mixed use is mixing licensed and unlicensed vehicles. If you are from Minnesota, and don't want to ride your ATV on a trail, you'll be able to ride on certain routes.

Hofer: Level II roads are lower standard roads. Could the Forest Service designate all the Level II roads as mixed use roads?

Bobzien: I could legally do this, but from a practical stand point, I'm assuming all liability for all activity that goes on there. We have policy and procedure where we can evaluate the risk for mixed use; the mixing of licensed and unlicensed vehicles. We will look at that carefully, and we will evaluate that. In terms of substance, why would I take on all responsibility for death or injury on any road? In certain circumstances we might have mixed use.

Hofer: The State law then is still a limiting factor.

Heinert: It only applies to the licensed vehicle not the individual, so a mixed use route; the vehicle would not necessarily have to be licensed.

Blair: You might just lower the number of mixed use routes. Such as using these roads as connectors.

Thompson: Several types of roads and routes that our draft EIS will deal with. You'll see routes that are highway legal routes, mixed use, etc. In Wyoming it is different than in South Dakota. The state of Wyoming enrolls the routes. In South Dakota mixed use means that the Forest Service has proactively reached out and said State law does not apply to these roads.

The other group is trails, largely tied to 50" or less, or single track, and also rock crawler trails. They are designated for certain things. In those areas, we are saying that State law does not apply there. The State agrees because we are restricting the use on the trail.

When the Board heard from the public last month, for the trail part of this, we are asking for consideration about establishing a fee to be charged by the Forest Service since the State of South Dakota does not have a rule about it. What the public responded to us on was specifically about trails less than 50".

McCracken: Can a license rock crawling vehicle, rock crawl in dry stream beds?

Thompson: Currently a large portion of the Black Hills is open to motorized use. There are certain rules

associated, such as surface disturbance. When a decision is made, the area will have to be designated in order for someone to use it.

McCracken: But right now today, they could travel on a road, and if they came across a dry steam bed, they could use it correct?

Blair: You would not find large rock crawling vehicles on a road, because of the speed and the tires. These are low speed vehicles.

McCracken: I observed some jeeps with large tires in a stream bed going over large rocks, yet they were on the highway.

Blair: They run such a range.

Thompson: Where does the State get its money? Sales tax, license plates, taxes. The State collects money for folks to drive their vehicles, and then the vehicles go out on the Forest, we do not see any of that revenue. The Forest then maintains the roads, etc. We don't share in any of the revenues. We'll be getting to the comments about why we have to charge at all.

2:10 break

2:24 Resume

Thompson: The Working Group has had several points of discussion, and has the following agreement points:

Fees – should be charged for vehicles on a trail system.

Scherrer: The Working Group has met twice since the Civic Center meeting. When we talked about the fees, we look at the data and 91% of the people agree with fees, so that was a non issue. How much the fee should be is a different question.

Thompson: The Working Group agreed that a daily fee was not an option.

Scherrer: This data was provided by the Forest Service and Greg Mumm's group. The Forest Service talked to us about administering the fees, and it would significantly increase by doing daily fees.

McCracken: Did you discuss the portable tag venue? Like in the State Parks? With multiple vehicles. A portable tag would be good for any OHV I might be using. Transferable.

Rowe: It was discussed but not recommended by the committee.

Blair: We talked about a sliding scale fee.

Scherrer: I disagree; I have never heard discussion on Mac's suggestion.

Rowe: Tom Willems mentioned this idea, and talked about the difficulty in getting a sticker off one vehicle and using it on another.

Scherrer: At our meeting, the Forest Service explained that trail head charges have to be tied to certain amenities at the trail. Another example is that some people said let's charge out of State folks a higher rate.

Blair: The down side to a portable sticker would be that you would raise less money.

McCracken: But one would cost more.

Sisk: What is the definition of family?

Blair: Family machines were discussed with the sliding scale concept.

McCracken: What I'm referring to is a portable tag.

Hofer: We do it with our park entrance licenses. The State does have a transferable license that is two and a half times more than a regular tag. The first person that will buy it will be the motel owners, and they will give it to their patrons.

Blair: Those campground owners are really bad too!! (Joke)

Hofer: Regardless of that, I think the biggest challenge in the fee structure is how you'll address the rental units. They are out there 365 days a year, and the impacts are much larger.

