



## Lake Tahoe Basin Management Unit Forest Plan Revision Objector Meeting Transcript – May 20, 2014

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### *Welcome and Introductions*

Nancy Gibson: Good morning. I'm Nancy Gibson. I'm the Forest Supervisor for the Lake Tahoe Basin Management Unit and I just wanted to welcome you here to the beautiful Lake Tahoe Basin. We ordered this up just for you. So it gives you a nice sense of all the things that we work with here and it's a privilege to be here and to be the manager for this unit. I want to take just a minute to introduce the folks at the front table here. And, in particular, our facilitator because you'll be hearing a lot from him today as well. So we have here—starting to –Barnie Gyant and Barnie Gyant is our Deputy Regional Forester for our Region 5 out of Vallejo, California. And to his right we have Associate Deputy Chief Tony Tooke. And then we have Bob Hawkins here who is our facilitator. So Bob I'm going to turn it over to you.

Bob Hawkins: All right, thank you Nancy. Good morning everybody. And if the folks on the phone; if you could put your phones on mute we'd appreciate it. Thanks. Well, I'm going to start off with some opening remarks and just kind of get you oriented to the building and get all the exits nailed down. So in the event of an emergency—that's always our first start—we've got an exit door there. We've got an exit door right behind me. The assembly area is out in the parking lot. So in that event you can exit those doors. We'll meet out there. If for some reason we can't go that direction, if you exit into the lobby you can go through the exit door, look up on the—high where the exit signs are and there's an exit door on that direction. It'll take you to the back—to the back of the building. We've got bathrooms in the lobby. So you can just exit the doors, go to your right and you'll see the bathrooms off on your left. We've got snacks and—and water and coffee available so help yourself please.

Bob Hawkins: Let's talk a little bit about the seating arrangement. This meeting is for the objectors and the interested persons that are part of this process. So we're going to try to bring as many objectors to the table as we can for each issue. So we'll probably do some back and forth; people sitting back. We have the rows back here for the interested parties and the other objectors that might not be participating. And then we have the

public in the back and the public's here to observe. So if there's any questions with the public, we'll have to take those during the breaks or in the back—back of the room. We've got the sound system. So if you're going to come up to the table and you want to speak, we've got the button here on the mic's. When you see the little red—red light on some of the mic's—you can see the little red band. That means your microphone is hot. We're going to try to record. We are going to record this meeting. So if you really could try to introduce yourself as you start a conversation, so that we know who's speaking, that will help us and help the folks on the phone. And then as the dialogue continues you might not have to introduce yourself every time. But as you introduce yourself into a conversation it would really help to know who's speaking. For those on the phone, we'll do a role call in a few minutes, but I want to make sure everybody who is participating by phone gets to—gets to enter into the discussion. So I'll be checking with them as we go through the meeting. But if you could your phones on mute, that would be really helpful.

Bob Hawkins: In terms of ground rules, I think it's going to be pretty simple. We really want to get a good dialogue. That's the whole point of the meeting. I would just ask if, that if you got your cell phone, you if you put it on—put in on silent. If you got any side conversations—if you need to have any conversations, if you could take them out into the lobby. There's some places out there where you could talk. Other than that I'll try to keep us on time and I'll try to keep us on track. But my role—and hopefully you won't hear from me a whole lot—is my role kind of sit back and let you guys have that dialogue and just step in as I need to to help—help focus the discussion. Any questions on—that information? Pretty straightforward. With that then, I'll turn it over to Tony. Oh, we want the introductions. Want me to do that? Yeah, let's do introductions. Sorry. So we'll go around the table. We'll have the objectors introduce themselves. Then we'll have the staff. And then I'll go to the phones.

Nancy Gibson: Okay, we're being very flexible today. I noticed that we have objectors that could be at the table but they're not. And that's okay. But as—as we move through the day, we'll have people move in and out. So I just want to make sure that those of you in the back are not all just the public. I just want—so when we do introductions here, we need to make sure that—

Nancy Gibson: Exactly. And I feel bad for Bob but that's the way it's going to go today. Okay.

Bob Hawkins: Nobody should feel bad for me. Come on. Alright, so let's start with the gentlemen to—to your right.

Fred Roberts: I'm Fred Roberts. Should I turn this mic on?

Bob Hawkins: Yeah, hit the grey button. There you go. Thanks Fred.

Fred Roberts: That says abstain? Yeah, I'm Fred Roberts. I'm with the Wildlife—or the Wilderness Committee of the Tahoe Area Sierra Club.

Harold Singer: Harold Singer and I'm just an individual.

Justin Augustine: I'm Justin Augustine with the Center for Biological Diversity.

Michael Graf: Michael Graf with the Sierra Forest Legacy.

Greg Thomas: Greg Thomas, Sierra Forest Legacy.

Sue Britting: Sue Britting, Sierra Forest Legacy.

Steve Evans: Steve Evans, Friends of the River, California Wilderness Coalition.

Ben Sharit: Ben Sharit, Tahoe Fire Protection District.

Mike Brown: Mike Brown, North Lake Tahoe Fire Protection District, representing the Basin Fire Chiefs.

Bob Hawkins: So let's go to some of the folks in the back and just speak loud. Hopefully, we'll be able to hear.

Jim Miller: I'm Jim Miller. I'm a Tahoe resident and [unintelligible].

Bob Hawkins: Thanks Jim.

>> Let's make sure that people on the phone can hear that.

Bob Hawkins: Can you—can you—folks on the phone, can you hear those in the back of the room.

Theresa: Hey, this is Theresa Corless. I'm the Phone Monitor in the Regional Office and last gentleman that introduced himself I couldn't hear well. Everyone else the sound level is good but please try to speak a little slower and—and more clearly. Thank you.

Jim Miller: I'll—I'll try again near the microphone. I'm Jim Miller. I am a Tahoe resident. I'm concerned about the winter recreation issue.

Bob Hawkins: Thanks Jim.

Laurel Ames: Laurel Ames, Executive Committee of the Tahoe Area Sierra Club. I'm here for many of the issues.

Bob Hawkins: Thank you. Go ahead and try from back there. Just see if you can project.

Mike Donald: My name is Mike Donald. I'm the Acting Deputy Forest Supervisor for the basin.

Brian Lacey: Brian Lacey. I come from [unintelligible] Office.

Forest Schafer: Forest Schafer with North Lake Tahoe Fire Protection District.

Allan Olsen: Allan Olsen, Regional Planning Director.

Mike: Mike LeFevre, Planning Staff Officer here at the Lake Tahoe Basin.

Nancy Gibson: Nancy Gibson, Forest Supervisor.

Leanne Marten: Leanne Marten. I'm the Director of Ecosystem Management Coordination with the Forest Service in Washington Office.

Diana Craig: Good morning. Diana Craig, Deputy Director, Ecosystem Management in our regional office in Vallejo.

Mark : Hello, Mark Novak, Tahoe Douglas Fire.

John Pickett: John Pickett, Tahoe Douglas Fire.

Bob Hawkins: Thank you. Let's go the folks in the back.

Pete Sonntag: Hi, I'm Pete Sonntag, Chief Operating Officer at Heavenly.

Rick Cables: Rick Cables, work for Vail Resorts.

Andy Hensler: Andy Hensler, also for Vail Resorts.

Andrew Strain: I'm Andrew Strain with Heavenly Mountain Resort.

Bob Hawkins: Okay, thank you very much. I want you guys to [unintelligible] yourself.

Steven: I'm Steven [unintelligible] with the Sierra Club [unintelligible].

Bob Hawkins: Thanks. Sorry to miss you. I'll get you guys up here [unintelligible]. And I think the folks in the back are all listening. So about the—we'll do you and then we'll do the phone.

Mary Beth Hennessy: Good morning. Mary Beth Hennessy. I'm the Regional Appeals, now Objection and Litigation Manager at the Regional Office in Vallejo.

Jody Sutton: And I'm Jody Sutton. I'm your Objection Coordinator. A lot of you have seen my emails. So I'm very pleased to meet all of you.

Bob Hawkins: So let's go to the phone. Who do we have on the phone?

Bob Rowen: Yeah, this is Bob Rowen with the Snowlands Network.

Bob Hawkins: Alright, thank you.

Bob Rowland: Gail Ferrell will be attending the meeting the meeting in person for Snowlands. She may not have arrived yet.

Nancy Gibson: She's not—she's going to be on the phone this morning and driving up and will be here by 3 o'clock.

Bob Rowen: Great. I'm here to participate in the overview and review process. Stay on the line for that. Then I'll be dropping off until the discussion of winter recreation.

Bob Hawkins: All right, thanks. Anybody else on the phone?

Marjorie Sill: This is Marjorie Sill and we will be there in person at—at 3 o'clock. I'm one the objectors on the basis of not addressing climate change.

Bob Hawkins: Right, thanks Marjorie. Look forward to seeing you this afternoon. Anybody else on the phone?

Cailin O'Brien Feeney: Yup, this is Cailin O'Brien-Feeney with Winter Wildlands Alliance and I will be here for the first hour for the introductory portion and then re-joining the meeting by phone again for the winter recreation portion this afternoon.

Bob Hawkins: All right thank you.

Cailin O'Brien-Feeney: [unintelligible] of the folks in Snowlands.

Bob Hawkins: Anybody else?

Theresa: Just Theresa.

Bob Hawkins: Thanks Theresa. Our guardian and phone monitor. Okay, I think that covers everything. I'll turn it over to you.

Tony Tooke: Okay, good morning. I'm Tony Tooke. I'm one of two Associate Deputy Chiefs for the National Forest System for the Forest Service and my role on the Lake Tahoe plan is I'm the reviewing official and so that's what I'm doing here today. Really glad to be out here. I've been to California many times. I've never been to this part and it's a—I—I could not believe when I got up this morning it was snowing. But anyway, it just a little unusual. So appreciate all of you coming. I really thank you for your interest. I know a lot of you have probably been involved with this plan for awhile now and you've given a lot of input. So I really appreciate that. The objections process is a little bit new for us; pre-decisional administrative review process. But we're very excited about it. I can tell you that we like it and we hope the public, the stakeholders we work with, all of you, will like it as well. There is some learning around it, but we think it puts us in a—in a much better—much better place. So let me give you just a few things about the purpose of the meeting today, just to make sure that we're all on the same page. It's not to re-state the contents of your objections letter or bring forward any new information that wasn't previously submitted. You guys have provided a lot of information that we have looked at, that I have looked at, that my staff have looked at. We want to focus on topic areas within those objections that what I think or what we think you're the most invested in, that you're the most interested in. And we'll get some clarity around that as we go. I need to make sure in places that where I don't have a clear understanding or where I reflect back to you what my understanding is of your concerns or the issues that you're raising in these objections, that—excuse me—that I have it right. Now we won't cover all of those, but there'll be some that I'm going to point to and I'm going to repeat back to you. We'll ask for clarity around that. Also I want to make sure that I understand what you're asking for in—in those objections and—and where you have remedies listed. And again we won't go through all of those, but I'll reflect back when I'm reading or what I'm thinking you're saying about some of those proposed remedies. The other thing that whatever we talk about here today I want to make sure that we get that captured right and it gets incorporated into my thought process before I issue a final response. At some point here I will issue a—a final response on my review of the objections and the decision. The other thing that I want to do is make sure that as time allows and I'm going to talk about that in just a moment, we had a little bit of a challenge today and that really hit home to me on the plane coming out here and so I got a—something I want to say about that in a minute. But one of the purposes—well, getting an independent review from me

of these objections is definitely a purpose, but another purpose of this is where we can bring in the responsible official and the objectors to seek additional remedies or seek resolution to possibly address some of these issues and take them off the table. And so I want to try to get into some of that around some of these today and where I can factor that in to the final response. We also have folks here that are interested persons on these objections and I want to make sure that you get, as best we can, an opportunity to share verbally information that you have around these. It's really important — and I'm acting on behalf of the chief— to the chief, me and—and the agency that we—that I conduct a very thorough and informed review of the proposed decision and that the final revised forest plan effectively reflects the changes that I've—I have come up with and I think is necessary based on your objections. And so again back to that resolution part, as much as we can get in some dialogue around that. That being said, we have a lot of topics to talk about and we have one day to do it. And so in coming out here, I want to kind of put on the table that in some of these topics if we see that we fell short on the discussion, that we need to take that discussion a little further. If we that there's some possibilities for some resolution if we were able to talk further, than I want to try to make time to do that, either through a public conference call. These meetings will all be open to the public. Or either we'll come back and—and now—we can't take weeks and months to do this but I think we can make a little bit of time to do that. Because the purpose of this—one of the purposes is to try to address issues as best we can before a final decision is made, where we have a stronger decision, a stronger record and it's more supported; it's more supported by the stakeholders, whether they're local, national, regional or whatever. So I just want to put that on your radar and we'll see where we're at here at the end of the day. So in that, I'm going to turn it over to Bernie Gyant.

### ***Overview of the Planning Process***

Bernie Gyant: Good morning. For those of you that have an agenda, there's like a 15 minute section that kind of talks briefly about just the overview process. So what I'm going to do here in a moment I'm asking Nancy to come up and give a little bit more detail. But detail I'm representing Randy Moore, Regional Forester, as a responsible official, and as Tony had mentioned he's representing the chief as a review official and then Nancy's role, Nancy was a recommending official to Randy. So—so what we'll do is I'll have Nancy just to come up and just to give us a little bit of the history of—of the revised plan and then—and then how the process is responsible to input. And then once she's done with that, then we'll turn it back over to Tony. But just wanted just to let you guys know as far as the—how things are structured, as far as recommending Nancy, a responsible official Regional Forester, Randy



Moore, who I'm representing today and then review official the chief and Tony's representing the chief. So that's the reason we're sitting here. So Nancy if you'll just take over.

Nancy Gibson:

Thank you Barnie. So what I'm going to share is a lot of details about the history of the plan and what has transpired, bringing us to this point today. A lot of you probably have more knowledge about this than I do. I've been here about three years and the plan has been in the making since around 2008. So in 2000—actually we began plan revision in 2004. We started with our 1988 plan and it had been amended a couple of times, actually several times, but two significant times through amendment. It was in 2004 through the Southern—not Southern Nevada. That's [unintelligible]. The Sierra Nevada Forest Plan Amendment and that occurred in 2004. In 2007 there was the management indicator species EIS. So those were two significant amendments to our forest plan from the 1988 version. In 2004 we began with a very collaborative process. It was Pathways 2007 and I think a lot of you in the room recognize and remember that effort. It was a very broad based effort involving regulatory agencies along with 40 member stakeholder forum and was used to develop the collective vision for the basin. The desired conditions for this process have been incorporated into our revised LMP. So even our current plan has elements of that Pathways 2007 effort. We also had the challenge of working with four different sets of planning regulations in the past ten years. We began our revision under the 2005 planning rule and then it switched to the 2008 planning rule. And then both of those rules were invalidated by the courts. That pushed us back into looking at our revision using provisions of the 1982 regulations and the objection process for 2012 regulations. And so it's the objection process today that we're using from the most recent planning regulations. And although our revised plan does adhere to the 1982 regulations, it also incorporates many of the concepts from the 2012 rule and is more strategic in nature than what our 1988 plan was.

Our draft EIS was published in June of 2012 and we received around 18,500 comments. After this DEIS, DEIS Publication, we also had our Pacific Southwest Region Research Station involved and they convened a panel of scientists to review the best available science at the time we were revising from draft to final. Our final EIS and the revised LMP was re-, was published in November of 2013 responding to all the comments received and we—from that analysis we developed a new preferred alternative that was developed as part of the response to comments. The objection process began with the publication of the final EIS last fall and we're here today to talk to you about what the responses to objections were and what the settlement and objection process outcomes may look like.



So in terms our response to input, we based all our collaboratively developed set of vision statements and desired conditions into our revised LMP. The major concerns we heard from the public were discussed through a set of five public workshops in the fall of 2008. Another set of four public meetings solicited input on potential alternatives for analysis. During the draft EIS comment period, the proposed plan and the alternatives were discussed and clarified at an additional four public meetings and two webinars. The purpose of these was to enhance our understanding of the proposed LMP and the draft EIS and enable the public to submit informed comments. During the comment period, the Lake Tahoe Basin Management Unit also met by request with thirteen interest groups, organizations, local agencies and the Washoe Tribe of California and Nevada. During the objection filing period two webinars were also held to simply explain this new objection process. So in essence that's the history that we've been through in the last decade in bringing us to this revised land management plan for the Lake Tahoe Basin and, again, we're here to pursue the—the new regulations through objection and at this point I will turn it back to Tony.

Bob Hawkins: Thanks. Do you want to take questions? See if there's anybody—anybody have any questions about where we're at right now?

### ***The Review Process***

Tony Tooke: Let's talk a little bit about the review process, both what's happened up to this point and what's going to happen today and—and what'll happen after that. So, anyway, it's taken longer than we anticipated, longer than I wanted, but I exercised my discretion to extend the review period and thought that was really important to do. All these plans are important on any of our National Forests. This one certainly—certainly is on any of our National Forest System Units. So the review—my review so far of the proposed decision for the Lake Tahoe Basin Management Unit for the revised plan considered concerns raised by twelve objectors. It sounds like you're all here or—or most of you are here on the—on the phone, as well as a number of co-objectors. And there's quite a diversity of issues among the ones that you've raised. So I've had an advisory team. This is an interdisciplinary team back in Washington; employees there as well as some from the field, specialists. And they've carefully reviewed all the objections along with your recommended remedies to the revised plan and to ensure that, that plan—this plan revision—meets the current requirements and determine whether changes are warranted to improve—improve upon both the analysis and the decision based on the objective—objections that you've submitted as well as the

remedies. And this advisory team have recommended instructions for me to consider, to address both compliance and non-compliance—compliance and non-compliance; issues by you as objectors prior to me issuing a final decision as the reviewing official. Now we had some materials that were posted and made available right to the public.

Nancy Gibson: They're at the table if any of you need copies later [unintelligible] into the talk.

Tony Tooke: So just—I have a curiosity question. How many of you have read or reviewed any of those materials already? Quite a few. So you've seen a lot of what we're going to want to talk—what we want to talk about today. That's good. So there's a lot of issues within your objections that we won't discuss today, but I want to assure you that I'll be addressing all of those in my final response. We're investing time here today on the ones that we think are the—are your biggest priorities and where—where we need to have some in person discussion. So the ones that we are talking about today are winter recreation, wildlife viability, monitoring post-fire habitat for the Black-backed Woodpecker, habitat corridors for marten, fire suppression – how much, where, air quality associated with smoke, air quality associated with off-road and over snow vehicle emissions, the impacts of climate change and we're going to talk about wilderness and roadless issues and we're also going to talk about how the Lake Tahoe Basin Management Unit Plan may or may not impact the Heavenly Resort ski permit. So those are the—the topics for today.

The issues—these issues selected for this meeting are the ones that me and my staff and this or that advisory team thought would benefit from discussion with you. And I've also sought input from the responsible official and the forest supervisor and their staff. Like again, there's a number of these remedies that you all have raised that we're not going to talk about today. There are a few that you've raised and I'll address these in my final response—would put us in violation or out of step with law or some current policy or regulation. Again, I'll—I'll put those in writing when—when I respond. Or they might alter some well-reasoned or legally compliant choices that have been made by the responsible official. We'll—we'll talk about that.

So after reviewing all the written issues submitted by the objectors—one thing and this is really important that I found that with the exception of wild and scenic rivers, the revised plan and all the supporting documents with that—they're sufficient and they're in compliance with current law and policy. Now that being said, thanks to your objections and the review by the team, this advisory team that I mentioned, I've also identified opportunities that we might have to

strengthen the planning record, to strengthen the decision, to get a more broadly supported decision and improve upon that and—and remember I said that's one of the purposes of—of this review and this meeting. And so, as a result of that, and I've already shared—that's in the document some proposed instructions that we're considering. That doesn't mean that is the list or the final list or that all those will be in the—in the final review. But I intend to include some instructions in every general topic area in my final written response on the objections.

The written objections provided by my staff and I and—and a lot of information allowed today's meeting to focus on the discussion of proposed remedies and proposed instructions and we'll—we'll do that but then I want to be able to have some additional dialogue to potentially add to that, where we can seek some additional resolution that might strengthen the decision. So this is an opportunity to make—make some improvements on what we're considering. And so as much as time allows, again, dialogue between the objectors, hear from interested parties information that you want to share and then objectors and the responsible official about where we might find some additional remedies. And if we don't get through then we'll make some decisions or—or at least tell you what we're thinking about on how to do additional follow-up discussion. So when I do make a final written response it will reflect all the findings, everything that we've looked at up into this point as well as what we're doing today, as well as any subsequent meetings or subsequent discussions.

So just a couple other things and Nancy's already touched on this. This plan was revised under the 1982 Reg and has been replaced by the 2012 Planning Regulation. And this objections process that we're conducting is—is under that. When I do issue a final written response, it won't be point-by-point. It'll be more where we've grouped objections and we've grouped issues together and I think you'll that that works and works a little bit better.

The other thing—this is the last thing I'll say about the review process. The final response may also contain direction to the responsible officials to implement prior to signing a final record of decision. And it'll be the final decision of the Chief and the Department of Agriculture on those objections. So maybe you want to take some questions about the process?

Bob Hawkins: Sure, questions. Fred, go ahead and turn your mic on.

Fred Roberts: It appears to me that much of the time spent today will be in the effort to strengthen the decisions that have already been made. Is that how I understood that?

- Tony Tooke: Thank you for asking that. It would be—this is what they have shared as a—as a draft—and so this would be to try to strengthen that before a final decision is made. So this would be trying to see what we can do to add any from discussions around proposed remedies, either make some changes or add some things that would strengthen that decision. That's one purpose.
- Bob Hawkins: Sue, go ahead.
- Sue Britting: So new to the objection process and trying to sort that out. So these are just sort of clarifying questions. In instructions from your office that direct something be considered or suggest, see I'm—I'm thinking about what's the terminology in the objection response and so if they—if there are suggestions how will that—how is that interpreted by the Forest and if they are the statement consider how is that demonstrated by the Forest? And so—and I'm thinking what little I understand about the objection process that in the article there's the statement that the Forest, the decision that the—the official makes need to be consistent with the direction and the objection letter. So I'm trying to be thinking about that as we're crafting these resolutions.
- Tony Tooke: So that's a great question; a set of great questions. So what you see there now in these instructions being considered—the first thing is that, that means being considered. That doesn't mean that when we get through all this, that they'll still be the set; that set may change. Some of them may come off. We may add some. As with anything there are shall, shoulds, may and words like that. And considered does mean consider and suggest is sort of in the same category as—as consider. Shoulds and or shalls is a different story. Shall and wills and there could be some of those in there. Some of those words may change as we—we move through this too. For example, this is just totally hypothetical example. If we get into some discussion between a set of objectors and we've heard from an interested party information they want to share and that we get in discussion with the objectors, the responsible official. The objectors may say, "Well, if that changed from should to would or shall, we might be able to—that might address our issue on this." We may get into that kind of thing. But that's just one example. So I'm looking at the technical experts on this and their—I'm right so far, right? Do you have anything you want to add to help? We got time. I want a responsible official to add to.
- Barnie Gyant: So that was a good question, Sue. So this process is new and I've—I've ended up being the reviewing official for projects here and in the region. And so I kind of look at the process as a way to get input from the objectors, to help us get to a better decision. So as—as Tony goes

back and they—they send out should, consider and whatever those words are, ultimately for me, as I think about are implement, implementing is—is really where we want to go and I think listening is really important for me today to listen to the objectors and their concerns so we can land in—in a better spot on how we implement the plan, because in my mind—and I—and I'm sorry but I don't want us to be where we were in another framework, where we're doing debate for like another decade, because that doesn't get us to where we need to get to as far as on—on the landscape. So what we hear today, we want to consider that. Not just consider that, but wherever we can incorporate that into the plan. So we can do the things on the ground that we need to do here. So for today, for—for all of the objectors, for me as representing the Regional Forester, this piece is really important for me too. So I can take notes and have all the consideration on those objections. Hopefully, we can land in a different place.

Bob Hawkins: Go ahead. So did that answer or you want to follow up.

Sue Britting: And this is process question again. So being familiar with the appeals resolution process, as appellants we might come into a setting and come to agreements and then we basically sign off and withdraw our appeal. What's—what happens—the objection process is not quite so connected and tied. How does it work? What—what happens here? Do you have expectations that objectors will re-, re-, retract their objection if—if resolved?

Barnie Gyant: That's what success looks like. But at—at the same time I think one of the important pieces, Sue, is one of the reasons why we have all the different objectors at the table, is to hear those other pieces from other objectors, so we can hear that in its entirety. And that's going to be an important piece, is because—if you make a change here, that could ultimately affect other pieces and so for me in conversations with Tony is—is really to be able to listen, because now we have to connect all of that or—or as a part of—of those instructions and those remedies that we ultimately land on. And so—so it is a very important piece and I think that's one of the reasons why it's important for all of us be together so we can hear those different objection pieces, so we can see where they're in conflict with—with each other or in—in unison with each other before we totally land on where we need to land.

Tony Tooke: It's not required. It's not precluded and there's, in the pre-decisional administrative review process I would say there's more flexibility and discretion, but the ultimate goal is try to get to a stronger decision that's more broadly supported by a whole set of the diverse stakeholders. That's what we're after here and if you just say that you're going to withdraw that objection because of the discussion or

what you heard or what we're saying we're going to do, that's perfectly fine, but it's not a required.

Bob Hawkins: Great, go ahead Fred.

Fred Roberts: I'm a biologist, so my background in legal—in the legal area is very limited. However, I do know something about nature's laws and I think—a number of us are going to be presenting what we consider to be powerful, even new information, about conflicts that could arise within the way the plan is today. Do you see, with regard to wilderness or other areas, that instructions and remedies could be flexible enough on your side to adjust for those kind of contingencies?

Tony Tooke: So we'll get into those topics with specificity here as we go throughout the day. I think within the framework of the objections Pre-Decisional Administrative Review Process and the objections that's been raised, there's a lot of possibilities, as long as we don't violate policy, regulation or law. And, again, we have to—this is about the—all the objections that have been raised. We—we can't get into discussion about something that don't tie-in to one of those or don't link to one of those.

Fred Roberts: I'm hearing then there could be collaborative solutions that could evolve in that area.

Tony Tooke: Yes, sir. That's certainly not precluded.

Bob Hawkins: Great. Let me check in with folks on the phone. Anybody on the phone have a question at this point in terms of process or outcomes for today? Don't hear anything. Anybody else in the back of the room? No. So I think we're—we're in good—good shape.

Cailin O'Brien Feeney: Sorry, this is—

Bob Hawkins: Go ahead.

Cailin O'Brien Feeney: This is Cailin. This is Cailin with Winter Wildlands Alliance. Sorry, I was on mute. I—I think I know the answer. I just wanted to clarify that as a co-objector, when the topic of interest comes up later today that I'll be allowed to speak as well. I know a couple of weeks ago during a Objection Review Meeting on the Idaho panhandle and Kootenai National Forest, that opportunity wasn't—wasn't open to co-objectors and I just wanted to see what the status of that was today.

Tony Tooke: Yes, I—we—I think we might have time for co-objectors to—to share information.

Cailin O'Brien Feeney: Great, thank you.

Bob Hawkins: All right, thanks.

Jody Sutton: Let me add something.

Bob Hawkins: Jody, go ahead.

Jody Sutton: So this is Jody. The reason it's going to be a little bit different than it was in Idaho and Montana is because they had so many more objections than the twelve that we had here. So that allows us a little bit more flexibility. I just didn't want you all to think that they did something wrong on the [unintelligible]. We're—we're just doing it differently here. We want to be as flexible as possible. So if you guys can support us, we'll support you.

Bob Hawkins: Great, thanks. Any other questions? So we've got—our agenda's got some time—times established for all the topics. And so we're going to try to stick to those times for folks calling in, driving here in the afternoon. So the next thing on our agenda is a break. We'll convene at ten o'clock to talk about wild and scenic rivers. So let's take our break, help yourself to the snacks and the water and the coffee. And then we'll start promptly at ten. We'll keep the phone line open and get ready to go in about sixteen, seventeen minutes. Thanks.

### ***Wild and Scenic Rivers***

Bob Hawkins: This is Bob speaking and I've been asked to remind everybody that when you start a conversation again please state your name so the folks that transcribe this have a chance of figuring out who is speaking. So our first topic this morning is going to be on Wild and Scenic Rivers. We've got half an hour on the agenda to discuss it. Primary objectors are Sierra Forest Legacy and Friends of the River, and we got them at the table. So with that, I am going to turn it over to Tony.

Tony Tooke: So we have thirty minutes for this one. What I want to do, I am going to cover the two issues the way that I think that you all have presented them, the two objections you've raised. Then I am going through what our instructions are, that we are considering. Then I have a really simple question. Does that seem like it covers most of what you are raising in these objections and then we will see where we are at. So what's been raised in the issues around this, on wild and scenic rivers the way that we are interpreting this, is that the Basin—I am going to just say Basin, is that okay? Well I don't have to go through a long



name. Basin built appropriately a complete and documented, comprehensive evaluation and a systematic inventory of the potential rivers on the Unit to be eligible for inclusion into the national wild and scenic rivers system. Also, we are reading or viewing the—you don't believe that they adequately completed and documented an eligibility determination for the Upper Truckee river tributaries. Also that Forest Legacy for example in co-objectors. You are also concerned about the Basin using other protective laws such as the "Endangered Species Act" instead of the "Wild and Scenic Rivers Act" when it comes to determining both eligibility and suitability. And then talk about, nothing in the handbook requires—that's the *Forest Service 1909.12* handbook, and it's in Chapter 82.4, requires or even suggests that the Forest Service should reject wild and scenic river protection in favor of supposed existing equivalent or higher protections as found in some of these other laws or regs. So that's one issue.

The other is that the suitability assessment was conducted, it didn't have any collaboration or participation by the public, uses imprecise, confusing language and incorrectly applies some of the suitability criteria while ignoring others, introduces extraneous issues such as grazing, and also submitted as a concern that the Basin plan provides adequate interim protection for the upper Truckee recommended Wild and scenic river in the interim. So those were the two issues that we, that I think that you embraced and let me pause there and ask if we've got it right, if we've captured everything, then I want to talk about the instructions that we're considering around those.

Steve Evans: Steve Evans from Friends of the River and the California Wilderness Coalition, and yes, I believe you've captured those issues quite well, thank you.

Bob Hawkins: Anybody else? All right, thanks Steve.

Tony Tooke: So we've got about four, five instructions and I think you all have read this already for the indication of hands. I don't know about folks on the phone but let's walk through these and then see where we are at. So one is that we are considering that the Basin has to appropriately complete and document an evaluation and inventory on the potential rivers to be eligible for inclusion into this system, and on completion, they should take and document other appropriate river assessment process steps as necessary and that is consistent with what we have in the 1909 handbook in Chapter 80 in the "Wild and Scenic River" evaluation.

As far as current documentation related to the changed circumstances analyzed for the Truckee River and Upper Truckee River segments

found eligible and evaluated in the Eastside river study is adequate. Another instruction being considered, the Basin is not required to complete a suitability for eligible rivers as part of their land management plan revision process. However if they did, if they do decide to complete a suitability study for the Upper Truckee River tributaries or any other eligible stream segments after they go back through the-do the systematic-in the inventory in the systematic or the evaluation, they have to comply with *Forest Service Handbook 1909.12*. Just to make sure that I've got this right, there is a subset of 37 rivers that includes these 11 tributaries? Okay.

Two or three other instructions here. If they decide to delay the suitability part of this, then the land management plan shall provide for protection of the eligible river corridor until a decision is made on the future use of the river and adjacent lands. They would also revise the existing backcountry management area, the narrative for that to state that a suitable wild and scenic river, and it is classified as wild, is located within that management area and then would delineate the upper Truckee River Corridor as such on the backcountry area maps. They would also update *The Standard and Guide 168* to provide more specific management direction as it relates to the Upper Truckee. They wouldn't simply repeat the management guidelines that's in Chapter 82 of 1909. So those changes should also be appropriately provided if they determine there is another-any other river or stream segment that's found to be eligible or suitable as a result of the, going back and doing the inventory and evaluation.

The last thing is that the revised plan, the record of decision, the draft record of decision and the final environmental impact statement, they should also correct that to accurately state that the Upper Truckee river has been found suitable. And then we have some reference there as to where that would show up.

So two issues, a set of the instructions that we are thinking about there, and so the question that I would have for the objectors is, does that cover or address the issues that you are raising around this particular topic or is there something else you would like to discuss?

Steve Evans:

Steve Evans from Friends of the River and the California Wilderness Coalition. I would like to get clarification on page four of the *Wild and Scenic Rivers* summary, the top bullet point, the last sentence says "if a supplemental or a revised LRMP is required for the Lake Tahoe Basin Management unit, include the systematic inventory and any eligibility and suitability decision that may be derived from it in the supplemental or revised document." Does that actually include a

commitment to determine suitability of any streams you may have found to be eligible in the systematic inventory and evaluation?

Bob Hawkins: Let me ask just real quick. The fourth bullet you are talking about on that page, Steve?

Steve Evans: Yes.

Bob Hawkins: And that was the objectors' recommended instruction? That's part of the remedies proposed by the objectors?

Steve Evans: Right, that's-no, that's-

>> Technically the head-

Bob Hawkins: Just want to make sure I was reading the same one.

Steve Evans: So those bullet points on page three and four, those aren't what the Forest Service is considering? That's interesting.

Bob Hawkins: Let me clarify, I'll go through that [crosstalk]. On page three, there is a heading on the worksheets that are called "Instructions Being Considered." And so that section of the document are the instructions that the reviewing officer is considering getting to the responsible officials. That would be the chief's office to the regional office-Regional Forester. So that's Tony's piece and that's what he just covered. So then the next page, starting on page four, and all the documents are going to be like this, so it will be the same format. The remedies proposed by the objectors, that's the Forest Service interpretation of how we captured your suggested remedies.

Steve Evans: I missed that. I have a hanging headline that I didn't see. So that question aside, I have two issues.

Bob Hawkins: Okay, go ahead.

Steve Evans: One is, and this does apply to the instructions being considered, one is will the systematic inventory evaluation be conducted by a date certain? I don't know how far you want me to go into that, but my reasoning on that, I have been involved in pretty much every National Forest planting in California since they started doing them back in the 1980s and 1990s. So it has been my experience that the Forest Service loses both internal-I can't think of the term. That sometimes they lose the administrative record, which actually is the case here on the Tahoe where you folks think you have conducted a systematic inventory as part of the 1998 study that the Tahoe and Lake Tahoe Basin does, but

there is no administrative record saying that. And you also lose sort of organizational memory because people transfer out, go to other jobs, they retire. So without a date certain that's fairly close within our timeline we can think about here, I am concerned that if this isn't done in two or three, at the most five years, we'll have a bunch of people running this forest who aren't quite aware of this requirement.

Tony Tooke: So in going back and doing the inventory and the eligibility, that would be done as part of this plan. Decision can be done before they finalize. They are not going to lose it, right?

Barnie Gyant: Someone did ask me about retirement at the break.

Tony Tooke: The memory is a good point. We deal with that as we have turnover which is another good reason for having the record part. But I think the other thing you are sort of getting at is this would be a process that would have a public review component to it, public engagement, public involvement, and also be done by an interdisciplinary team that would include the necessary specialists to go back through that inventory and eligibility determination, and they would document this. And it would have a public engagement part to it.

Steve Evans: So what you are saying is that the systematic inventory evaluation will be done as part of the revised record of decision? Okay, so that's good.

Tony Tooke: Yes.

Steve Evans: It doesn't actually quite say that, so it would be good to clarify the wording.

Tony Tooke: Yeah, in these instructions that we are looking at right now, if they make their way into the final-my final written response, that's where we are. That's the way we would lay it out.

Steve Evans: Okay. And that the second issue is suitability. Now for people here who may not be aware of the Wild and Scenic river study process, it's two steps to determine whether a stream is eligible, does it meet the basic criteria of the act. In the second step is suitability which is, if it is eligible, should the Forest Service recommend it to be designated by Congress or not? And it is-you have a statement here that-let me go back. In the statement here it says the Forest Service is not required to complete suitability, and that's certainly true. But you are also being somewhat selective in your citations, *Forest Service Handbook*, 83.1 subsection, you leave out the sentence that says, 'The preferred approach is to proceed with determining suitability in the land management planning process.' You may have reasons why you can't

do that, or you don't feel you could do it successfully; would like to know what those are. And it's a broader context here in the region where we have three early adopter Forests moving up through this process now and are getting the same signals that, yeah, we don't really-we are not sure if we are going to do suitability. From my perspective, I'd much rather have final recommendations from the agency. So if the political wind and stars align and we can talk about legislation, we have a recommendation from the agency, which I think is important. And particularly for this Forest and the relatively small subset of streams that you will be dealing with such as the Upper Truckee River tributaries and maybe whatever other stream that may be identified in the systematic inventory, it should be pretty quick. And if you are going to revise their ROD and perhaps even revise or supplement the plan in FEIS to do that, you have a vehicle to do it. Because it is pretty clear that you can determine eligibility outside of NEPA but for suitability, which is considered a fairly major federal action even though it's not permanent, requires a NEPA process. So if you are going to revise the ROD and revise or supplement the plan and the FEIS, you have a vehicle to do it and that that's the time to do it rather than kicking the can down the road and finding out you don't have the money to do that later on.

Barnie Gyant: So Nancy, I'm just going to ask a question. So we didn't entertain the suitability proposal plan, did we?

Nancy: [inaudible response]

Barnie Gyant: So here will be my preference as a way to do that. So the eligibility has to be in a collaborative way, which is kind of consistent with the remedies that Tony is outlining. And if the subset of those streams that feed into the basin or to the lake are eligible, I would think as a part of that, is in that collaborative process is what I would prefer to see is, these are the ones that we suggest that we move forward in a collaborative way. And then outline what process that would be on that suitability piece. Because you do need to factor in, where does that fit in into the program of work, who has resources to come to bear to make that happen? And I think it would be a lot more supportive if those recommendations on that process on once determinations are made on eligibility, the collaboratives outlines what that process looks like, is what my preference would be in relation to that. So it would be two phases, go back and be true to the process on eligibility, get the ROD signed and then as a follow up to that, then the collaborative work on how you move forward on the suitability piece.

Steve Evans: I just think that's a formula for not completing it. I think-what I've run into at the agency is they don't have the staff or money later to go

through a NEPA process. And even when they have a handy NEPA process, Southern California forest plans that were completed in 2005 is a good example, where three of the four forests didn't do suitability and we are talking about twenty-thirty eligible river segments identified on those three forests. They didn't do suitability, and then through subsequent legal action when they were required to revise the plan and supplement the plan with a further road-less area evaluation, I urged them to include suitability for those eligible segments in that process and they didn't do it. Even though there is an awful lot of overlap between those eligible streams and the roadless areas. So I just-we are actually running into problems where we are talking with a legislator Representative Chu in Congress about potential wilderness and wild and scenic river legislation for the Angeles. And some of the local feedback we are getting is, 'Oh those studies haven't been complete so the Forest Service needs to complete the studies.' So it's coming up that process and frankly it could lead to representative Chu introducing legislation that would require a congressionally mandated study, which is really expensive for you folks in times when budgets are short and staff are short. It could cost the Angeles Forest a half a million dollars to do congressionally mandated studies when they could have done it relatively cheaply as part of the supplement on the road-less area review, just a thought.