Scherrer: We were told that the number of rentals of ATVs in the Black Hills was about 20, and the fact is that the Working Group did talk about commercial, and talked about individual vs. machine, and we talked about the machine except for commercial. We agreed that the machine should have a tag on it. In addition to that, the person renting the machine would also get a tag. That is a part of what is agreed upon.

Blair: We don't know the number of rental machines, but we have a mechanism to charge them more because of their over use.

Heinert: You'll also recognize why they're doing it, is because they are in business for it.

Hofer: The commercial guy licenses it, and the renter has a license too.

Blair: We're talking about a sticker on the vehicle that is noticeable.

Thompson: We talked about charging the individual or the machine. Will we charge the individual a certain rate, or by machine. It was the Working Groups consensus that we would charge each machine.

Sisk: The simple way is just to license the machine. The machines do the damage, not the people. The machines are trackable, and I would advocate machine stickers, whatever the fees.

McCracken: Are you suggesting Mr. Sisk that if a family had four machines, they pay a certain amount for the first one, and less for the others?

Sisk: Yes

Scherrer: The sliding scale is paying the full amount for the first tag, and less for the subsequent tags. Should we have a sliding scale for immediate families that have multiple machines, and the answer was, it depends. It depends on what the full fee is. If it's higher, we would use the sliding scale, if it's lower, we may not. We tabled the discussion of sliding scale till after we get input. Bill Kohlbrand is not a member of the Working Group, but has been with us during the meetings, so Bill, if you have anything to add, please do so.

Rowe: The complicating factor is that as a Business Task Force, we are trying to give Craig a balanced budget so that at the end of the day the Forest Service isn't left holding the bag. There is a multitude of aspects that go into this, and this is where we are struggling with the fee, because we know that the quality of the product is based on the amount of a fee that the market will bear. We are asking, what can we do that will support this system? If a person has five ATVs, then ultimately, they are all causing damage that the Forest Service has to repair. We have to offset, and have the least amount of problems down the road. Right now we feel like we're throwing a dart at a dart board.

Patty Brown: Portable fee: I would be a responsible user and would use it for my machines, but I can bet you that there are a lot of people who would buy two or three of them, and share them around with all of their friends. I like what Jim Scherrer said, I don't mind licensing all of my vehicles.

Heinert: I understand the need to put a plan together that is self supporting, but as I recall that when we took the testimony, there were a couple of people that were talking about a different fee structure based on the type of vehicle. Did the committee consider that? Is it worth pursuing? What implications would that have toward revenue?

Scherrer: I don't know if you can differentiate the damage from one vehicle to another.

Brown: As an OHV group, we don't want to be split up into a bunch of different groups. And that is a science; what vehicles do what damage and we don't want to go there.

Blair: We as a campground buy a cooperate pass at a local golf course, we get six daily passes for that operating year, and we use those in promotion in camping packages, so if you're looking at the potential of the portability, it has already been invented.

Thompson: Family Rates – was a sliding scale discussion. When you go to license four vehicles, the State will not give you a break. I understand the cost issue for that.

Hofer: If you want to buy a second license, you get that half price. If you have more than two vehicles, you get the 3rd, 4th and 5th for ½ price.

Kohlbrand: One other thing is the little known fact that folks need license plates to ride on any road on the forest. This will then get sprung on everyone at the same time they'll be buying the tags. Keeping the price down is going to be important in getting the numbers up.

Doug Mehlhaff: Boat registration is \$40, Wyoming is \$25 for a whole year out of State. The other thing I haven't heard is the excise tax. You pay 3% on every vehicle except an ATV and a dirt bike. You pay the 6% at the location that you buy it. This would help offset the cost. I have grandkids that come to visit all the time, and it would be cost prohibitive to license all of my ATVs. Licensing all of them, would be tough, ATV's are catching the big brunt of the issue. You can't operate right now, because of the snow. A reasonable fee is in the range of \$15.00 - \$20.00.

Blair: The commercial vendor buys a tag, and the individual has to buy a license. The biggest quandary got tossed at us, and it's the licensing. Use the example of a snowmobile. We have no guarantee that there will be snow, but we can guarantee that 9-10 months you can operate an ATV. The excise tax - whether they are collected or not, I would be surprised if we would get any of that money.

Myron Rowe is the head of registration, and one of the biggest thorns is the ATVs. One problem is we know we have 60,000 ATV's registered in the State. There is no paper trail, and that drives the dealers crazy.