Tony Tooke: So I think I have captured what you are saying. You have a high worry and a high concern that the suitability part would never get done and it would be a very long time if it is not factored into the plan now.

Steve Evans: That's correct.

Bob Hawkins: Did you have a follow up, Steve, Or Sue? For those on the phone we are just on a brief pause.

Tony Tooke: Why don't you bring it up? It is part of that-

Bob Hawkins: Okay go ahead, and now please state your name.

Sue Britting: Sue Britting, Sierra Forest Legacy. In a case-clearly we are looking to have the suitability studies done. In a situation where they are not done-your fifth bullet down talks about having a specific management direction for the reaches that are covered, that might be eligible. So I think one of the things that was somewhat of a concern is a reliance on the *Forest Service Handbook* guidelines and that there should be unique standards for the reaches that would be protected in the forest plans specifically and to not-and even that redundancy between the forest plan and the guidelines themselves is still appropriate because the forest plan is a stronger vehicle for seeking protection and

enforcing protection. So that's a fine point there in that fifth bullet. So we are looking to see, when we have protection in the plans, that it be strong, and enforceable, and so relying on guidance in the handbook when it's not specific or not referred to in the forest plan, we see as a weak, and weakly enforceable.

- Tony Tooke: I was looking, I thought one of those bullets we had that what you were considering is more than just repeating what's in the handbook, that we actually had that there in the new instruction.
- Sue Britting: So that's the intention, to have site specific guidance and not just-
- Tony Tooke: Yes.
- Sue Britting: Okay, I may have misread the intent then.
- Tony Tooke: And I can't say that the specificity that would show up wouldn't meet what you think is beyond the handbook, but that's the intention of that statement.
- Bob Hawkins: Let me check and see if there is any other objectors that would like to participate, or comments from interested parties, and then also including anybody on the phone. Okay then, go ahead Bernie. Sorry, Bernie.
- Barnie Gyant: I was-it's fine, my parents call me Bernie. So on those reaches that have unique characteristics, you are suggesting that if it's not covered in the plans, that those protections may carry over in a handbook to help make sure that protections and those characteristics are covered for those, maybe, unique systems?
- Sue Britting: I think the strongest protection for rivers will be specific ones that are called out in the forest plan, and I may have misread the intent of that bullet, because I think I heard Tony refer back that you were looking to see for specific measures being called out in the plan. If that's the case-what they are, I don't think that we need to-I'm not debating right now.
- Tony Tooke: Yes, that's right.
- Bob Hawkins: Any final thoughts or discussions that Tony-are you comfortable with what you've got, what you need on this one?
- Tony Tooke: I think so, let me look around at all my head noddors.
- Bob Hawkins: Two thumbs up for [crosstalk].



Tony Tooke: And for the folks on the phone they either go up-up and down or-I'm looking for a little validation here. I think we are in pretty good shape on this one.

Steve Evans: I do want to mention thank you for you guys step forward on this and really did a good job analyzing what we requested and responded well to it, so thank you.

### ***MIS, Viability, Monitoring, Post Fire Habitat and Fire Ecology***

Bob Hawkins: Great, thanks Steve. So this is Bob again, I think we've completed our discussion on wild and scenic rivers, we are about five minutes ahead on the agenda so we are just going to roll right into the next topic which is a biggie, it's an hour and a half, two-actually two issue papers. So one is titled, "Wildlife viability, monitoring and MIS," and I am flipping pages and the other one is going to be, "Post-fire habitat and the role of fire in ecosystems." So those are the two topics we are going to cover. Do we have the folks at the table that want to participate in those discussions - doesn't look like we need to do any changing so we're in good shape there. We are going to do them in order, so we are going to talk about viability, monitoring and MIS first, and then we will move into the second topic, post-fire. Has everybody got the right-looks like everybody has got the right paperwork in front of them. All right, looks like we are ready to go on the next topic, I now turn it back to Tony.

Tony Tooke: So let me give you a little precursor on how I want to try to walk through these two. So the first one we are going to talk about is the viability, monitoring, and management indicator species and so what I want to do is again, call the objections and all that you all have said you've already read them but I want to repeat those, make sure that we have it right. You have a number of proposed remedies there. And I am not going to go through those per se, we will refer back to them if we need to, but you offered up a lot of remedies. Then we have one instruction we are considering setting there right now, but then I have some questions for you all. And I have some questions about other things-other work that I know that is going on broader than the Basin. And I want to get into some discussion with you all, and the responsible official about some of the timing of that, some of the stuff coming out of it, and can we factor that in here to address some of these objections. That's kind of where I am at on this. Now, if we get started, that doesn't look like it's getting anywhere, we'll make a course correction and go back to the more structured approach to those but I think we can get into some pretty good dialogue here, and this is a great purpose of this pre-decision administrative review process.

This is a good example of how we intend it to work on a draft decision that the responsible officials share.

Now the post-fire habitat, I want to do it a little different on that one. Let me jump ahead and tell you a little bit about that one. So, and again go over the objections again, and you all have again, put a lot of remedies there. Some of those, and I am not being a judge on any of these, but some of them fail a little bit at the project level, some of them probably at the plan level, a little bit of that. And we had a few pieces of information that I want to share with you. And we can look at the instructions there being considered, but I want to ask the regional, I want to ask the responsible official to talk about some work that's going on elsewhere. The timing of that work and where it is, and if we can bring in any of that into this to help address some of objections. It's a little bit different approach on that topic.

So let's go to viability, monitoring and MIS. These two topics are going to challenge us on the time; we have an hour and a half. So here is the five or six issues that I see around us, that the objectors believe that the Forest Service can't rely on regional monitoring to ensure viability of wildlife species in the basin. You contend that the approach of accomplishing the monitoring through the Sierra Wide Bioregional monitoring which was adopted as part of the 2007 *Management Indicator Species* amendment, conflicts with the 1982 rule and that that rule requires the basin to conduct monitoring to ensure that species' viability and diversity is maintained in the plan area, for example that-or in this case the Tahoe basin. You also assert that the final environmental impact statement provides no response to this point, focusing instead on a discussion of the Black-backed Woodpecker, and there is some references there about page numbers, where to refer to.

Another one is that a belief that the plan and the environmental impact statement did not identify management indicator species based on the criteria specific to the basin plan area, and thus we missed the potential impacts of management activities on the existing management indicator species, and their specific habitats. It also contends that dropping management indicator species will not ensure viability and diversity in the basin, that may be an implication that moving to focal species will not work, objectors, and that's focal species under the new planning regulation, the 2012 rule. So you also commented that viability is one if not the most important issues at stake and therefore it cannot be lumped into a generic claim. That it is unnecessary and it would be impracticable to include every regulatory concept in the 82 rule, and that that's simply a non-answer and it's irrelevant. Likewise,

simply because viability is not new, it's not a good reason not to include it in explicit and clear fashion.

Another one, the last one that I will mention is that in addition, you as objectors contend that the plan and environmental impact statement do not comport with the *NFMA – The National Forest Management Act* to NEPA as to wildlife viability, the environmental consequences of the action and the mandate to take a hard look as required by NEPA at the plan's impact. So those are the-kind of our summation of how we see the objections.

Then we have this one instruction, like I mentioned before, you have a pretty good list of remedies, and the instruction simply says, instruct the regional forester to require the basin to clarify in the environmental impact statement how the quality of the habitat and trends of management indicators species varies by alternative. So let me stop, do we need a little bit of discussion around the objections that we have them clear or we need-we don't quite have it, we are not getting it right. And then I want to ask you a couple of questions.

Bob Hawkins:

Okay, so it looks like Sue, go ahead.

Sue Britting:

Sue. We wanted-as it stated here, the issue of viability for species, MIS and others, is clearly broken out but we wanted to make sure that you understood a viability on it as an issue into itself is a concern, and the MIS program. And so not-in this particular case we have examples of species we have discussed, owl and marten, who happen to be MIS species, but viability is an issue that we are interested on its own. So just making clear, and so the reason I am bringing it up now is because the remedy being considered is one that's really more pertinent to MIS species in terms of the requirements in the 82 *regulations* to consider the effects of the alternatives on MIS. So I don't know-I hear you restating our objections but I don't see a response to those here. So that's something that we would like to have more conversation about.

Tony Tooke:

So I have two questions, let me go backwards. You don't see a response in the instructions-

Sue Britting:

To viability.

Tony Tooke:

Okay, and so when you say you are concerned about viability, say more about that. Give me a specific example or examples.

Sue Britting:

So I am going to give you an example of California Spotted Owl. This is a species that's been on the sensitive species list, we could say, forever. So it was a part of the original planning when we had regional

guides and did out first wave of plans. And so at that time it was known that there were issues with the population. This was tracking Northern Spotted Owl issues at the same time-similar setting. For California Spotted Owl we had approaches in the regional guides that dipped down and directed the development of the first forest plans in terms of protecting certain areas. I am not going to go into the jargon but there were conservation measures to address. And over time, since those first plans and the regional guide in '84 and up to today, we have had conservation measures in our plans that at various points were revised. A key point time for revision was in 1992 where we had technical and scientific experts come together to come up with recommendations to revise the original plans. We had that same issue come forward in *2001 Forest Plan Amendments* and in *2004 Forest Plan Amendments*. And at each point, we were still clearly concerned about owl, the degree of our concern was less certain, and we had those measures proposed often by the scientists, owl scientists. And so they were working with-the Service was-Forest Service was working with the scientists in tandem. Also working with the fish and wildlife service to develop conservation measures. Jettison forward to today, today the decline in owl is even more certain, and we have demographic studies that show that. We also have habitat analysis that helps us understand the importance of dense canopy to habitat for owl. Coming into this, Lake Tahoe Basin, we have not had a meeting of the owl experts, and we have not had conservation recommendations from them in light of all of the issues. And the issues are forest management and alterations, to vegetation from forest management. Issues are also related to post-fire management and salvage logging, and use-birds' use of post-fire habitats, and so it is a broad topic that now extends into our two issue areas just for one species.

And so, the information we presented in our objection really focused on trying to illustrate how habitat conditions were not going to be provided, taking a look at the modeling, and also looking at the recommendations in terms of the plan components and our assessment that they were not going to be able to deliver owl conservation because key concepts were not identified – suitable habitat, highly suitable habitat – they weren't properly defined. Restoration wasn't defined. Restoration is embedded in guidelines that allow action in the most sensitive habitat. But restoration is not defined in a way that makes it clear owl persistence is a priority. So we don't have, in our view, enough meat on the terms to assure that we are going to deliver persistence of owls.

And then something local; owls aren't doing so well here. We took a look at some of the fledgling data and looked at the owl sites, and that's in our objection. There is really poor reproduction, and the-a lot

of those sensitive areas for owl habitat areas, PACS or HRCAs, they are of lower quality than we see elsewhere. So that's a concern. We are starting off in a not-a-great place, we see declines in habitat as a result of future prediction or estimates, however you want to frame the modeling results, and insufficient conservation measures.

So that's an example of how we think viability is not going to be met, and also I'll just touch last bit on the definition of viability you pulled out from the 82 *planning rule* and an argument that we were making in the objections summary in the relevant information having to do with the owls here, essentially. We can't rely on these owls to sustain the population of owls Sierra Nevada wide. I would go to the planning rule that says specifically, and this is a quote, 'for planning purposes a viable population shall be regarded as one that has the estimated numbers and distribution of reproductive individuals to ensure its continued existence is well distributed in the planning area.' And so that's a different context for a viable population than presented in your summary. So I think that's-and I can even see that in the desired conditions in the existing plan for owl is an intention to support well distributed, connected habitats for native species, populations and habitats are ecologically sustainable, self-sustaining, well distributed, well connected. So I see the intentionality wording there, I don't see the plan components delivering that intent.

Tony Tooke:

Thank you for sharing that and so I need to do a couple things right here I think. So that was a good example around the viability. Anything else on the MIS part or the monitoring? And then we have interested parties on this too that we need to see if you want share anything, then I want to try and get to my two questions so anything on MIS or monitoring as far as the objection capturing it?

Justin Augustine:

This is Justin Augustine with Center for Biological Diversity. First thank you obviously for having this conversation and to add to what Sue was saying, in the summary you guys provided, you talked about that-you felt we were asking for the impossible, and I just want to be very clear that no, we're not, because the planning-or excuse me, the viability component of the 1982 rule as Sue was just getting at, is specific to the planning area, so your viability requirement can in turn be commensurate with the size of the Lake Tahoe Basin Management Unit and the habitat types that are available there. So you can meet that standard, it's not impossible, it's just the opposite. It's doing it in a way that is reflective of your management unit.

And then to follow up a little on what Sue was saying with their specific example as to the spotted owl, there are-one of the reasons I want a remedy that doesn't just to get at MIS but also specific to

viability, is because the current plan: a, doesn't do that in a broad sense, and then b, has aspects of it that would undermine, say, spotted owl viability by allowing-a specific example is the guideline-standards/guideline that allows post-fire PACS and HRCAs to either be redrawn or retired which in turn can allow those areas to be salvage-logged, which undermines viability by eliminating what is in fact suitable habitat based on the most current science. So those are the big picture issues.

Tony Tooke: So I got it on viability but my more specific question is did we capture the issues being raised around the MIS pieces and the monitoring?

Justin Augustine: I'll leave it at that for you now on that [unintelligible] MIS.

Tony Tooke: All right. So let's go to our interest-

Bob Hawkins: So we do have, I think the Heavenly Group listed as an interested party for this issue, so anything from-no? Okay, thanks. Okay, go ahead. Come on up and if you can grab a mic, we have an open mic up here, or you can just use one in the back.

Tony Tooke: And please say who you are, Rick.

Rick Cables: Rick Cables with the Vail Resorts. I just have a quick clarification, Tony, about the new planning rule vis-à-vis the *82 Rule* and the whole viability standard, because my understanding was that the new planning rule changed the viability standard. So I am trying to understand what carries forward if anything, from the *82 Rule* about viability?

Tony Tooke: That's a really good question, and this plan is still under the 82 reg but they are going-the objections process is under the 2012 reg. So in other words the viability part on their plan, on this plan is under the *82 regulation*, but that's a question we get a lot. Not just about viability but some other things too.

Rick Cables: Thank you, that helps me, thanks.

Bob Hawkins: Do we have anybody on the phone interested in this topic? And if you are on mute you have to take yourself off. Doesn't sound like it-

Barnie Gyant: I'm sorry I have a clarification [unintelligible]. So Justin as you described, so I've got an owl PAC and it burns up in a fire, and I redraw another PAC-I redraw those lines based on my habitat that is now gone from the burnt area, and I reestablish a new PAC. I wasn't

clear on what the issue was with the redrawing of a new PAC being my other habitat no longer exists.

Justin Augustine:

Thanks. The specific issue there is that post-fire in those areas that burned at say moderate to high severity, that pre-fire or a PAC or a HRCA, those areas can in fact remain as suitable habitat post-fire, and yet under this current vision of the plan, that's not being recognized. So you could have owls occupying that post-fire area and yet their PACs or HRCAs have been redrawn or retired despite the fact that they are still out there using that post-fire habitat. And so that's the problem. It's not lost habitat when it burns. It can actually continue to be a habitat and that's why we asked for that-those areas to-instead of being automatically redrawn and, or retired, to be continued to be surveyed so that we know what's going on out there, and that the real bigger problem is that when you automatically redraw or retire, it opens those places up to salvage logging when they otherwise wouldn't be. And so you are going to immediately: a) lose the designation, but b) you are also going to be losing the actual habitat because it is going to be logged. So you have two big problems when you go forward with those redrawing and retiring that need to be better addressed to it. To comport with the best available science that we now know as to how use of post-fire landscapes.

Barnie Gyant:

Thanks.

Tony Tooke:

So, here's the two questions and they are around mostly MIS and monitoring. So I am going to go backwards. So the first question relates to the Sierra-Nevada Forest Management Indicator Species Settlement Peer Review. Got that right? So what I understand and I have been having discussion with folks out here even before this review process on these objections. But what I understand, there is a fair amount of agreement in that about some of the elements of that settlement peer review, and a lot-some of that may address a lot of these objections around some of these issues. The only thing I understand is this particular thing is pretty ripe as far as its maturity and where it is, and being finalized, we are not too far away from that.

So the question is, can we get into some discussion here about some components of that and then addressing some of these objections and factoring into this particular plan, and that might address some of the issues. So hold that question, I'll ask the other one, maybe we can talk about both of them at the same time.

So the other question is about transition to the monitoring requirements under the new 2012 planning rule, the transition which every unit including the Basin has to make, and they-most of the unit



has began that process, to transition to the new monitoring requirements and the new rule, and the use of focal species. So in that transition, are there some things in that transition that are going to happen that would address some of these issues around monitoring? So I am looking for it here and in the allotted time that we have is are there some things in response to both of these questions that might get at some of the larger issues that are being reflected here in these objections on the Basin plan?

Craig Thomas:

Craig Thomas with Sierra Forest Legacy. So timeliness is my concern of how we would fit these things together. That there is certainly work being done with the regional office, Diana Craig here in the room, and plaintiffs in a settlement agreement around the 2007 MIS amendment. And we are editing and discussing and going back and forth with a wildlife ecology panel. Looking at-finishing-wrapping up a white paper that we have envisioned would be consistent with the 2012 rule, and so we are in a editing, discussion phase right now big time, but we've done that work. So consistent with the 2012 rule and timely to be brought into the early adopter forest plan revision process. So it is not clear to me, we would have to have some conversation about how that would affect this project under the 82 rule, and some fairly massive interpretation about how we would use both the larger, what's called omnibus, like bioregional type monitoring systems talked about in this MIS white paper, and then how to localize that down to a forest plan level for viability and focal species issues at the forest level. So the time-how we layer that and the timing and what that would deliver when compared to this plan's timeline is brand new information to us sitting here today that we would have to really think about whether and how that would work.

Tony Tooke:

Would you have ideas about how it might work?

Craig Thomas:

I don't. I'll be honest; I think right now we are working on getting the wildlife scientist community back in the room together to get them to be more clear. They got a little bit confused about their interpretation of the 2012 rule, and then the regional office has to make some decisions about how much broad scale monitoring are we going to do versus the plan level requirements and where the funding and the actual techniques of how that happens. It's pretty complicated stuff. So we haven't really-it would be hard for me, impossible for me to say today how we would meld that into this process. I don't know if other people want to speak in the room, Forest Service folks.

Tony Tooke:

Yeah, I am about to get them to. So do you guys want to talk a little bit about what it might look like? Let's see where this goes.

- Diana Craig: Hi, this is Diana Craig with the Forest Service regional office, thanks Craig. So I guess what we are envisioning here is that all the plans including this one will have to transition to the 2012 planning rule, and it's all the monitoring components of that, including focal species. And that has to be done within the next couple of years. And so what at least from my vision, and again the details we are still working out with the scientists is that we can get the scientists to give us more specific recommendations on considerations for selecting focal species under the 2012 rule and scaling that information down. They've really done a lot of work at this larger bioregional scale what they call. Make sure we have some information from them on the forest level. There is another piece of the planning rule. There is a larger scale monitoring, broad scale monitoring, and so that also has to be done at the same time as we transition to the 2012 rules. So there would be ability, and again this need also be done collaboratively as the planning rule requires. To look at which things make sense at that broad scale approach, and which make sense at the planning level approach, and you have to do that simultaneously. So that's kind of what I was thinking. We need to do it anyway, it has to be done. So instead of trying to retool to MIS which would be good for maybe a year or so, for this plan, they are going have to go to focal species, so we'll need to-it seems this is a time to move to that. This would be an opportunity to move to that role which we are going to have to do anyway.
- Craig Thomas: I agree with that timeline and the amount of work that needs to be done. So I'll go back to this decision, this rule language and the program or work on Lake Tahoe basin right now. We have-and I won't restate them, but serious issues particularly with owl and their habitat associations and the analysis that was done to support what was a very small little sentence about we think is adequate in one of the briefs. So there is-for us, I don't know how we resolve that one in recommendation. I think that eventually, all the Sierra Nevada forest plans need to be functioning with the best methodology and the best science on board. I think we all support that. How we transition this forest and these documents and this analysis somewhere else is unclear to me. I am interested-if there is an idea in the room?
- Sue Britting: This is something we've actually been talking about for quite some time.
- Bob Hawkins: And say who you are.
- Sue Britting: Sorry, Sue Britting, Sierra Forest Legacy. Something we have been talking about with regional Forest Service, not really come up with a solution, but we have wide ranging species, we have multiple plans, they are adjacent. So when we operated under the Sierra Nevada

framework, we had some cohesion. Whether you agreed with it or not, or liked all the specifics, there was some cohesion. Now we have our first forest plan in the Sierra Nevada heading out on its own. And we are entering a realm where monitoring for the other ten forests, [unintelligible] only relevant to a subset of those, but the other forests, is related to management that has some cohesion and integration unification. The Tahoe plan now does not. And so I am only raising this because we are talking about transition, how we monitor efficiently, how we use broad scale monitoring, how we would use bioregional monitoring, how we would use all of those tools and information to help us assess the performance of the plans, and it's all the plans in the Sierra Nevada. And so in my head, fundamentally there needs to be a framework for integrating all of the Sierra Nevada monitoring, and accounting for how that will be relevant to a forest if they decide-if that forest is moves forward with some other approach to management. So we are at a choice point where we could maintain some-the integration of management for wide ranging species, and have a monitoring scheme that's relevant, or we can start shooting off plans and we will not have integration. We will have uniqueness, we will need to address that, and the complexity will begin. Expanding? I am not sure we are going to get better conservation; it's just going to be way more complicated. So I think that-I'm just throwing that into the conversation because if we go too much farther we are going to be separated further and further, and we have a whole bunch of plans to schedule up the Sierra Nevada.

Tony Tooke: Go ahead.

Diana Craig: Thanks, Sue. This is Diana Craig again. So I am getting, and maybe I'll just clarify that there is two issues, I guess, probably three. But there is two. There's the MIS/monitoring issue which is how do we get efficient, effective monitoring that answers the questions we are concerned about at whatever scale we decide. And then there is-sounds like there is a management of spotted owl question specifically which you raised here, there may be other species that you had the same concern with but I hear spotted owl clear from both you and Justin. So in my mind they're a little bit separate, they are related but separate. So I just-the other thing we've been talking about, and we actually have started a partnership with Pacific Southwest Research Station to do an update of the California Spotted Owl conservation assessment, essentially that '92 document I'm viewing as the existing country in the assessment that's been tweaked a few times through the framework. So we know that there's a lot new science out there, we know that we need to bring that together, and that that effort will-is in progress now, we will have a product by the end of January and then we will go straight into doing a conservation strategy with this new

information with, we are talking about having some interim guidelines to help the forest through, they are struggling without that consolidated information. They intended to look at all the new information including the information that Justin referred to with regard to post-fire, use of post-fire habitat. So that's another piece of the puzzle here that may help address some of the concerns you are bringing up.

Barnie Gyant:

So I think that what you had talked about, about the transition and timing, this is probably I guess in my mind, the thing that we need to have some conversations about how do you link those up? We work for the Basin is and their planning process based on some of these other things that we are working very collaborative on, on some of these larger issues that deal with the Sierras, and Sue your point on the California spotted owl, the other basin is only just one forest as a subset of that. And so our overall intent with looking at working with PSW, getting the latest sites in and around owl management as related to green and the use of burned forest, is something that we often won't have a conservation strategy that is used by all the forests in the Sierras, that's our overall intent. And that once we do that, we roll that into those plans so that we've got consistency as we deal with California spotted owls.

[Note: Audio started getting really bad at this point.]

Craig Thomas:

And we support that and I think are in the middle of most of it, in conversations with you, my concern is this Tahoe Basin plan could get a signed decision and be implementing project with an analysis that we don't think supports viability, and is not compliant with existing law. So, and projects would be headed out the door based on that document. So how that gets resolved is challenging under-a longer term, great, we're there. Short term-I don't know what, I'm interested in what you are thinking about. How that those issues that we are concerned about and raised in the objection would be mitigated.

Tony Tooke:

So on the viability part, let's just put that here on the side just for a minute. Is there a way, or is it worthy, to spend some time in further discussion even after this meeting around the monitoring, the transition, to the new monitoring requirements. And then there is the broad scale monitoring, and that has a little bit more discretion around it and the transition to those eight-I think it is eight requirements under the new rule and the transition to focal species. And I'm not sure we will get there on the viability discussion but let's just put that right here. Is it-would you all be willing or is it worth an investment of time to sit down and have some more discussion about these other two things and what's going on at a broader scale and try to factor that into

this individual plan? And I guess that's really my question I'm hunting here.

Sue Britting: Absolutely. And the absolutely is because we are unclear the approach that the region is going to take to focal species and their selection. Is it-are you-toss it out, are we thinking that the approach ought to be like MIS-was and select focal species that are common across the bioregion as a way of efficiently monitoring. That's one kind of approach. Is the different approach that leave that up to the forest to uniquely select. So I think not only what's right for the Tahoe Basin but how their transition is going to be orchestrated and some collective thinking about that would be very helpful, and into the extent that we as the rule calls out, you are looking for stakeholders and others to help support the monitoring, and support through state agencies and NGOs, other-the monitoring effort. We should have those conversations now before we're in the middle of it in the three early adopters, so that if we could use this as a jump off to get some coordination and cohesion among-in the bioregion that would be helpful.

Barnie Gyant: So Craig, in my understanding, as we were working in and around the MIS settlement maybe [unintelligible] and we were looking-it was forward looking and it was in and around the focal species so isn't a panel going to outline some of those issues that Sue just talked about? So that's if the answer to that is yes and that timeliness in how you integrate that is what I am thinking in my mind but for Craig and Diana I guess on that piece is that-am I accurate or inaccurate with that piece?

Diana Craig: That's the whole point we need to clarify with. I think the focal species concept is relatively new, this team was started-the science team was started before it fully came out, so we're all struggling with what it means and that's why we want a meeting with them to clarify. But that is the intent. It's that they would give us some recommendations on considerations we would use to make those kinds of calls.

Tony Tooke: That's correct. So I think where we are on this is that I need to spend a little time thinking about how we can do this, do it within the objection process framework, not to get out of line with that, and factor that into my final response. So I don't quite have that figured out. I'll have to think about that a little more and conversation with these guys, so [unintelligible] and so hypothesize a little bit. I don't know if that means another in-person meeting that's open to the public, I don't know if that means a certain kind of call that's open to the public, I just don't know but I think it's important to do, I do know that. I think

that we should do this. We'll make sure that we do it within the rules and the framework. So I think this is one where [unintelligible]-

Bob Hawkins: Mike if you could recapture that thought that there is going to be a follow-up discussion.

Tony Tooke: I say this mostly in around the monitoring and the management [unintelligible] the focal species that preceded. I'm [unintelligible] just not sure we'll get very far around the viability discussion. So it's captured and we'll figure out the way forward with that. [unintelligible] we'll figure out how to report that back to folks and then have these conversations with. I think this is one where we should not just leave this meeting and call it good. We should leave this meeting and figure out how to dive deeper into this.

Craig Thomas: So it's Craig Thomas, I just want to add a caveat is that we do have a legally binding settlement agreement that is in play in the MIS process for the plaintiffs and the Forest Service together. And we've been working great together but we've all contributed funding and a huge amount of energy to get this white paper written and so that-we would have to talk to the other groups about opening up that part of the process to others, which I can't affirm today.

Tony Tooke: Yeah, I hear what you are saying on that. We don't have to have that talked today?

Barnie Gyant: So I wanted just to add that the MIS and the monitoring is complex and I just want the folks in the room to know this is something that we are working on together, we have been working very collaborative on an approach that's transparent and collaborative on how to try and move forward with that. So I think the worst that we've done is most certainly going to serve as a foundation, and most that will be able to take into our further discussions on what that looks like when we finally get something from the panels of scientists, and then we need to figure out how we transition that into the Basin's plan and then set the stage for the other plans in the Sierra.

Bob Hawkins: All right, thank you.

Justin Augustine: May I ask a follow-up?

Bob Hawkins: Sure.

Justin Augustine: Need clarification going back-

Bob Hawkins: And you are?

- Justin Augustine: I am sorry, this is Justin Augustine, Center for Biological Diversity again. I appreciate everything that was just said, it mostly makes sense to me but I am still unclear on the issue Craig raised which is the disconnect between that, or at least my perceived disconnect, and the current state of some of the standard and guidelines in the current plan that could get finalized nonetheless that to me would be directly contrary to that. So how would we bridge that gap?
- Tony Tooke: So here is what I think would look like-you know what this comes down to is-came through these discussions we get some things to put in the plan, that could be a standard. It could be more than one standard to address some of these issues, and are we going to factor in the timeline, our responding, me issuing a final response to allow that to happen. That's kind of the way I am thinking about it. And you know folks say that we'll we're going to be Thanksgiving doing this, it's a different story. But if it is something that-I think there is enough ripeness around some of these from what I've gathered and what I've learned, that we can do some things now and in the very near future. So I guess what I am saying is if everything worked out and some good things came out of these discussions and we were able to strengthen the decision or were able to make some changes in the plan, or we were able to strengthen the record in a timely manner, that's what we would do. Looking at the validators again. Okay and they are all validating.
- Bob Hawkins: Okay. So that was the first half of the discussion. We used about 45 minutes, we are doing really good on time, we've got another 45 minutes left to talk about post-fire habitat and the role of fire in the ecosystem, and so we'll circle back at the end of the day to check in on all these tasks that we are recording. But if everybody is ready to move on-
- Sue Britting: No.
- Bob Hawkins: No? Do you have one more?
- Sue Britting: Yeah.
- Bob Hawkins: Sue.
- Sue Britting: It is just a facet point and it may help clarify. So from your perspective viability is now off the table. We are not going to talk about viability for whatever species then. Is that-
- Tony Tooke: No, that's not-



Sue Britting: Okay, [crosstalk].

Tony Tooke: We can still talk about it.

Sue Britting: Because we are moving off of that, and so, I don't-so right now we have-and I have to say I probably need to think more deeply about what it means for the solution because this plan-I am assuming the basic plan will be approved under the MIS, and '82 rules, and so I am still not sure that what we discussed talks about how the current plan uses MIS to evaluate the alternatives, which we would say is inadequate because of how habitat has been defined for some of these species. So that's still an issue that's unresolved about agreeing to do monitoring-agreeing to have a monitoring conversation because I am not trying to undermine that. I think that's very important to move forward. But we still have that as an unresolved issue. That also crosses over to viability because of our view about the habitat that was used to characterize species' needs was improper and that leads to improper effects analysis. So if also tied up in requirement from the '82 regs, a NEPA requirement, two requirements from the '82 regs and NEPA requirements. So although we like to and try to understand why you want to extract them, I can't. And then I am trying to get also back to there was an instruction here and is that now abandoned in light of the conservation about MIS and the monitoring process.

Bob Hawkins: You asked a couple questions.

Sue Britting: Yeah, basically.

Bob Hawkins: So let's take them one at a time. So, the first one was viability.

Tony Tooke: Let's go backwards. So the instruction may or may not be, it depends. So it's still there. I think we can put viability up here; we don't have to abandon that. It could come down to-

Bob Hawkins: He has got it up there.

Tony Tooke: Oh you already have it up there, okay. Could come down to this being a small unit and what can be done, what can't be done and whether folks agree or they don't agree on that. But I don't-didn't mean to give the wrong impression that we'll do say that now and disregard it. No, we can still have this-I think this whole issue-all three of these we should give some time here and see what we can do.

Justin Augustine: From a process standpoint is it fair to say we may not walk out that door today with everything we talked, right?

- Tony Tooke: Well I think we'll walk out the door with these unresolved but we are saying that we all want to come back to these in a timely manner, I think that's where we are, that we think there is some possibilities here to address a number of the issues, that's what I am feeling.
- Sue Britting: So then-because when we talked about-actually when we talked about the post-fire, but also after lunch as we get into the forest management and wildlife, those are all issues that cross over with viability and this is just my wanting to clarify now that bringing that up in the afternoon isn't going to be considered sort of backtracking inappropriately.
- Tony Tooke: Yeah, I hear what you are saying.
- Sue Britting: So that's okay, I was just trying to-that's fine. [Crosstalk] [laughter].
- Tony Tooke: That's kind of like cumulative effects.
- Tony Tooke: Kind of like cumulative effect and a comprehensive decision here at some point.
- Bob Hawkins: Okay. Great, so let's move ahead then and I think with that understanding it helps clarify. So the next topic Post Fire Habitat and the Role of Fire in the Ecosystem. We've got until noon and we'll kind of use that same structure. Do we need a short break? Are folks needing a quick break, five minutes, now or ready to keep going? Keep rolling, okay. I'm hearing everybody wants to keep rolling. So, again, the primary objectors, The Center for Biological Diversity, John Muir Project, Earth Island Institute and Sierra Forest Legacy. We had a couple of interested parties or persons, Harold Singer and then Heavenly Resorts. So is everybody at the table that wants to be there? Okay. So Tony?
- Tony Tooke: Okay. So I think that last approach worked okay. It worked pretty good so let's try something similar to this. I'm going to go over the objections, again, ask for clarification. I'm not going to go to the remedies, there's a lot of remedies there for you – like I said we're going to go back to some of them individually as we get in a dialogue. I've got just three or four things I want to say after that, then we'll go to the instructions being considered then I want to bring the region back in on some other work similar to what we did here, and let's see where that takes us. Okay.
- So the objections concerns around proposed fuel reduction strategies and objectors objecting to the focus on managing wildfire in wildlands and fuels reduction about being the number one priority on protecting

communities within the wildland urban interface and then you all not agreeing with the interpretation of some of the recent science and trends regarding the increase of fire severity. Also I believe that the interpretation focuses the agency, focuses the fire services from the wrong direction, actually away from protection in communities based on new studies. The way I'm understanding is that strongly urging the Basin to refocus energy and money and revise desired conditions to the standards and guidelines that should certainly reflect an emphasis on fire protection in the wildland urban interface that allow for natural fire events to occur within the ecosystem who provide enough protection measures for protection of post fire habitat.

Objectors also assert that there has been a failure to provide adequate science based monitoring and adaptive management plan responsive to the critical fire management issues in the Basin. Another issue is that equal concern about the management of post fire habitat for species such as the Black-backed Woodpecker and the California Spotted Owl; the contention that the protection of wildlife habitat should be second only to public safety, protection of buildings and for structure. You would prefer much stronger standards in regarding snag retention, canopy closure, increased protection of the habitat corridors. For example, by requiring retention through a forest wide standard not a guideline, of at least 90% of any moderate or high severity burn areas and then except where we'd have public safety reasons. For example, hazard trees that could hit public roads or buildings which are created by fire, wildland or otherwise outside of the defense zone, and retain the maximum possible amount of such habitat that can be retained in the defense zone while insuring protection of a home. So let me pause there. Does that capture the objections?

Justin Augustine: This is Justin Augustine, Center for Biological Diversity. I – it mostly does. I just wanted to make one minor clarification. I don't think this is necessarily what you meant but the way it's worded it comes off as implying that we don't support things like managed wildfire and we do, we support using those tools. We support using prescribed fire. It's the other issues that we'll get into, so I just wanted to make that clarification.

Tony Tooke: Okay. Thank you. We didn't intend to word it that way. Any other clarifications?

Bob Hawkins: How about on the phone, anybody on the phone on this topic? Okay.

Tony Tooke: So just a few tidbits and then let's go to the instructions being considered and then I have a question. So if I understand it right, the Basin is incorporating Black-backed Woodpecker conservation

strategy [unintelligible] and standards and guidance. The other thing is the standards and guides don't just stop at the plan level, there's another step in this at the project level. Also want to mention that we recognize that California Spotted Owl viability in post fire habitat conditions as well as the effects of post fire restoration treatments on wildlife habitat and other resources are issues that go beyond the Basin, they're regional concerns and they have regional significance. And then we're kind of revisiting this point that I've been kind of starting to hit on a little bit which is the region is currently addressing these issues through multiple means and other efforts across a broader scale. And so anyway, I want to kind of set us up for a little bit more discussion here in a minute. So let's go to some of these instructions and let's see.

So far as your – on the list we have a couple of things being considered including in the monitoring report of five years, an analysis of how managing wildfire for resource benefits has been used and how it has changed the environment of the Basin. Consider any new information as it relates to post fire habitat in the Sierra Nevadas since publishing the environmental impact statement. This would cover a number of papers out there, not just one or two but some of the other pieces of information that are there. Then there's a change to one of the standards and guides, 37G38, changing that to read "retain current late seral closed canopy, that's greater than 50% canopy closure. Closed canopy stands and when considering thinning of these stands retain the serial stage as closed canopy outside of the wildland urban interface defense. Do not reduce canopy cover by more than 10% within the wildland urban wildland urban defense retain the serial stage as closed canopy if fire behavior objectives can be met." That wouldn't be a standard. So a little bit of question about these particular instructions may be other remedies that you guys raised that were not – we haven't talked about yet but you think are really important on that list of remedies. So there's kind of two things. Then I want to ask the region to talk a little bit about the work that I know is being done on the Rim Fire and the results of that work and if any of those results can be brought into the discussion here.

So kind of got three things on the table. These couple instructions here, reaction to those and then your list of remedies, the things that you think on that list are really, really important to get some discussion around and then there's work going on on the Rim Fire, can we be bring any of that in here? And I think if we start talking, we can talk about all three of those together, okay.