Thompson: Law enforcement. At the public meeting several folks mentioned volunteer law enforcement. The Forest Service does not intend nor desire to have the public doing law enforcement. It will fall on the Forest Service and other legal Agencies to do law enforcement. Either regular law enforcement or FPOs who can write tickets, etc.

Scherrer: I have eight pages of notes from the meeting the other night, and two of those pages are dealing with law enforcement. There is a lot of concern on everyone's part about having a designated line item for law enforcement. Without question we want to have a line item, and that was brought to the table. There is money for the enforcement. The discussion then becomes what is the derivation of the numbers the Forest Service is suggesting. I would like the Forest Service to explain how they came up with the dollar amount of \$200,000.00.

Jaeger: Current law enforcement is a separate organization. The Patrol Captain in Custer oversees the organization. We have a law enforcement officer in Spearfish, Rapid City, and Custer. These are our gun toting, highly trained individuals. We also looked at a reserve Forest Officer, that would be highly trained, and a part time enforcement officer. We also have FPO's which are not gun toting but are out on the Forest doing other work, and can write citations. This allows us to have more coverage. FPO's would not go in and try to bust up a meth lab, these employees would write basic citations. The budget is on a seasonal type basis.

Scherrer: The dollars in the line item budget would be in addition to what are currently available to the Forest Service. If you want to look at it as two FTEs, but this is in addition to the current organization. How much of a system is rolled out will also determine how much will be in that line item for law enforcement.

Rowe: One of the underlying criteria, in the foresightedness to look ahead, is that if law enforcement is there to guide and help people feel safe, in the long run this will all help with future maintenance. It will save money in the long run. Looking ahead and trying to prevent issues before they occur.

McCracken: Did the Working Group discuss game retrieval? Has it been designated where game will be retrieved and where it will not. In Custer State park, once you shot an animal, you could drive the vehicle back in there and get the animal. You have a paragraph in here that talks about game retrieval, where it will be allowed and where it will not.

Scherrer: We got that from two committees ago.

Thompson: There are two provisions in the rule we are operating under that allow one to go off a route, one is game retrieval, and the other is dispersed camping. The requirement is that we specifically address that in terms of what rule sets apply if any.

Carroll: This document is background for the Board. It's not about the business that the Working Group is working on now. The reason that it is included is so that everyone understands what the big picture is.

Scherrer: It is very important to me to hear input from this Board. You've been in the meetings, give us input.

Blair: One last comment on law enforcement. We talked earlier, and some of us got confused, but there's another important group that we kind of ignored. A large portion of help with law enforcement is the people who are out there on the trail. The people, who are out there on the trail, are great at helping with enforcement. The State has a program called TIPs that allows the public to report violations. We could use a program called something like - Report Off-road Violators: ROV

Sisk: 10,000 ATV's at \$20.00 each would do the trick.

Blair: That's the number we are not sure of. We don't have a good idea of how many vehicles come in from out of State. We started out with 10,000 permits in our business plan, but it is a quandary.

Sisk: If we get this plan in place, and if we put out a trail map and circulate it around the tourist's spots, we'll see a huge influx. I get inquiries all the time and they want to know where they can go, what is legal and what is not. I think we'll see an influx. Start out with a fee that will just sustain it.

Rowe: The system may be directly correlated with revenue generated. Any fees that we collect from these fees will be used for just this system. We don't want unforeseen negligence. What we charge may correlate with what we get. This will help determine what we have.

Martley: From listening to the folks at the Civic Center last month, what concerns me about setting a fee and getting it just right is that you would have to have some kind of an incentive. They are not going to want to pay for what they are doing right now. While I understand, the let's match the fee to the program, that is great, but I also heard people say, why should I pay for something less? What are folks going to get and why would they be OK with it? We need to get it right.

Jaeger: It goes back to the initial travel rule from the chief of the Forest Service that says you will designate the motorized system. I have appropriated funds to maintain a road system, and part of the comments that came forward, to have a motorized system, I don't have appropriated funds to do that - all I could do is open the roads and be done. The DEIS will look at a whole range of alternatives, but if I look at an OHV trail system, I need to maintain it, have brochures, signage, etc. The biggest question is where can I go and where can I ride. The fees are for a trail system. The fees are not for the roads. So then, we have to have a business plan to say where the money will all be going.

Martley: That makes sense, and I want to make sure that what we advise the Board takes in account the expectations that people have and what they are hearing and what we are hearing from them. Over a period of time, riders are going from everything is open to everything is closed. The business plan, the fee and the program, will have to live up to the expectation.