- Bob Hawkins: All right. So you want to start – well, let's start with the instructions see if we have a reaction or any additional thoughts or comments on that and see where the discussion goes.
- Justin Augustine: Thank you, it's Justin Augustine, again, Center for Biological Diversity. In regard to the instructions, all of those are helpful and I appreciate them but there's, the main issue still for me is that there's not a substantive standard or guideline yet in the plan as to post fire habitat and that's why I offered the 90% one and felt that that was with a reasonable current state of knowledge both because it has exceptions for hazard trees for public safety and for the defense zone as well as the following current science. And I would just add on that front that there's, you know, even been a lot of good research coming out very locally from the Forest Service itself in the post fire Angora area showing the importance of these habitats. And I want to emphasize that I, maybe this isn't the case, but I worry sometimes that people think it's all about the woodpecker. It is about the woodpecker but it's a lot about – a heck of a lot more about that and all this research shows that, both the research by Forest Service as well as the research the Forest Service has done in collaboration with Point Blue up north in the Lassen-Plumas area as well as with Institute For Bird Populations up there as well showing that you really have with the Black-backed Keystone species that leads to a multitude of other species using these post fire habitats. So that's the background for why the substantive standard and guideline is so important from my perspective. I'll add also that there is a conservation strategy that came out of the work between the Forest Service and Institute For Bird Populations and currently the plan is, been unwilling to follow the limited operated period – limited operating period for the woodpecker that comes out of that strategy, so I think that incorporating that into the final plan would go a long way as well to really coming up to speed for post fire areas. I'll leave it at that.
- Bob Hawkins: Can I ask a clarifying question? The standard you mentioned is that the one that's captured on page seven in the outline, the second bullet? Or page six? The 90 – you mentioned the 90 %. It says add the following new standards, says “required retention through forest fire standard of at least 90%, is that the one that you are talking about?
- Justin Augustine: It's on – it was mentioned in the introduction here. It's on page one to some degree and, yes, it's also on page six. Correct. It's the very – the next to last one on page six.
- Bob Hawkins: Okay. I might have a different page version then, yeah, our pagination might have changed. Yes, so does it say “add the following new standards and guidelines” –

- Justin Augustine: Correct.
- Bob Hawkins: --- require retention? Okay, great. Thanks. We really do need to be on the same page so that's why I was checking. Okay, Sue, did you have another point?
- Sue Britting: Yeah. So I'm recognizing that this Standard Guide 37 a suggestion that was proposed by Chad and Justin would – is one that's being suggested and so I think it would be helpful to have a little more conversation about what it meant and that's because I wasn't clear when it says "retain current late seral closed canopy" and then it says "greater than 50% canopy closures stands when considering thinning in these stands." Is it – is this standard contemplating not reducing or changing the current level of closed canopy from say 70% to something else in a late seral stand when it's outside the defense and so I would – I'd be looking – frankly, I would be looking to see that that condition whether it's 61% or 91%, that it's closed canopy nature be retained and the wording doesn't exactly describe that but because of the second sentence in there, it implies something about a very much – it seems to be stepping down so a lighter touch, I guess, than what one would expect in the defense.
- Tony Tooke: Okay. Who wants to help me explain our intent behind this?
- Bob Hawkins: Denise, could you step forward, please, and grab a microphone.
- Denise Downie: So Sue, what I thought I heard you say that sounded like one of the most important points was that you wanted the language in that Standard and Guideline 37 and 38 which we've agreed to combine those two into one "to reflect that the nature of the closed canopy would be retained." Yeah, so, we can – I think we can take a look at that because I do believe that's our intention.
- Sue Britting: When I read 37 and 38 separately I thought that was the flavor but, I think, I've lost it a little bit when I got to this language.
- Bob Hawkins: Top of page four.
- Denise Downie: Yeah. So all we've done is we've taken Justin and Chad's suggestion because -- to combine those two and it made sense to our wildlife biologists so –
- Bob Hawkins: So then it does sound like you've got a great – that the intent is to keep the higher seral stage or the higher canopy closure if that's what it is?

Denise Downie: I think so and I think we should probably take a look at the wording of that and make sure that it does reflect that – yeah.

Bob Hawkins: Okay, good, thanks, Denise.

Tony Tooke: Sorry about that. Okay. So before we get too far I want to go back to this remedy that you’ve brought up, Justin. And if I’m reading it right it’s the one that talks about the included standard that states “while prescribed fire would have less than 20% mortality in the defense zones,” is that the one?

Justin Augustine: It’s this one right here. Yes. I believe so.

Sue Britting: It’s the second – it’s next one. Are we talking about the 90%?

Tony Tooke: Yes. Where is it?

Sue Britting: It’s the one after the 20% one.

Tony Tooke: Okay. I’m sorry. All right.

Sue Britting: Page six or page seven, it depends on what version you have.

>> Yeah.

Bob Hawkins: Second to last bullet.

Tony Tooke: Now, we’re literally on the same page. So do you all want to talk about that any? You don’t have to, I’m just asking, do you want to have any discussion around that one at all?

Bob Hawkins: So but that was one of the ones so as part of your question, and I think you asked which one’s they felt important? Are they --

Tony Tooke: The question I put out on the table out of the three was, is there some of these that are really, really important that you want to have some discussion about. So this is the one you went to so now I’m going to the Forest Service folks here in the region to see if we want to talk about this when they –

Diana Craig: Hi, this is Diana Craig and Bernie’s asking me to talk about the conservation strategy that Justin mentioned that we’ve had in place for the Black-backed Woodpecker that – so, yeah, it’s – it has a number of different recommendations really focused on what your on the ground desired conditions are in the area, your considerations and, I guess, that’s from my perspective a lot of that is site specific depending on



your goals and objectives for a particular fire area. I would – I would be – I think the down – the challenge of putting a standard like 90% and even not counting hazard trees, would be there are other species' needs that are out there that are not burned forests associated that we'd need to make sure we were taking into consideration before and that kind of standard may prohibit some of those restoration needs, I guess, that would be the other concern with regard to that.

Tony Tooke: Can you say a little bit more about that or is just the fact that it is a quantifiable number or is it the 90% part or is – could you talk about that a little more?

Diana Craig: Yes, I would say. And so – okay. So when we deal with a post fire habitat we have a number of different objectives beyond the safety – the health and safety piece which is that – that's the overriding, obviously, we can't have unsafe conditions out on the forest. One of the objectives is to get – many of these areas were old seral – late seral forests and we want to get those back into those conditions fast, faster than later so there's reforestation goals in some of these areas. There's habitat – maintaining the habitat for the post fire species, that's another goal. There's making sure that we don't have a sedimentation and our aquatic areas are safe and so all of those goals need to be addressed at a site specific level to determine what the best balance is. One of the things we've done in the Rim Fire and, Justin, I know you were involved in that, is to develop an analysis tool for at least for Black-backed that would give the on-the-ground folks ability to identify what the highest quality habitat is in that particular area for Black-backed . If they want – if an alternative wanted to be developed or there is a desire to develop an alternative but based on that it also gives the ability of the NEPA Document to analyze alternatives, compare alternatives for Black-backed Woodpecker high quality habitat across them and so those kind of site specific tools and analysis –

Tony Tooke: If I used that tool and I did an analysis, can you give me an example about what might come out on the other end?

Diana Craig: So you'd have say four alternatives and you would – you could compare which alternative, A, may have the best con – the highest perpet – probab – or highest potential – not the highest – highest quality Black-backed Woodpecker. It would maintain the most highest quality Black-backed Woodpecker. May be alternative, D, would be the least. You could also using that tool estimate how many pairs you would have, you'd maintain, based on the most current information, obviously that information is we're learning a lot about the species so that does change as we get new information. You would also be able to -- so the tool could help you do that. In addition you

could compare the alternatives with regard to the rate of speed to get -- reforest the area or restore the area back to old forest habitat which of the alternatives would be the fastest to do that, which of the alternatives would meet riparian objectives, or other objectives, so you would -- it would allow you to compare the alternatives based on a number of different objectives.

- Tony Tooke: But we we're going to have hypothesize a little bit. [unintelligible] and normally we don't like to name tools and plans or regs because tools are here one day, it's gone the next for something greater or better and greater or faster better comes along. But we can talk about standards that do certain things. What I'm searching for here is the connectivity between a standard and what I'm hearing you put on the table, Justin, had a lot of assurance around it, you know, 90% is pretty strong assurance if we meet that versus a methodology. Can this methodology be incorporated into a standard that might provide some assurance by going through that methodology without a quantifiable number?
- Justin Augustine: So I -- let me ask you a clarifying question?
- Tony Tooke: You can rephrase how this --
- Justin Augustine: Yeah, to see if I'm -- see if I'm hearing it right then maybe that will give them time to think. So you're thinking of a standard that kind of lays out a methodology without specifying a tool. I heard that. Do you want to identify a methodology for evaluating post fire habitat?
- Tony Tooke: It's something like, I mean, what folks are looking for here is some assurance just what we're going to say on the landscape after this happens. What folks are doing over here is putting something into place that people agree on that has some credibility to it. And people seem to be pretty comfortable with applying this thing that's coming out, so what I'm trying to see here if we can roll something together here that might address the issue and put it in the plan is where I'm going. And so we've already gotten to my third question, you know, remember I said I think we can talk about all of them at the same time, so what I'd really like done this next 17 minutes, is there something we can put in here that gives the credibility and assurance that I think I hear objectors looking for but it is not something that's impractical that burdens the forest in such a way they'd never be able to do it?
- Justin Augustine: Well, I say at first I -- without hard numbers it's really, you can't have a lot of assurance. I've learned that many times. But I appreciate where folks are coming from but the things I have heard, the other objectives laid out they're either -- they fall in the two categories to

me, either, A, they're objectives we shouldn't have such as getting into late seral forest faster. That's just not, to me, I don't know of any science that supports doing that. And then, B, we can meet all those other objectives without salvage logging so I think it's – we're going to have disagreements as to some core issues as to why you want more discretion, whereas I see my standard and guideline is actually providing you all the tools you do need to get to a scientifically supportable end product.

Tony Tooke: How you came out with 90%?

Justin Augustine: 90%, well, let's be clear, again, that it's, there's two important exceptions to that so defense zone and hazard. That's a lot in some – to some degree but –

Tony Tooke: Right, right.

Justin Augustine: And 10% is allowing for room for some economics to go on but making sure that as we go forward we really focus on the ecological importance and necessity of this landscape because it, A, is extremely rare, we're in a deficit of it and there's really no positive outcome from logging it other than an economic one.

Tony Tooke: Okay. You have anything?

Sue Britting: Can I just take a minute and have a slight conference with Justin?

Tony Tooke: Yes. Conferences are okay.

[No audio]

Bob Hawkins: Okay. Okay, you guys, you're done? All right. So, folks, if we could have everybody regroup.

Sue Britting: Okay. So this is – take this in the spirit of problem solving and that we haven't talked about it in detail but it is one way to use plan components to get at something we think is very important. In the desired conditions for the biological resources, there's a number of desired conditions for various things and so one opportunity is to call out a desired condition for complex early seral stage forest. The value there is one that's created by disturbance and it is allowed to then progress through the seral stage development on its own. That's in, not by, human assistance to hurry up the seral stage process. Maybe that's appropriate some places but in this desired condition framing, this is a place where we're looking to see some portion of the

landscape in this move through a seral stage development process.  
And then paired up with that –

Tony Tooke: So, I'm sorry. Can I ask a question?

Sue Britting: Sure.

Tony Tooke: So what you just said is it the desired condition that you're highlighting as the most important regardless of the methodology or ?

Sue Britting: No, I'm getting there, getting there.

Tony Tooke: Okay. All right, I'm sorry.

Sue Britting: I'm moving on. I got to –

Tony Tooke: All right.

Sue Britting: --- it's a sequence of things. I'm trying to use the plan components that you – you know, you're framing in the plan components. The next part – and to still give discretion, okay? So – and then the next part is to use an objective that establishes – and this is the part that I don't know what the right number is or how to – the framing, but that establishes that some portion of burned landscapes in the future are intended to be allowed to progress through the seral stage development as in that unassisted recovery process. I'm going to use that term loosely, unassisted, because there might be water shed impacts you have to resolve or some other effects but the target is complex early seral stage in allowing those residual items legacies to remain and be a part of a developing landscape. There could be a strategy which is not another component of the plan that targets how one accomplishes that or sets some priorities about where that's best achieved, different habitat conditions. It – I'd also say that it parallels in the plan right now there are – there's a notion about creating early seral through active management and through clear cutting and those processes so it's not – it's another tool, can't say that we're supportive of that one, but I'm just identifying that an objective of the plan is to increase early seral stage. We'd like to add a little twist to that which is complex early seral so it distinguishes it from the notion of clear cutting because we're actually looking to see those legacy elements and residual elements retained and then a natural development. So that's some ideas about calling it out. I don't know that it resolves and it doesn't total –

Bob Hawkins: So let me bounce those back at you just to see if the folks heard the same thing I did. So you have a desired condition component and that

would be for complex early seral stage, unassisted development. You've got an objective that would try to quantify that desired condition with some sort of proportion of a burned landscape and you have a strategy component which would be the how- to nuts and bolts of how that's accomplished. And so you're thinking then – and I'll think ahead so that would apply as projects, right, are developed and they reflect back on consistency with the plan, they would look towards that desired condition and use that as guidance to come up with the answers. Is that where you're headed?

Sue Britting: That's correct.

Bob Hawkins: Okay.

Sue Britting: So if – it it's – if there is zero traction on a standard account – maybe we can find accountability and intentionality through the condition – desired condition and objective. It's in that.

Tony Tooke: And so I know we're going to talk about another topic this afternoon where this is going to come up but we're going to – if we do anything with this we're going to capture it right here where we can bring that back in, okay.

Barnie Gyant: And just so – this is Barnie Gyant with the Forest Service, just a little bit more of an historical effective to it. So as we look at the Sierras, there's been much dialogue in and around salvage and so just to be honest and to make sure it's on the table that salvage logging is something that we most certainly consider as a part of the Forest Service. So in and around the Rim Fire when we were looking at that so, one, there was a conservation strategy that was built in and around Black-backed Woodpecker because it is primarily the focal species that ends up in up in most of the conversations around burnt forests. California Owl is there, too, but in most cases, most of the ones I've been involved in and around Black-backed. So we kind of started off on a path how do we got about identifying the best habitat and so I know that Chad and Point Blue and some other scientists that know in and around Black-backed Woodpecker developed a model that we used on the Rim Fire to help us look at the best habitat for Black-backed Woodpecker for retention purposes as we were looking at salvage. So that's a tool that we use and I think that it's probably something that's applicable as we continue to look at fires across our landscape knowing that salvage logging is most certainly something that we consider once fires do occur. But I do think it was not necessarily overall at a plan level but it gives you an opportunity, I think, to look at your conditions on where you are when those fires occur and be smart about how you move forward. So that's a little bit

of the context we've known is that Black-backed is a species of concern for a lot of different people and we were trying to be proactive about how do we do it and how do we be smart about it knowing that salvage logging is a part of those alternatives when we look across the landscape.

Bob Hawkins: Craig.

Craig Thomas: Craig Thomas, I just want to offer a little bit more on the desired conditions for complex early seral. We generally spend a lot of time talking with Forest Service about complex late seral and, you know, we're really keying here on the new planning rule language for ecological integrity and the ecological restoration initiative from this region which everybody has a copy of and we tend to think a lot about that document as to how we move forward. So that is free evolving early seral conditions that aren't heavily managed with the general herbicide, living, turn it into a tree farm, grow them without any competition but something that is ecologically rich and ecologically diverse that is allowed to evolve through its timeframes of evolution that these forests generally have been doing for 10 million years so that's the thing there. And the scale of that, one could look at fire regimes and think about mixed severity fire and how much of that was happening and think about we could work together using the best science to get to some numbers.

Justine Augustine: At this time I really like Sue's point from, at least, a methodological perspective because it, on the front end would require Forest Service to really identify in the post fire landscape, those areas that fall into that category we now call complex early seral forest because that's really the area I care about the most and was implicit in my standard and guideline but not explicit. So I think it's really important to regardless of percentages have that as part of the methodological aspects.

Bob Hawkins: Okay, thank you. So we've got about four minutes left. I think the discussion's been good. Is there something you want to wrap up before we close for lunch or?

Tony Tooke: So what this feels like is that even on this topic to put something very specific being what we've put up here is what I hear folks saying is this is worth some time to take a look at. That we might be able to bring something forward not something real broad brushed but a couple of specific things here that would address some of the issues. Validators? Okay. So we're going to put this one up here along with the other one we're kind of revisiting a lot of stuff there but it's not like we're starting from scratch on the MIS, the monitoring and the viability. We're going back across the whole thing. And on this one

we're going to come back to specifically this, okay? All right. So I think that's good enough for now at least from these two.

- Justin Augustine: I have one last – just want to for clarification I didn't get into and we don't have time, I realize, the California Spotted Owl post fire thing mainly because we've already gone over that already but that is an essential aspect of complex early seral forest as well so I don't want that to be forgotten that we still have the HRCA and the PAC issue.
- Tony Tooke: Yeah. And we're focusing there on the condition and not just the species but what we're trying to create on the landscape. Okay?
- Bob Hawkins: Okay. We're good so we're going to take a one hour break for lunch. We're going to start – sorry. I'm sorry, didn't see you back there. Come on – if you can come up to the table and –
- Bob Hawkins: Thanks, Sue.
- Sue Britting: This is just a request and that is we are in a state that is about to become majority Hispanic. We have a lot of Spanish in our language Sierra Nevada. Sierra Nevada is one of five Sierra Nevadas in the world so when you see – and there are more than a hundred [unintelligible] so it's best just to call this area Sierra. That's linguistically.
- Bob Hawkins: Okay, thanks, [unintelligible].
- Tony Tooke: Thank you for bringing that up. Didn't know I had –
- Bob Hawkins: Had a question there that I missed? Okay. Yeah. Grab a mike and say who you are.
- John Pickett: John Pickett, I'm a forester with Tahoe Douglas Fire. This we want to make a quick comment about the proposed guideline with the 90% rule. First of all I want to – I appreciate your, obviously, all of your comments have recognition of the defense zone of the Wildland Urban Interface and all of the comments. We appreciate that and we agree that's where the focus should be when we're talking about Wildland Urban Interface Fuels reduction. With respect to the proposed standard or guidelines, standard, I think, is the direction you'd like to go, I think is fairly reasonable. What we need to do though is expand the idea that hazard trees could hit public roads or buildings that should also in the Lake Tahoe Basin include important recreation areas. If we look at the Angora Fire area, my neighborhood, the community uses the lower elevation, the areas that have trails, the areas that frankly have hundreds and hundreds of people out on a daily



basis walking their dogs, kids out in the areas. Those areas need to be considered as well for reducing the total load of burned trees, tree density to insure public safety. Again, that would probably be centered in the defense zone is what we would think. Additionally, we do want to encourage that the threat zone, also, be included in that. The idea is that the defense zone is sort of a hallowed ground around the community that if we do work there we know we're going to be protecting communities from the threat of catastrophic fire. That's where we need to focus. The threat zone is also important. That's not to be thrown out the window. The threat zone we think of those areas, splats, other strategic area fuels reduction treatments that would modify approaching wildfire as it comes into the defense zone. Some of the things we're talking about today like maintaining close canopy forest, we agree. However, if you're going to maintain fuel reduction – fuel loading immediately adjacent to the defense zone, that could promote an independent crown fire. Well, then all of a sudden we've got something coming from the threat zone into the defense zone that we can't deal with as fire fighters standing in front of houses. With the respect to retaining as much as the burned habitat and burned trees within the defense zone I appreciate the sentiment, unfortunately, it just doesn't work very well. Primarily our main tool for doing structure protection is going to be putting people with tools in front of houses and then trying to fire off or some other tactic to do that. When you have a large amount 10, 20, 30 tons per acre of downed woody debris you can't use a standard firefighting tactics in there. The end result is that you put houses at risk. So --

Bob Hawkins: So let me jump in here for a second because we're kind of going over time. It sounds like you're really interested in this topic and you'd like to be a part of that follow up.

John Pickett: Yeah, yeah, that's absolutely true.

Bob Hawkins: Yeah, and we've also got what an hour agenda for --

Tony Tooke: John, what I think you just did a really great job of setting up particularly one topic this afternoon around fire suppression and also I think we'll get into a little of this in forest management and so maybe being an eternal optimist that I am, I think, we're going to bring it altogether.

John Pickett: All right, so, yeah.

Bob Hawkins: So if that works with you -- all right. So thanks. So let's take a break for lunch.

Tony Tooke: Be here after lunch.

Bob Hawkins: You'll be here after lunch though, right?

Tony Tooke: We're going to get right into what you just talked about.

Bob Hawkins: One o'clock. We going to keep the phone open or we're going to –

>> Yes. Keep it open.

>> Okay.

### ***Fire Management***

Bob Hawkins: Okay, if we could grab our seats, so we can get back - get started. Okay, thanks for coming back, let's check, see if they got anybody on the phone. Any objectors or interested persons on the phone? I don't hear anybody. So our next topic which we're going to spend an hour going over is forest management, old growth and wildlife habitat. And so the primary objectors are Harold Singer, Center for Biological Diversity, John Muir Project, Earth Island Institute and Sierra Forest Legacy and then interested persons are the Heavenly Resorts. So that's the next hour. We're going to be following that same format so we'll start with Tony and understanding of the issues.

Tony Tooke: Okay, did I hear correctly that some folks on the phone are having a problem hearing me or understanding me or both. Okay.

>> Just do your best.

Tony Tooke: Well I can't do much different than this. Okay.

Bob Hawkins: I think we get the volume and that might help.