Bobzien: There will be a no fee alternative, which would be publishing a map that they can just ride the roads.

Engelskirger: Initially it was proposed up to \$75.00. To get the program up and running, I don't want to see it shorted. A good range would be \$35.00 - \$45.00.

Hofer: All of the areas that the Working Group has worked on are all well thought out. To me the biggest question that I haven't heard is how many miles of level 2 and 3 roads are going to be mixed use. The answer to that question will drive the number of licenses you sell. There is critical mass to how many people will buy the license or just license through the state. If they can't ride on level 2 or 3 roads - there are only six states that you can license an ATV. This is a huge part of the decision that will drive this. At the end of the day if there are impediments, then it is the OHV community that will have to decide what they will promote or advocate. The law is what it is. The Attorney General opinion clarifies an interesting point.

Scherrer: Given these assumptions: A trail system of 350 to 750 miles; most of the miles would be existing and connectors; the level 2 roads that would be designated as mixed would be limited to the roads that would be needed to get people from point A to point B. The majority of the trail system is not level two. With those three assumptions in mind, do you think the range is doable?

Hofer: If I can ride 4,000 miles of level 2 roads without a license vs. maybe 700 miles if I buy the license. The lower the price the less likely that is going to happen. You dealt with most of the issues, but mixed use is still

out there. The more you can designate the better. They'll ride on it anyway.

Smith: To support what Doug says, there is a point of diminishing returns. There's a point where you can price it too high. My best hunch is that if you get much over \$20.00 you'll see a drop off in registration. Again I don't have an answer, but I would pose the question of where the point is where we over-charge.

Blair: Is there anyone from the public that would like to comment?

Brown: Were the bullet points that Greg Mumm sent just for the Working Group, or can we share them?

Scherrer: When we closed the last meeting, Greg Mumm said he wasn't going to be here today, so I asked him for bullet points. He has done that, and his points are clear.

Colin Paterson: TIPs type program, which is a good idea, to provisos – it only works if you can identify the rider, so we have to have a large readable plate. Also, cell phones don't work everywhere on the Forest. If you call on a weekend, the office is not open.

We've advocated a fee that is sufficient to maintain a system. We're concerned about running the system in the deficit. In my prospective, the user pays. If the decision is to lower the fees more, then the number of miles should be based on the amount of fees that are collected. You won't know how much the trail system would be because you don't know how much in fees you'll collect. The Forest Service is already insufficiently funded to do what they have to do. I think we have to have funds.

John Bahneman: An area called High Meadows Trail which is used by local people; the traffic has gone down drastically. \$40.00 for the first and \$20.00 for the second, third, fourth tags would be appropriate. You won't have the money you think you will because traffic is way down.

Blair: Several meetings ago, we decided to put in a review process, so that the whole program would be reviewed and adjusted as needed.

Scherrer: We must have an action plan to continue working on the plan we talked about last week. Between now and the February meeting the Working Group will meet again to define further, hopefully we'll meet in December. We will be meeting, to try to develop consensus to bring you a package. (Meeting tentatively set for Wednesday, December 3rd)

Martley: Timing and process, when the DEIS is published, it will have alternatives, that will include something like this, that will be analysis based on income.

Scherrer: We are aware that there are dynamics, that can't be answered. Well ask you to vote on something flexible.

McElgunn: How will you get together for closure in February, when the EIS is due in January?

Scherrer: Recommendations have to be flexible.

McElgunn: Options and alternatives will be defined by mileage routes? What will we do in January, there will be four or five options, if the EIS is released in January, and then figure out how to pay bills a month later.

Bobzien: As the process is worked through, it's just a draft, if we have a fee, it will be when it comes to the final.

3:47 break till 4:00

Watershed Restoration

Bobzien: We would like additional public input for areas in need of repair. Right now as it stands, we've been running in just a handful of acres a year.

Why: To improve soil condition and water quality also helps wildlife, fish, and scenery.

Where: Damaged areas where natural recovery would be difficult, delayed. Examples Riparian and sensitive areas. Areas not planned for motorized trails.

How: Wide range of techniques from soil rehab, barriers, etc. to signing. Great opportunity to use Partners.

When: Project proposals to District Rangers by February 1, 2009. Districts prioritize by February 15.

Complete work by Sept 30, 09.