Tony Tooke: I'm almost eating this microphone. Okay, so we're going to do three things and I think in doing those, there's going to be space in these next two topics. This one about forest management, old growth and wildlife habitat and then fire suppression to integrate some of the discussion we were having right before lunch. So I think we can weave some of this together. So I'm going to go over the objections and I'm also going to walk through the instructions and then I have three kind of topics for us to explore, to build upon those instructions that we have there.

So there's a number of objections here and I'm going to highlight about five of these and I'm going to see if these capture but. One is, the first

one is that the environmental impact statement does not map current old growth forest or display the effects of each [unintelligible] old growth. The second one is it goes right over the removal of greater than 30 inch trees, 30 inch diameter trees and the belief that the removal of those should be limited to certain situations. Concern that aspen and [unintelligible] restoration is more important than maintaining large trees. Concern that a wildlife biologist should make the call, should really have a lot to do with saying whether or not we're going to remove a 30 inch, or a large tree. Concern over the restoration and definition and the concern over restoration versus letting forest decay occur. Then concern that the environmental impact statement did not model and analyze the removal of 30 inch trees that violates the National Environmental Policy Act requirement of taking a hard look. So does those, one, two, three, four - about a half of dozen. Does that capture the essence of the issues around these topics? That's a question for all the objectors.

Bob Hawkins: Sue, go ahead and introduce yourself.

Sue Britting: Sue Britting for Sierra Forest Legacy. Our issue related to habitat that's appropriate to evaluate, to support particular species and the effects on those particular species, isn't exactly covered in the idea of old growth wasn't mapped. So some of the species we're interested in, utilize other than old growth for habitat and so I'm just calling forward the issue left over from this morning, our concerns about how a suitable habitat and, it was defined and some issues related to a cross-walk between definitions of a system we called California Wildlife Habitat Relations and a system adopted by the Tahoe Basin for some characteristics of - is based in the land fire classification scheme. They don't actually cross-walk very well together or you can cross-walk them but they don't actually address some of the species issue. So there's that issue. We also have issues related to modeling and the period of modeling that was presented in the final EIS, so whether one starts the modeling from 2003 or one starts the modeling a decade later and addressing, what we see, as potentially from 2003 forward, even more significant declines in some of the habitat types we're very interested in. So those are other issues that aren't - maybe one might weave them into here but they're analytical issues related to.

Tony Tooke: Okay, so some additional habitat types besides old growth and the species that occupy those and then some concern about the way the analysis was done? Okay, so we got that captured. Other clarity - any other clarity around those?

Justin Augustine: This is Justin Augustine, Center for Biological Diversity. I just want to reiterate the suitable habitat issue that Sue just brought up but it goes

back to a lot of what we talked about this morning with how we define suitable habitat, does in many way dictate some of the - how the standards and guidelines are playing out and we want to make sure we revisit that so that we don't constrain the analysis of post-fire habitat.

Bob Hawkins: Thanks, anything else, looking around the table. I don't know that anybody has joined on the phone. Okay.

Tony Tooke: Okay, let's take a look at these instructions being considered and some of you were bringing up this morning about the words suggest, there's some suggestions here on this list. So I'm going to run through all of these, okay. So clarifying the record that in the ROD the record of decision that the removal of trees greater than 30 inches will be the exception rather than the rule. Consider instructing the regional forester to have the Basin track and evaluate the impacts of removing greater than 30 inch trees on the quality and distribution of closed canopy late seral coniferous forest for vegetation management projects such as fuel reduction and restoration. Exclude tree removals associated with special use permits such as utility lines. Okay.

The third one is - unclear why a tree is greater than 30 inches or not modeled for removal and Spectrum and how their removals would affect future projections. So the reason for not modeling those large trees should be explained. The fourth one is suggest that the Basin consider using the same forest inventory and analysis data that was used to construct this table that's called out there, Table 3-42 to produce another table that stems per acre by size, class and forest type - excuse me - with a format consisted with, the other tables and the environmental impact statement. Suggest that the Basin explained why the graphs for forest vegetation are relevant in spite of not reflecting disturbances or are they relevant because of the relevant values shown in the graphs would be true even if disturbance were modeled. A search of the internet did find the probable source of the citation which is the 1999 doctoral thesis by Jim Bouldin. This citation should be added to the environmental impact statement and possibly a copy of the thesis to the literature, sub directory. The Basin should ensure that restoration is clearly defined and clearly linked between desired conditions and then general definition in the glossary. Clarify the purpose and use of Tables 1 and 2 in the plans which is to provide guidelines for developing project level prescriptions and measurable forest restoration standards for vegetation management and wildfire risk redemption efforts.

Clarify the relationship of these tables to Desired Condition 23. Agree that the Standard 37 is not necessary because the language and SG38 is very similar so recommend combining those into one standard. I have

about three others here. Recommend writing the guideline to focus on snag distribution and not focus on specific numbers for specific species. Clarify that specified snag retention numbers are minimums. They are not limits. Standard RSG 62 includes distribution, 59 covers distribution of post-fire conditions so consider adding more specifics, more specificity to 62 and 59. The region needs to consider the effects of post-fire logging on California's Spotted Owl habitat. Conduct a literary view and synthesis of post-fire logging effects. There is a lot of post-fire logging literature, studying many different ecological, social and economic aspects. As a result, the effects noted in the literature regarding post-fire logging effects are varied and it depends on the aspects studied and the question or questions asked. So through adaptive management, an adaptive management approach, consider whether the new direction is, whether a new direction is needed as ongoing research allows. Amend the forest plan as needed. Last one, evaluate 88, to emphasize removals of smaller trees contributing to canopy closure management as they are the least likely to have contributed to suitable conditions in the past, this view must be balanced against the timing and loss of the oldest trees in order to provide for proper canopy closure through time. So the objective is to maintain and sustain the habitat, not lose it through management actions.

So there's quite a list of instructions. Any reaction to those before I put a couple of other things on the table here?

Bob Hawkins: Excuse me - I'd just like to point out that we did talk about combining 37 and 38 this morning.

Tony Tooke: Okay.

Bob Hawkins: That instruction - that got picked up in the previous session. So we're looking for clarification, questions, additional thoughts on these instructions that are being considered.

Sue Britting: So, I'm thinking about the 30 inch.

Tony Tooke: So Sue.

Sue Britting: So sorry. Sue Britting for Sierra Forest Legacy. I'll remember one time, I might remember. So thinking a little bit more about the you know asking - the suggestion here that 30 inch rule will be an exception. So this goes - ties into - how did we get the 30 inch rule? The 30 inch rule came to us because of the [unintelligible] guidelines and that's related to owl conservation and it persisted through reviews from owl experts about the necessity of that rule for conservation,

including the Fish and Wildlife Service and their 2006 review that at that time decided listing wasn't warranted. So there's a lot of momentum behind that as a conservation measure. It also happens to address conservation values for other species associated with late seral forests. My suggestion is that you keep the 30 inch rule and have the forests exercise their discretion to propose forest plan amendments for projects where it's important to do that activity. That way you would get a site specific evaluation of the necessity for pursuing that. It would be disclosed and we would be able to comment on that particular case and in the importance of retaining those values, would be sustained in the plan, so that's that.

Tony Tooke: So you're suggesting that remedy different from 30 inch trees, exception rather than the rule, and if some are removed, they will be monitored and tracked?

Sue Britting: I'm suggesting that we keep the rule as it is today, 30 inch DVH limit and then in cases where the forest chooses to propose projects that would remove trees greater than 30 inches, those would be the cases where they would seek a forest plan amendment for that project and so use that part of the 2012 rule that allows for projects specific for those plan amendments.

Tony Tooke: Go ahead.

Craig Thomas: Craig Thomas here, Forest Legacy. Adding to what Sue said - and this is for clarification, particularly for you Tony because I realize quickly that the Lake Tahoe Basin - we were talking past each other in terms of what we think the scale and the magnitude of this is. So I want to clarify that point. In January 13th, 1993 was a huge day for this mountain range. It was the day that the Regional Forester and a team of scientists concluded and then implemented a decision that said we were really scarce in large trees and that for a variety of reasons, particularly spotted owl at the time, that that habitat is right on the landscape and needs to be protected. It was a range-wide, 12 million acre deal, it was not small, it was an enormous change in Forest Service management that we have continued to applaud since the day it was signed. So, you know, I see it characterized in the plan and in the objection response as it's a small thing. We can't figure out how to model it, it's so small and it's a project level versus a plan level issue. So, I think one point is that it is a programmatic big deal. This is the first horse out of the gate of any of the forests in the Sierra Nevada. Other than for things like hazard tree and public safety which we're not bringing up here as an issue but it's these forest health density, shade tolerance, those issues and then it is a big deal because it is a region, a Sierra Nevada wide, twelve forests, or eleven forest wide

standard that's been in place for 21 years and we're moving away from that in a sense. So the idea that it can't really be modeled and not analyzed to us, it's very hard to suggest that can hold up. It's a huge deal and it's not that difficult actually to have done transects and had the ID teams, bunch of competent folks out on the ground on these projects to look at how often they run into a legitimate concern about, we really need to take that tree versus the thing that we see nothing about which is where the recommendations for not taking that tree, at the same time. How does the ID - we don't have anything to really to hold onto in terms of how the ID team would actually make the decision. We understand that it would be a team but how they do it, we don't have anything there so that makes it hard but I'm not even going there. I'm just going that it is a big programmatic deal, region-wide and it's not incidental because as we put it in the record and I'll just flash a couple of photos up here. This is the Tahoe Basin's insect forest health risk map from the Basin and you can't see a lot but there's a lot of red and a lot of deep gold which means at risk. And this is another issue that I'll just support with a photograph that's in our comment letter but you can pass it around. This is a density issue. This a clump of large old growth trees so when we look at those things like density and shade tolerance and disease risk, they are unbounded and all we have is language saying, we're not going to use it much but the opportunity to use it, the discretion to use it, is unbounded because there is no definition and no pathway and as Sue brought up and reiterated, the reason why it hasn't changed and why we believe in the majority of instances other than things like public safety, that it shouldn't change, is one of the key species that is dependent upon those attributes is declining so the risk is high and we have no context for how a team would look at a particular tree and make a decision about its removal when its value is high. I just wanted to clarify kind of how we're not lining up in that context and that I think a plan amendment process is the way, if it can really be justified but I think the transparency of how that gets justified is not fleshed out.

Tony Tooke:

So, California's spotted owl conservation assessment that Pacific Southwest Research Station is working on and my understanding is going to be some subsequent interim guidelines come out of that so some of you have been involved in that. Is that related? Is there stuff there that relates to this, that connectivity?

Sue Britting:

Certainly we've - even in conversations promoting the use of a technical team like we did with - back in 1992 for the [unintelligible] guidelines and we hear that Pacific Southwest Research Station is conducting an assessment - you know that's - and then developing conservation recommendations interim and longer term are important components to the solution path in our minds and that's a solution path



for region wide issues, not just the Basin so those - you know I see those as all very positive steps forward to figuring out the -

Tony Tooke: Can you - is that possible to be done without doing an amendment on every project?

Sue Britting: In terms of what - whatever the recommendations are that come out of the team - I think those - in my view, those would be incorporated in the forest plan revisions so you know that's about all I could say about that. How you - you know what it is between today or two months from now when the Tahoe plan is signed and we have some additional recommendations - I think that's another - that's a different question to ask but ultimately recommendations from owl scientists should be incorporated into the revised plans.

Tony Tooke: So, do you guys want to talk about this any? What I'm hearing you say is the potential results that is going to come out of that could be incorporated into this plan, other plans and it might provide what you all are looking for versus what you described as a potential remedy. It could be in lieu of or that.

Sue Britting: I think the issue is timing and when these recommendations are provided by experts and so I'll also say that although we've had conversations about this sort of pathway of assessment and conservation strategy, I think there are very important issues to talk about in terms of how one frames asking a technical team to help develop a conservation strategy to make sure it actually addresses the management issues that the agency faces and so I'm going to be guarded because I've not been involved in conversations about what is the nature of a conservation strategy for owl. I know what that conversation was leading into the 1992 recommendations and so you know I think of that as a model of at least a framing, not the result. I'm just talking about the framing - I'm just giving a little hesitancy when you're asking, is this the solution because I -

Tony Tooke: I hear you. So let's just assume, I'm going to assume a little bit, that we're in 2015. The strategy is done, conservation strategy is done. It's been made public, what happens, what is Forest Service going to do with that and let's say we're in, one year from now May, 2015, the latest and greatest, very informed by the latest science is done and it affects conservation across multiple forests. What's going to happen with that? So, Forest Service folks.

Diana Craig: So this is Diana Craig again and I'm not a line officer so I'll just start that off. I would envision that once the conservation strategy is done and let me just step back so what's going on right now is the

assessment phase so it's just basically pulling all the information together. I agree with Sue that when we get into the interim guidelines and strategy, we need to broaden the discussion, make sure that we're using that information to inform where we need to inform management or answer those questions so got that. Once the strategy is done or even - well once the strategy is done, I would envision that it would be used to, if needed, to amend forest plans or and/or inform or be fed into the new revised plans as they get revised. I'm going to ask my boss here if I'm right on that.

Barnie Gyant:

Just stay at the table, Diana, you're doing great. You know because really what Diana says is true, that's how we kind of envisage it because we - California Spotted Owl is up and down the Sierras. So our piece is to take advantage because I think it has been some years since scientists has pulled together all the information in relation to managing the owls so the best approach we're doing, we're hopeful that, we'll take that information and incorporate it into the plans and it's so kind of a couple of different phases of what we have. One we have the Basin and then we have the early adopters and then we have the rest of the Sierra so we'll need to work on sequences of how do we incorporate that into all of the plans but we want to have that as a way so we can have consistencies up and down the Sierras. And we do want ultimately to have that piece as transparent. Many people understand what's in that and then also we want make sure that we work with the scientists in relation to what does that mean for us as far as being able to manage. So that's our overall intent when we started down this road of - it's a conservation strategy at this point but it was several years ago we were looking at doing meta analysis. Is that me or?

Bob Hawkins:

It sounds like something on the - it could be.

Barnie Gyant:

I'm a little too...I thought that maybe if they can't understand Tony, god knows they couldn't understand me. You know you got two southern guys talking to folks in California. So anyway that's kind of the intent of what we saw and what we envisioned. We did start out with a meta-analysis looking at populations of owls and how the habitat has changed over the years. So we had to make some adjustments so now we're looking at doing a conservation strategy that incorporates into the management of all the Sierra national forests.

Tony Tooke:

So does somebody - excuse me - what's the timing of this? Does anybody know?

Diana Craig:

So, the draft, the assessment will be done - I've just looked at their proposed timeline - January, 2015 and I haven't talked again to my

boss about this but I'm assuming shortly thereafter, we'll put together a stakeholder group to do some interim guidelines. Basically, kind of what we had talked about is, here's the science, the new science - here's the current science to date, here's what we're doing now. Where is there a disconnect and where do we need to identify those needs, interim needs to change and then we would, at that point, also start the process to do a conservation strategy. We're hoping to learn from the process we're engaged in now with the Pacific Fisher because there's some neat new modeling tools that are coming out of that. We're hoping that can be used also to help inform the conservation strategy for the owl processes that we're using for Fisher. So I would think that that could take hopefully less than a year but I don't have the timelines.

Bob Hawkins: For interim guidelines?

Diana Craig: No, the interim guidelines would be much quicker than that, I think yes, so it would just be for the strategy.

Tony Tooke: So there could be interim guidelines. I was really being hypothetical about May, 2015 but there could be interim guidelines?

Diana Craig: I would actually hope that that would be the case, yes.

Tony Tooke: So, in the meantime, what are we going to do, on this plan?

Craig Thomas: Tony, if I may add, this is Craig Thomas, that spotted owl was the pathway where large tree protection evolved from but I want to address the context of large tree attributes, the vegetation attributes that are valuable, ecologically to a variety of species. Because as Barnie and Diana, Mary Beth and several people know since 2009, we've really restarted a much improved conversation in this region about ecological marking and what sorts of features do we need to consider as important in retaining as we go through and mark a stand for treatments. And what got me so amped up about this standard, is that I saw this as not limited by anything except words that we are not going to use it much. And in fact, we have been explicit in these GTR 220 and 237 which is you know the thing everybody has been talking about here in terms of how you design good marking standards for projects, is that there is a big emphasis on the very - several of the very attributes, like defects, things like cavities that are important to wildlife or broken tops, you know limbs that have snapped. All of that stuff gets triggered by this standard and it's all open for interpretation and debate and there isn't really you know the opposite side presented here of we've been trying to do all this heterogeneity marking and really careful and thoughtful examination of ecological attributes and preserving them through treatment. It's complex and those features

are messy and they get triggered by things like the language like forest health. You know so it's unclear to me and unbridled in terms of what - we could unravel this progress that we've made by that discretion that isn't really - it's not well explained and is, you know, risky to a lot of things that we've been working on together.

Tony Tooke:

Is it possible to, kind of thinking about the little bit longer term here, everything is going on. Is it possible to hone in on a very specific standard just around these large trees, something a little different. Put it in the plan, this plan right now, knowing in all likelihood, there's no guarantees about that but it sounds like in all likelihood, we're going to complete a study, do a conservation strategy and develop in our own guidelines while we're doing the conservation strategy. So is it possible to have a standard that we could agree on to go in the plan right now. Is there any - I mean is that doable? I mean if it's not doable, we don't need to even say a lot about this and move on but if that's doable, knowing that, because what we're talking about here is a study of - I think what we're talking about is the latest science coming out that's going to inform a broader conservation strategy. In the meantime, we have this plan that folks are planning on making a decision on before then we need something to end there that - and in you all's eyes, that I'm not putting words in your mouth is stronger than what you see now.

Barnie Gyant:

Can I - let me try to see if I understood this correct. So maybe are you advocating that in the plan we put consistency with GTR 220 and 237 and then - I wanted you to hear that piece - and then maybe with some special recognition on trees that have old growth characteristics for other wildlife habitat benefits such as snags, those trees that have cavities, things along that nature. Did I hear that wrong, right or help me here?

Craig Thomas:

Since we're talking about a short period of time, I think a very simple solution is to get - just use the plan and in that process to make that decision.

Bob Hawkins:

So you're saying, keep the standard the way it is?

Tony Tooke:

What you're saying Craig is, keep the standard the way it is and if you're only going to do a project, amend this plan. Let's say the forest supervisor decides that - let's say the ROD was signed in July or August then the forest supervisor decides that she's going to do a project this fall that might remove greater than 30 inch trees, we would put into a process to amend the plan, the public who would provide input on that. That's what I hear you say.

Bob Hawkins: Progress, specific plan amendment so it only applied to the project.

Sue Britting: That's correct.

Bob Hawkins: And help me understand because I haven't worked in spotted owl at all. What is the current standard say, does it allow for any flexibility or discretion on hazard trees, things like that?

Sue Britting: Hazard trees, yes. Public health and safety. There's a little squeeze there for operations.

Bob Hawkins: So if they were to propose a project under the current standard that had 30 inch trees, greater than 30 inch trees removed. For those reasons, there wouldn't be a plan amendment?

Sue Britting: For those reasons -

Bob Hawkins: For those reasons.

Sue Britting: And I'd say there are - I'm going to offer one more. There is a lot of discussion about what the plan allows for aspen restoration.

Tony Tooke: So what would - I'm the responsible official. This amendment is going to be under the new 2012 rule? What's going to make me do the amendment? What's going to -

Sue Britting: Because you - how about I make up a project.

Tony Tooke: What's in your eyes - what's going to give you the assurance that if we go forward on this decision that I'm going to actually. If I propose a project, why do I have to do an amendment to do that project?

Sue Britting: Because there's a standard that says you may not take trees over 30 inches.

Tony Tooke: I just wanted to make sure we got it clear.

Sue Britting: That was it with the exception of public health and safety and some operations.

Craig Thomas: It's operability, public health safety, those kinds of items and some restoration issue but it's fairly limited and that plan amendment process would kick in if there was a case made during this time frame before we get to the new assessment.

Tony Tooke: So under the new rule and the forest supervisor would be the

responsible official and in this case Nancy would, under the new rule, use appropriate level of NEPA, you can even use a categorically exclusion environmental assessment or an EIS, it depends. So in amending the plan, I think that you would, you would probably go through, you'd definitely go through a public involvement process but you would go through the same environmental analysis that you would on doing the project, it would just amend the plan too for that project. So what about that?

Craig Thomas: It's fairly common occurrence right now, we're amending plans in the southern Sierra to allow for managed fire in places where they're generally not. Those kinds of things happen, people get together and figure out okay we really want that ability here and do it. It's not generally a big deal but it provides a scrutiny.

Tony Tooke: And so under the new rule, the need for change, because that's what drives amending plans is the need for change is that we would need to be doing this project because of certain conditions to remove these trees and that's what's changed. [silence] So where does that leave us on forest management old growth and wildlife habitat?

Bob Hawkins: So what I heard and we'll get the question in the back, what I heard was your instruction that you're considering was to change the direction so that the thirty inch trees would be the exception not the rule. What I heard back from Sierra Forest Legacy was that they prefer to see the current standard remain in place. We had a discussion, a kind of good discussion as to how – what's allowed under the current standard how that would play forward for projects that needed to remove thirty inch trees other than the reasons that are currently allowed, right.

Tony Tooke: So what I think what we need to do is that we have another potential remedy on the table that we capture that with a lot of specificity about – and really make sure we got this clear on what this potential remedy is. I don't see a need for follow up discussion probably on this one. It's a matter of going back and considering this.

Bob Hawkins: So what I heard the remedy was to leave the standard as it is now, that was a suggested remedy.

Sue Britting: Just to be clear as it is in the 2004 framework.

Bob Hawkins: Okay thanks.

Sue Britting: Because now is – I'm not sure what now is.

Bob Hawkins: Okay so –can I go to the question in the back we did have somebody have a question in the back.

Tony Tooke: We have more time?

Bob Hawkins: Yeah we got fifteen. Yeah have a mic in the corner that's open if you want to grab that one.

Andrew Strain: Thank you Bob and Tony, I'm Andrew Strain with Heavenly Mountain Resort and I was just interested in clarifying too I think along the lines of some of the discussions that we've heard on this item. That today in practice as well I believe in the regulations and the policies there are very limited exceptions for folks in situations like ours at a ski resort where we have design specific resort improvements that would result in the removal of existing live thirty inch diameter or greater trees. We're actually pretty sensitive to that, we realize that those have great resource value and we take that seriously. So in designing implementations to the resort and improvements, we're very careful about minimizing to the absolute degree if necessary. I think it's been covered and generally agreed to that there are some provisions that will remain available for hazard trees and things that could potentially be of impact and potential impact to public health and safety and we agree with those. We're not involved in any large scale treatments or management activities other the creation of additional or widened release ski trails. We believe that it is valuable to keep that type of limited provision available as it is today as we understand it. In our work and previously on the Sierra Nevada forest plan amendments in the early 2000s, there are limited exceptions that are described in the document for recreation uses and at recreation areas that are already under permit and we would urge that those remain.

Lastly the question of forest plan amendments with the approval of projects. Trying to clarify or get further feedback on whether or not that type of forest plan amendment would apply if the forest supervisor for example were to issue a decision to allow us to make improvements that involve the removal of thirty inch diameter trees. I agree with what I thought I heard was there is an existing NEPA process in place that encourages input and seeks it. And I think it sound if I heard it correctly, maybe I didn't, that encourage the forest plan amendment order to require that on the heels of this document. It's really – that's bad planning. You know that that situation is going to be presented on a regular and consistent basis and there is a process in place already to address that and seek public input and seek the interdisciplinary approach that I think that is being sought.

Bob Hawkins: Let me see if I can off a little – what I heard Sue talking about was a project specific plan amendment and it might be some language that we're using. We weren't talking about a general plan amendment were we?

Sue Britting: No.

Bob Hawkins: No? The answer's no so it would be where a circumstance where a specific project that was going to go forward somehow conflicted with a plan standard as an example. I think that's what we were talking about so it would be something more focused but it typically would



only apply to that project and it wouldn't necessarily amend the plan as a whole.

Andrew Strain: It would be helpful to see how that would actually work. I'm unclear. One of the things that you're fortunate that you haven't spent more time here because one of the things we suffer from here is that planning process and never getting anywhere out of it in many cases. So I'd be interested to see exactly how that process might work.

Tony Tooke: So I think this is accurate. So if you had a need and the decision, the responsible official is going to have to consider taking down some larger trees. You would go, They would go through a public involvement and environmental analysis process, the NEPA process and make a decision. That's what would happen. So if we were leaving this standard the same, they were leaving it the same and signed the record of decision on this plan, this plan was in place and then you had this need, it would still go through the same public involvement environmental analysis NEPA process. It's just that the decision for this project for the project you would be involved in to look at removing those larger trees would be a specific surgical plan amendment for that project.

Andrew Strain: Okay, thank you for verifying that.

Tony Tooke: Am I right on that, validators?

Barnie Gyant: I thought the clarity piece was for instance if you needed to do or remove trees for public safety and health there then you won't - you wouldn't necessarily need to do that. But if you needed to, like if you planning like an expansion that would put you in a totally different category and I also for general forest too was health and safety and maybe some restriction of some things that were restorative in nature. So that's my understanding.

Tony Tooke: And I hear the objectors.

Craig Thomas: The standards exist in the 2004 fair market what those options are and then there's operability and those kind of criteria.

Tony Tooke: In that case, the decision's already in place for some of those situations there would be nothing then. It's where the outside of that.

Bob Hawkins: So we've captured the remedy and we've got it up on the board. Tony, I heard you said we didn't need any follow up that that would be for your consideration as part of your final –

Tony Tooke: As kind of the way I see this one, when I go back and look at this remedy in lieu of what we were talking about.

Bob Hawkins: Okay so let's take one more lap around the room to see if we've got any other –yeah. I do that [unintelligible] you know picture-wise – make sure we're not leaving anybody out of the discussion that has any to contribute. Is there anybody – why don't you come on up Steve and there's a microphone on the corner if somebody can grab a chair, thank you, Sue.

Stephen Alastuey: I have some additional stuff as well.

Bob Hawkins: Okay, we got ten minutes I think. Thanks Sue. Could you introduce yourself please thanks.

Stephen Alastuey: Excuse me I'm Steve Alastuey, Sierra Club member. In regards to Heavenly Valley, interpretation of improvements in regards to removing larger diameter trees or the white bark pine, it would seem to me that retaining these trees would actually enhance the resort. It would provide a sense of diversity that would in fact it would appeal to a greater range of customers for the resort and tourists as well as to protect the environmental viability of the area.

Bob Hawkins: Okay thank you, and I heard that from – is that you mentioned that you also value those trees. So that would get played out at the project level right. So I think Steve that's a good comment when the projects come out and then we had –Justin did you have something?

Justin Augustine: Yes mine's separate from this stuff just to make sure if that's okay to move on?

Bob Hawkins: Yeah within the same topic.

Justin Augustine: Yeah. I'm going to be a little bit if a broken record here on this issue but because it's one of the considerations in this specific section about the need to consider the effects of post fire logging I appreciate that. But I want to reiterate that the current plan contains a standard that facilitates post fire logging of spotted owl habitats so I want to make sure we do both those things, consider it but also get rid of the things that are facilitating that. At least until – especially we get more input from the process that we talked about earlier with the scientists.

Tony Tooke: So walk through that again.

Justin Augustine: So right now as I was alluding to earlier or discussed earlier there's a standard – let me be specific. Standard and guideline 86 and that one is the one that allows PACs and HRCAs to be redrawn or retired automatically and immediately at post fire thus facilitating those areas being open to salvage logging when they otherwise wouldn't. And that's what I'm getting as I want to make sure that's not forgotten and that still exists and needs to be addressed so that we don't continue along with that but at the same time say that we're doing something positive about post fire logging.

Tony Tooke: You're saying take that standard out?

Justin Augustine: Well I proposed specific language which about how you can do it which to me is more of a middle ground.

Tony Tooke: Go ahead if you don't mind since you have it right there. Go ahead and read that where we can all hear.

Justin Augustine: I basically –go ahead.

Barnie Gyant: Just quickly before you go ahead –the previous before you talked about keeping the standard and guide consistent in the 2004 framework and so if we were to do a break. So now your language that you're talking about is in relation to the new revised Basin plan. Correct? The piece you're going to...

Justin Augustine: That's correct.

Barnie Gyant: Gotcha. Okay thanks.

Justin Augustine: And what I added to standard and guideline 86 was about, I'll just read it: Avoid redrawing PACs and HRCAs to exclude severe intensity burns and do not retire them until and unless at least three years of surveys to protocol to confirm non occupancy. So it's more about how this happens automatically and immediately as opposed to that it's happening because that's what's allowing the salvage logging to happen right away without us actually knowing whether owls are still using those areas post fire. Does that make sense? Okay.

Bob Hawkins: So like the last discussion you're bringing forward another proposed standard as a potential remedy for us to consider, is that what I'm hearing?

Tony Tooke: He already had it as a potential remedy I think what he's asking me to do is not forget about that it's already been proposed, right?

Justin Augustine: Right, and I'm bringing it up in part because I've been talking about this Spotted Owl analysis that's on going, but in the meantime I don't want a standard going forward that continues to facilitate the thing we're trying to better understand and address.

Tony Tooke: Okay, so I think what we need to do is add that one appear with this one. And there again I don't think we need any more discussion on it. I think we have enough information to go back and think about it. Okay go ahead Barnie.

Barnie Gyant: So Justin, I'm still trying it get it straight in my mind. So the value of a burnt forest – so once that burns, our typical approach is to go and to reestablish new habitat for the owls. You asked us not to go and draw new habitat, you want us to keep the old habitat that's now really not habitat. So to me it's conflicting, so if I got this burnt habitat that's not habitat as a manager I want to go and establish other habitat that now has benefit to the birds and you're asking us not to do that or have I got that wrong.

Justin Augustine: Apologies, I did a poor job of explaining it. The issue is that what we used to consider non-habitat it was assumed to be non-habitat is in fact habitat and we have situations where post fire those areas that burned are still being used by the owls even though we, as humans assume that was no longer a suitable habitat and went and redrew habitat somewhere else. So two things happened there, you took away from an area that is actually continuing to be used by owls as suitable habitat, you took away the PAC and HRCA protection which meant that it's no longer a PAC and HRCA. But even worse to the second degree is now it's open to any amount of salvage logging that wants to go forward and then you're cutting it immediately post fire. And so even though they're continuing to use that area or wanted to, they can't anymore. So not only have you lost the PAC and HRCA, you've lost a suitable habitat and even though you've redrawn something somewhere else what the owl wanted to use was the original thing.

Tony Tooke: What I hear him saying, we got a big fire you're saying there should be a standard in the plan that we don't immediately go do this, this and this until we see what happens with the owls in terms of that area, what they, how they react to that coming out on the land.

Justin Augustine: The primary point is that what we used to assume was lost habit is not necessarily lost habitat and we need to account for that so we don't immediately and automatically destroy that habitat and be a salvage log. And that's what I'm really trying to get at and I want to make sure we address that in this interim while we getting feedback from the owl scientists so we don't continue down that track of –

Tony Tooke: And that proposed remedy that you offered up gets at that?

Justin Augustine: I believe so yes.

Tony Tooke: Barnie, you got any other questions on that?

Barnie Gyant: I think we have to put that on the board. I'm still not – as I kind of understand it now is the burnt habitat should still be a part of the PACs and then maybe the establishment of another green forest so in addition to that is how I'm kind of understanding it currently. Leave the burnt plus reestablish some more green forest.

Justin Augustine: Well you could do both in the sense of – my main concern is that it's not so much with the what's being redrawn as what you're losing. In other words if you want to identify other areas that you think the owl might use going forward, great. But don't, as part of that don't leave behind under an assumption that the burned area is not going to be used without actually doing surveys and protocols to make sure that that is actually what's happening because what we're learning is that these owls do in fact, in some situations at least, continue to use the burnt habitat as their home as opposed to moving somewhere else.

Barnie Gyant: Gotcha okay thank you, I think I'm with you now.

Justin Augustine: Alright.

Bob Hawkins: Okay good, so Mike do we have that captured you know which remedies you know he's talking about? Yeah, he's got it okay good. Okay one word we're a little past time.

Sue Britting: Okay, just a little bit more information. Just for context. Many of the PACs are the best habitat and so those are large structured areas. And when they burn, they may burn in a very mixed way and those large structures can be very beneficial. Losing half of the large structures – the still remaining structures are valuable and so it's the logging away of those burned structures, they provide a benefit but logging them away is an issue. If you redraw you PAC and you have your very few choices of useful habitat out here, you're going to be slowly working down the list of quality habitat. And you may not have opportunities and so evaluating how owls are using that area after the fire is a disturbance is what's key because they're going to be making choices and that should inform redrawing or not redrawing the PAC.

Bob Hawkins: Okay thanks. So Tony are you comfortable about where you at on this topic?

Tony Tooke: As long as the note taker is. That's a pretty brief bullet there.  
Bob Hawkins: Hopefully that ties to something that package right?  
Tony Tooke: Yeah.  
Bob Hawkins: Okay. Good? Alright thank you very much for that discussion. So two o'clock next item on the agenda is –well we have it down as fire management and the set of package should have it as fire suppression, the Lake Tahoe Basin Fire Chiefs Michael Brown and Ben Sharit are the primary objector's. Harold Singer and then Heavenly is the interested person. We're going to follow again that kind of that same format. Do we have all the folks that want to be at the table have seats? Everybody got the right paper work in front of them? Alright, we're ready to go.

Tony Tooke: So, just for you folks on the phone, I mean I can't help but say this I'm looking out the window, I don't know how many of you have ever been to South Lake Tahoe. It's snowing these huge snowflakes I mean it's almost like a Christmas card looking out there. Anyway much different than Washington DC. Okay, so just wanted you all to know what we're looking at here in the room.

Bob Hawkins: Do we have anybody on the phone let's check in real quick. No, I think we're still good.

>> I don't think anybody's called in.

Tony Tooke: Is nobody on the phone?

Bob Hawkins: Just Theresa.

Tony Tooke: Then I'm not worried about anybody understanding what I'm saying.

Bob Hawkins: We have lurkers on the phone but we don't have any interested persons or objectors.

Tony Tooke: Okay, alright here we go. So I think what we'll do is have a couple of questions for you guys I think in discussion. I know you all have been here through a lot of this discussion too and that may have spurred some other thinking around your objections and remedies too, I recognize that. So I think what we've captured is basically two or three issues they all are raising. Then I want to go through the instructions there that we have there that we were considering.

So first of all is a set of issues related to fire within the Wildland Urban Interface and the issues you are bringing forward is asking for additions and clarification or changes to the units plans, standards, guides and desired conditions. You're wanting to ensure the Basin sets their priorities on preventing and managing wildfires both within Wildland Urban Interface and in the backcountry as well. And that your concern is that the Basin will put too much focus on species dependent on old growth and post fire habitat, consequently allowing wildfires to burn more than intended hence jeopardizing public safety and private property.

Also the fire chiefs, you all are bringing forward a lot of concern about the proposed minimum impact suppression tactics in the back country and in roadless areas in particular adjacent to homes and communities.

You believe that an unplanned fire may be good for the eco system and forest health, ensuring public safety and protection of property should be the first priority. Also Mr. Singer, you [unintelligible] here that the Basin did not do an adequate analysis of air quality impacts within the Basin and allowing fires to burn will add to existing problems. Okay, so does that summation kind of sum it all up for the fire chiefs and then for you, Mr. Singer?

John Pickett:

This is John Pickett Tahoe Douglas Fire, I think what we're – not necessarily on the old growth emphasis or managing for old growth, that is not in general the fire issue. Our concern is that in backcountry areas that attempting to maintain some perceived habitat immediately adjacent to houses is putting communities at risk. And we created a couple of maps here and some photos that I think that will be useful in clarifying this issue. I can pass these up or – we have enough for those two gentlemen. Do you guys want to see this so we can look along. Is there anyone else interested for that side of the room?

Bob Hawkins:

Let's see if you can pass then around the table and in the back too.

Tony Tooke:

It would be good, Barnie and I can share the same ones, distribute these around here.

John Pickett:

Is there anyone else interested? Sure. Sure here you go. That's all of it. That's my allotment of color copies for a day.

Okay so the map on the top here shows – and we could have chosen any number of roadless areas or back country areas. This is Tahoe Douglas because I work for Tahoe Douglas. The green area is the Lincoln Inventoried roadless area. The yellow hash is the threat zone and the red hash is the defense zone. What you can see in this map is that our communities in Tahoe Douglas live and die, breathe in the roadless area where our kids get up and at the end of the day they get home from school they go to play in the roadless area, it is literally their back yard. More than old growth which is we don't really consider the fire hazard. It is what are all the considerations that are going to go into fuels reduction in these areas?

Now I'm asking you to turn to the second page, my second page, is a map that shows one of our communities, it's Caverock, and it shows a bunch of rounds that are cut and piled continuous brush and then the bottom picture is a continuous brush field immediately into a propane tank. This was an urban watt and this a completed fuels reduction project. Our concern is that – and then when we bring up these kinds of treatments immediately adjacent to – I mean obviously right. We see the houses here, we see the Forest Service flagging, this was done in a way to preserve habitat. That was the reason that this was provided that this landscape looks the way that it does post treatment was to preserve habitat. I as a registered professional forester, I question the value of that habitat but regardless this will not modify fire behavior. And so it maintains the community at risk. The third map we've got here is titled untreated fields in the Lincoln Roadless



area, these three photo points were taken in the Lincoln Roadless area, we see the house in the background. The surface fuels and brush, this project was completed two years ago, no surface fuels were modified. This will not modify fire behavior. Okay again, it's not the old growth that we're concerned with here, it's the condition of the surface fuels, the brush and then obviously the proximity to a community. This is the status quo and this will not modify fire behavior.

Bob Hawkins:

So John can I ask you a clarifying question?

John Pickett:

Sure.

Tony Tooke:

So when I listen to Tony read this summary of the objection and it says putting too much focus on protected species and what I'm hearing you saying is it's not just about protected species it's about not modifying fire behavior, is that what I'm hearing?

John Pickett:

Precisely and that is it and I think we can get to and what I'm hearing from our friends is that we have a great deal of common ground on what would protect habitat and what that protected habitat would look like. I'm not certain that's what they would be suggesting with that proximity to homes.

Bob Hawkins:

So at this point though we're just trying to clarify what your issue is so Tony's trying to increase his understanding so it sounds like you're talking about fire behavior, not just protecting – I want to make sure we get that point clear. Don't jump ahead and start speculating about solutions, but I just want to get a clarity on your issue.

John Pickett:

And the issue being that we have been living with over the past ten to fifteen years, we have been living with this idea that we're going to implement projects immediately adjacent to homes, in the defense zone that are going to do it all. And what we are seeing is that the status quo frankly doesn't do any of it. Our final, and just to put a little bit of, the final picture is a lop and scatter treatment in the Lincoln roadless area immediately adjacent to homes again so they're houses in the background. This lop and scatter prescription will – not only not modify fire behavior but this will defy suppression. You cannot cut hand line through a lop and scatter through activity fuels. This does not – and so this is the status quo. And so a lot of our comments are not – what our desire is to see fuels reduction implemented whether it's in the roadless areas but clearly in the defense zone and that these projects that are designed hopefully to preserve habitat and we think that is the case, and then also modify fire behavior immediately in the immediately adjacent to communities. To protect communities whether that's in the roadless area or a back country area or urban lots, Burton Santini or Santini Burton, depending on who's in the room.