If you have areas in mind that you would like us to consider for restoration, please let us know. We'll assemble a list and prioritize.

Rowe: Some areas that you have on your short list, will some of those include some of the unauthorized trails that currently exist?

Bobzien: Yes

Kohlbrand: Is road obliteration part of that? And will you consider fire access?

Bobzien: Yes, there are different funds that allow us to do different things. And we'll plan for long term access needs.

Hofer: Are you going to do public or interagency input.

Bobzien: We're just working on our budget package so it will be coming out soon.

Paterson: I've been asked to suggest some areas that are priorities. Are you relying on your experts?

Bobzien: If we hear from the public, we might have better partnership opportunities. We have the base part budgeted, and if we can double what we are doing, we're open to all kinds of options.

Mickelson Trail to Mount Rushmore Connector

Bob Thompson: I would like to introduce Matt Fridell with Wyss Associates, Inc. out of Rapid City. Wyss Associates is doing a trail study for a possible trail from Mount Rushmore to the Mickelson trail.

Discussion generated from Mr. Fridell's presentation:

Scherrer: Have you decided on a route yet?

Fridell: No lines have been drawn on the map.

Scherrer: Everyone will be supportive till it's in their backyard.

Hofer: We will consider alternative routes to accommodate public land.

Fridell: We're looking at where we could actually do a trail.

Blair: The Mickelson trail is relatively flat. Will those constraints be the same?

Fridell: It will be approximately the same as far as accessibility. The distance is seven miles if you're a crow, and there is a 500 foot elevation difference.

McCracken: Have you considered physically challenged individuals needs?

Fridell: Yes, we would comply with those regulations.

Sisk: Have you considered purchasing the Black Hills Central Railroad, and just pulling up the tracks?

Rick Hudson: We're subject to reasonable standards, but we are not held to the ADA standards.

McCracken: The Mountain Bike Association says that the Black Hills are their number one choice. Have you considered the mountain bikes in your study?

Hofer: The Forest Service, Park Service, Mount Rushmore Society, and Game Fish and Parks have been discussing this for three years. Everyone gets excited; we can visualize how popular this trail would be. The effort is to try to determine if there is a feasible route.

I would like to clarify that there is not funding identified to do construction. The Mount Rushmore Society is hopeful that there will be funding. It's not a simple matter of just bulldozing a route. We are trying to uncover the obstacles; that is why the workshops are being held.

Bobzien: As Doug pointed out we've been supporting the feasibility study for three years now. Norbeck is an area we work with the State, and we take this unique legislation very seriously; what will we need to do in regards to game animals and birds?

Smith: Have you done land owner consultation?

Fridell: No, not yet.

Rowe: You could use the GIS analysis, and see where the slopes are for a possible route, so you'll know who to contact.

Hofer: We haven't ruled out that it can't all be on private land.

Sisk: I was serious when I suggested buying the railroad. You need to look at the cost of acquisition – the railroad is already there, what is the difference in cost?

Public Comments ~ Chairman Blair

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

Paterson: Take into consideration the fee for the State Park.

Hofer: The fees don't generate \$225,000 that includes the daily pass.

Paterson: Not 15,000 annual passes?

Hofer: Certain folks are exempt, and that comes into play.

Smith: That doesn't begin to cover the total cost does it?

Hofer: We have a grant operation that we use. We also do not get any general funds.

Kenny Dell: Would like to discuss the five year maintenance plan. Our goal is basically the same, to provide for quality recreation, this needs to be reviewed. 110 sites all together, and half are scheduled to be done away with. The Service Contractor's Act is what the employees are paid by the concessionaire which seems to be higher than the Department of Labor wages. The Forest Service has recommended that there be a public service exemption from the Service Contractors Act, they would fall under the Department of Labor wages. The Department of Labor did a review – to get the exemption it has to be in the best interest of the public not the Government. The DOL did not allow the exemption; so therefore, they decided that any facilities that are not in a fee area, the Forest Service will get these back. If you had the previous five or ten year plans, the number of things eliminated would make you sick. Is the Service Contractor Act so bad that we must have this exemption, or is it just poorly written? It makes it tough to get people to bid on the concessionaire program. I've seen outhouses taken out because they were leaking, and not replaced. Sheridan Lake was torn down. I believe this should be an agenda item for review.

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 McElgunn. Meeting adjourned at 5:00 p.m.

Happy Holidays!!

2008 Meeting Dates:

December – No Meeting

January 7, 2009