>>

Santini Burton.

John Pickett:

That was what Santini said that's true. Mr. Burton had a different opinion. So what I wanted to clarify is that we're concerned that a new standard will lessen the ability of the Forest Service to modify fire behavior immediately adjacent to communities but that has already



- been taking place and we need to move away from that. And that's the clarity I'm trying to offer right now.
- Bob Hawkins: Great alright thank you, so Tony did that help with your clarification of that issue?
- Tony Tooke: Yeah, I hear you saying it's more than what we just put here, that you're concerned about some of the projects that's applied under the old plan not meeting their intended objective. That's what I hear you say.
- John Pickett: That's exactly right and when we brought this up in the objection letter, it was a standard in your write up, not in the instructions to – but in the general comments that we're going to try to design projects that are going to both enhance wildlife value, other values, recreation values. But that these projects could be designed to do it all, that has not been proven to be the case in the Lake Tahoe Basin. What we have seen is that community safety has taken a back seat to all of these other apparent considerations within the defense zone and immediately adjacent to communities.
- Tony Tooke: This is probably a good segue. So there's a listing of instructions being considered and then you all have quite a list of proposed remedies. And before we start looking at that more, the one thing I will say, some of these treatments are more than one entry. The one entry gets you to maybe the forty yard line, the next entry gets you to the opposition side of the field and then the next one might get you across the finish line. And so it's more of a little bit longer process. So anyhow based on that concern and you all have some others too. So these instructions being considered are any of those that you all wouldn't agree with, that bother you –
- Bob Hawkins: Do you want me to go through them for you?
- Tony Tooke: Let me just go through them and then we'll go to the next question. So what we have here is about eight of these, it looks like seven or eight. Consider adding specifications for flame length than fire weather conditions in Wildland Urban Interface similar to those in the 2004 Sierra Nevada forest plan amendment, Sierra Nevada Forest Plan Amendment Record of Decision. So that would be something about flame length then weather conditions. The land management plan can be strengthened thus stating and perhaps as a desired condition or a strategy that community protection continues to be the number one priority in choosing suppression tactics in all management areas. The Basin should add the California and Nevada defensible space regulations in the other sources information section in the environment standards and guidelines. The Basin should clarify that more than a hundred feet of defensible space may be needed depending on the site conditions. Consider adding language to clarify that ownership and land use vary throughout the Wildland Urban Interface through time. Management practices are applied and adjusted according to jurisdiction. It's expected that the Wildland Urban Interface map will

be amended from time to time as needed as stated in the first paragraph of page 92 of the plan. Consider adding language that clarifies how adjacent management area applies to Santini Burton and urban forest parcels. For example describe how now the Wildland Urban Interface defense zone direction would apply to the urban forest parcels located in the Wildland Urban Interface defense zone and so to understand desired condition 34 as it applies to red fir stands in Wildland Urban Interface, you have to read that in combination with the desired condition 25, 33 and 35. Additional clarity may be achieved by adding a clause, something like this where this type overlaps with the Wildland Urban Interface, fires occur as surface fire due to surface fuels treatment as was done in desired condition 31. This clause could be added to the corresponding Jeffrey pine desired condition.

- Forest Schafer: So my questions would be any reaction to those and are there any other proposed remedies that you all feel like that you have that those don't get at and of those remaining ones, what are the ones that are really important that you think that we need to look at? Is it all of them or is there a few there that you really want to bring out for us?
- Forest Schafer with North Lake Fire Protection District. The instructions being considered address very well a good subset of the objections raised by the Basin Fire Chiefs. The two primary ones that are not addressed in the instructions being considered are that Wildland Urban Interface designations. Within those designations life safety and property safety should be the primary priority when designing these fuels reduction projects. It is addressed that within those areas suppression tactics, the primary priority is life and property safety but when designing projects to reduce fuels that life and property should be the number one priority. The second item that this section does not address –
- Tony Tooke: I'm sorry can I ask a question here? So in the second bullet that I read on instructions being considered, if there was an addition there about beyond suppression tactics but in doing restoration projects, fuels projects, whatever, that's what you're saying right?
- Forest Schafer: Correct within the Wildland Urban Interface.
- Tony Tooke: Okay. Thank you.
- Forest Schafer: The second item is addressing the use of managed fire within the Wildland Urban Interface. The current plan as written allows for the use of managed fire within the Wildland Urban Interface threat zone. The Basin Chiefs support the increased use of planned prescribed fire to meet objectives...
- Forest Schafer: Prescribed fire to meet objectives within that wildland urban interface threat zone, and do not support the use of unplanned ignitions to meet resource objectives in that zone.

Tony Tooke: So which remedies, call our attention to the remedies that you all propose that would get at that. So what I'm hearing you say is on the ones that I, you don't connect that to any of the ones I read off.

Forest Schafer: That's correct. In the remedies proposed by objectors the second and third proposed remedies address those concerns.

Bob Hawkins: So those are the ones that, the first one starts, at least the way we captured it anyway, "We request that the plan state that unplanned ignitions in the WUI over communities could be in jeopardy would be immediately suppressed." That's the first one. And then the second one you mentioned is the third bullet, "Remove all mention of unplanned ignitions and managed wildfire in the WUI."

Forest Schafer: And I'll clarify "remove all mention of all unplanned ignitions to meet resource benefits or objectives." You can't remove all mention of unplanned ignitions in the WUI because they will happen, right? We wish we could do that.

Tony Tooke: Barnie, do any of you or the forest or anybody have any questions about that?

Barnie Gyant: I want to see if I've got it correct. So for fuels projects that are within the WUI, life, property and safety are the priority. For fire suppression efforts in the WUI the same thing applies, life, property and safety are the priority for suppressive efforts. You're very supportive of planned fuels work in the WUI. The only exception is for unplanned ignitions you're not supportive of that in the WUI. When it, when the ignitions are maybe allowed to continue for resource benefit, and those unplanned ignitions, looking for consistency that life, safety and property still is the main priority within the WUI. Is that?

Forest Schafer: Correct.

Barnie Gyant: Am I close?

Forest Schafer: Yes, you are.

Barnie Gyant: Okay. I'm doing well? Let's stop there for the day. It's a wrap.

Bob Hawkins: Not yet. You're not excused.

Tony Tooke: Very interested persons over here.

Bob Hawkins: Let me check. Can I, can I, let me make sure the recorder captured that. So Mike captured I think your first point and then --.

>> And then the second point would then be remove unplanned ignitions.

Bob Hawkins: Ignitions from the WUI. Great. Thanks, thanks, Tim.

Tony Tooke: Forgot about you Mr. Singer.

>> Yeah.

Tony Tooke: Are there any interested persons on this?

Bob Hawkins: Heavenly is the interested person on all, no comment from them? Okay.

Harold Singer: Let me start by saying I don't think your white paper captured my comments.

Tony Tooke: Okay.

Harold Singer: So let me put some context to it first. I'm totally supportive of the need to get rid of excess fuels in the forest. It's the manner in which it's being done. So it really should be up to the gentlemen here and the Forest Service to determine what is the appropriate level of excess fuels in the forest, depending on where it is and what's necessary to keep the flames lengths down and deal with suppression issues. So I'm not questioning what needs to get done. It's just how. And I think in your analysis you clearly demonstrated that fires to get rid of the excess fuel mass produces more air quality than even a forest fire itself. And so I'm suggesting that based on your principles that you try to minimize that where feasible. And, again, going back to the rule which talks about the cost, cost should not be a consideration. And I see many areas of the Basin where piles of material is left for two or three years, never gone back to even though there may be a potential use of that material offsite. I've been told directly by Forest Service people that even though there's large piles in the forest, we're not going to reenter it to remove that material because our contract is done and we're just going to burn it because during the contract time there wasn't a need for it. So what I'd like to see, I guess is more of an open-ended process where, yes, it may not be feasible and cost effective to move it the first year, but you usually have three to four years while that pile is curing where you may have the opportunity to go back in and remove it when there's a demand for it and that also areas where it's readily accessible. You can drive around this Basin in many places, and you can throw a stone to many piles. It's very easy to access those areas. I'm not supportive of going into areas where you might cause more environmental damage to try and get in to

remove material. There's reasons to burn material in the forest, and we have to retain that as an opportunity because it has to get out of the forest one way or the other. So all I'm asking, I guess, is that more consideration be given to biomass removal rather than onsite burning where those opportunities can exist.

Tony Tooke: Thank you. That helps. So a fallout question, the plan that you saw, do we have something there that precludes that from happening?

Harold Singer: I don't think there's anything in that specifically precludes it. But unless it's, I think, a strategy of the Forest Service, the contract people don't then put that into contract specifications or don't consider that as a potential future contract where opportunities may exist to remove it. It's a very short duration contract for fuels treatment, and once they're done they're done. And I think there's at least a philosophy on the Forest Service that once we're done, we're not going to reconsider what to do with that material. We've already pre-dis, that's been a pre-decision. If it can't come out during the contract. It's going to get burned.

Tony Tooke: Okay. I got it. I understand. Anybody have any other clarity you need around this? Did you capture that?

Bob Hawkins: It looks like we captured it in our write-up on the very last bullet. I think as your suggestion for a standard and a guide, although I did hear you just say it could be a strategy as well. And it starts when it says, "Develop a standard and guide that requires biomass removal that is in excess of that needed." Is that, did we capture, was that your thought?

Harold Singer: Those last two bullets were my thought, but they're not obviously in your instructions.

Bob Hawkins: Right, so I guess from my --.

Harold Singer: Yeah, that's what I'm looking at.

Tony Tooke: So what I'm asking the note taker to do because my question was which ones on this list do you all, or do you all have some that you think stand above? So I heard you laying out a couple. And I want to get Mr. Singer's those two bullets up here. You have another one, sir?

John Pickett: This is John Pickett with Tahoe Douglas Fire. The final point with respect to backcountry or roadless areas is that we must be able to choose suppression techniques based on protecting life, safety and property. The document provided by you clearly states that the missed guidelines would be pulled from wilderness guidelines. Again, going

to the map, many of the roadless areas in the Lake Tahoe Basin are not wilderness areas. They're not even close. They're immediately of the backyards of communities. And so in those areas, life, safety and property, when we choose suppression tactics, it has to be the most effective available on that day. And there should not be alternative considerations within, particularly when protecting structures and communities. If you get back in the woods but within the roadless areas that are in those areas, it's got to be solely based on life safety.

Tony Tooke: The first one that you all has a proposed remedies.

Bob Hawkins: So, Laurel, we've got a mic up here we can set up for you, or you can use that one.

Laurel Ames: I can talk into Sue's.

Bob Hawkins: Introduce yourself and then --.

Laurel Ames: I'm Laurel Ames from the Tahoe Area Sierra Club. I have several comments. I'd like to support what Harold Singer has mentioned. In addition to the issue of where the piles are and all of that, it is a Basin. The smoke is trapped in the Basin, and it's very easy, I know it costs more, to use those air curtain burners to burn up the remaining piles, particularly when they're right next to the road, which many of them are. The second thing is that it mentions here that they need to have the more than 100 feet of defensible space may be needed. There are thousands of houses in this Basin that are on 60 X 100 foot lots. There wouldn't be a tree left if you used that rule. And the third thing is in response to Mr. Pickett's comment. And that is that not all the roadless areas have housing or even, or even public private land backing up to it. A number of them, particularly the ones that were identified in 1980-whatever-two, that was, were generally far from housing. So that's something that if you get into, you're going to have to very clearly discriminate between areas that are and areas that are not. Thank you.

Bob Hawkins: All right. Thank you very much. Any questions for that, Tony?

Barnie Gyant: I guess for the fire chiefs in general the overall thing is regardless if in the WUI or backcountry, whether you're suppression and/or doing fuels work your concern is life, safety and property.

Laurel Ames: Right.

Barnie Gyant: That's the general thing in all those areas.

Laurel Ames: In the whole Basin.

Barnie Gyant: So there might be cases where there may be back country that may not be threatening those and that's --. Thank you. I know that, Mr. Pickett, you had added that other one on. I wanted to make sure that I captured that. So thanks.

Tony Tooke: Go ahead.

Craig Thomas: I just want to offer a couple of things. It's Craig Thomas with Sierra Forest Legacy. We have a pretty active program related to fire and the utilization of fuels through small scale biomass. Been very involved here in getting the Cabin Creek permit up for Placer County to happen so just starting out there. I just wanted to offer a couple of perspectives. Tony, you brought up something about numbers of entries and treatments. And I think some of the photos strongly suggest, and particularly one of them, that that is a crown fire proof landscape at this point. It didn't have its surface fuels treated, and maybe it's due for another treatment because it's got so much fuel on the surface. But the crown fuels have been modified a lot. So I want to be careful. At least for me when I look at the photos they're very interesting. And the landscape right next to the homes is a very challenging one. I'm not denying that, but I don't know what stage those treatments are in, whether they're totally done or whether they're yet to be burned because if they're, okay. So John's saying they're done, signed off, no more activity there. Then that's leaving a lot of fuel out on the ground, I agree.

Two other comments, one is that managed, unplanned ignitions are planned in the Forest Service. How to deal with them is planned. I just want you to be aware of that. So the event, you know we're not predicting what day the lightning is going to strike where. But once it does, Forest Service managers have the option then to look at staffing, look at weather, look at engines, look at all that they need to look for in a very responsible way to decide whether there's resource benefit there. So that is a concern for us because whenever, it's not reckless. It's planned and thought out, and the opportunity to get more fire on the landscape is always a good one. The last thing is it's not just about fuels. Fire is an ecological process. It does so much more than just tidying up the fuels, for wildlife, for nutrients cycling and all that stuff. So, frankly, we were happy to see the managed fire in the threat zone. Thought it was a very courageous move. Absolutely support the chiefs, that would not want anything reckless. And the Forest Service doesn't do reckless as far as I'm concerned. So I think we think about what's appropriate where. And I certainly support the individuals that



do the firefighting. But I just want to affirm that it is a unplanned ignition but a very planned situation when it happens.

Bob Hawkins: Thank you. Any other comments from the objectors, interested persons? Did anybody join us on the phone? Not seeing or hearing anything.

Tony Tooke: So I have a question. So I'm looking back, topics we talked about earlier about post fire habitat and forest management, old growth and wildlife habitat and fire suppression. So on the previous topics from the objectors we captured a couple, three remedies for me to go back and us to consider. And we're capturing a couple here. And so this is certainly not a must or a have to. I just put this out here. If there's any connectivity to where objectors, around more than one topic like in this case, let's just hypothesize a little bit here. Where if you all have similar interests, the objectors I'm looking at here, around some of these topics to where you think you can work together and are interested in working together to offer up an even better remedy than these, you can do that. Because what we've already said is that we don't know how we're going to do it yet. We just talked a little bit at lunch about this. We can talk again in a few minutes that we're going to have some follow-up here, more than just these going back on MIS monitoring and viability. So in the meantime without any of us, the process allows for you to meet on your own and look at what we threw up here on the board, and you can go further with that. So I just want to make sure that you all recognize that. And that can be part of this. If you, we will have to give you, we would have to give you some timeframes. You know we don't have our own timeframes nailed down yet about this follow-up. But whatever that is you all could do some work and there's not any constraints about that. I would ask you that if you do that, don't open up something totally different than what we've been talking about. Let's work with what we have here about making them better that we might consider. Does that make sense?

Sue Britting: I was just going to, Sue Britting for Forest Legacy. We would very much, we'd be willing to talk with folks about is there a space where we can agree about some things and set aside others. The timeline would be very helpful. Having an idea of what our timeframe is and how we need to take action on that. Also the conversation about the use of biomass in biomass utilization versus burned piles. And so I'm not toward others involved in that. I think that maybe there's some ground we might be able to agree on.

Bob Hawkins: I'd say maybe by the end of the day we'll have a, see if we can come up with a timeframe, at least an idea of when we'll tell them what the timeframe is, a plan to have a plan?

Tony Tooke: Well, we'll have more than what we have right now.

Bob Hawkins: Mike, so you want to capture that. Just basically the opportunity for additional remedies but based on a specific timeframe for input from the objectors.

Tony Tooke: Well, let's see. We're supposed to start with Heavenly at 3:00? Is that right? 3:15?

Bob Hawkins: 3:15.

Tony Tooke: Well, we said we were going to stick to the agenda because folks might call in. So I'd say let's start at 3:15 then.

Bob Hawkins: Sue, you had one more?

Sue Britting: This is, I'm going backwards, and you can call me on it, but I'm just going to --. We have a few minutes here so I'm going to bring it up.

Bob Hawkins: Technical violation, backwards progress.

Sue Britting: Woo-hoo. Let's see.

Bob Hawkins: Okay. Hang on, folks. We've got multiple, I haven't broken yet so, Sue, you've got the floor.

Sue Britting: So we talked in detail about the 30 inch idea and got some of those ideas up there. We talked about the owl experts and recommendations. I would say that still unresolved for us are some issues related to marten, habitat connectivity and probably even just the larger issue of analysis of wildlife habitat in the document. So I know I'm sounding like a broken record, but I didn't want, I mean and if we're going to table those and not even have follow-up on the chart I'm only looking for affirmation that that's what we're doing. And I want us then to say, "Okay. That's the decision of the, Tony's decision, and we move on." So I just didn't want to leave it vague.

Tony Tooke: Wouldn't that fall under the category where we were talking about certain habitat types and the species that might occupy them. And we're coming back to that. Where is that up here?

Bob Hawkins: I think that's first and second topics, right?

Sue Britting: Okay. Is that what? Okay.

Tony Tooke: Let's make sure that that's in, we have a very crisp note taker here.

>> Tony, we were bringing it just because we didn't get to it because we ran out of time too.

Tony Tooke: Okay.

Bob Hawkins: So we're basically talking about remedies for marten.

Sue Britting: Marten and then related to habitat analysis, habitat connectivity.

Tony Tooke: It's the same issue. It's just a different species.

Sue Britting: Same issues, different species. That's right. And they're the same analysis and probably almost the same habitat characteristics for owl and martens.

Barnie Gyant: So I want to see if I can tweeze apart what, it's one you talked about marten. You also talked about connectivity of habitat. And then you, did I also hear you say about the wildlife analysis in general?

Sue Britting: Yes.

Barnie Gyant: Or was it species specific?

Sue Britting: It's a general concern, but there are elements that are species specific. So it has to do going back to whatever the modeling was and the use of the modeling, the spectrum modeling, to estimate habitat change over time, how that was started, how that was handled, whether we are seeing declines, all of those results and how they inform our thinking about effects on all habitat.

Bob Hawkins: So do we? Let's make sure we're closed on fire. So are we closed with, I'm getting nods from the direction of the chiefs. Thank you. So I think, Tony, we're good on fire suppression. So I'd say break.

Tony Tooke: Okay. 3:15 we have three more topics to go.

Bob Hawkins: Thanks, folks.

### **Heavenly Resort Permit**

Bob Hawkins: My name is Bob Hawkins. Looks like we have a few new faces, and I'll just give you a quick recap on—we're on our final leg of the journey today. We've got the last couple topics. We're scheduled to go to about 5:30. For those of you that are just joining, we've got the

objectors at the table, and we've got objectors and interested persons in the back that are participating. If you're from the public, you're here to observe. So thank you for coming. The topic we're moving to now is the Heavenly Resort permit. There should be a package on that. So we're going to follow the same format we've been using the rest of the day. I'll turn it over to Tony.

Tony Tooke:

Okay. So I want to cover what I think are the handful of issues here and then go through the instructions. Then I have at least one question for you guys, maybe two. So I'm going to go through these. I don't know if everybody has read these but around the Heavenly Resort ski permit. Several issues about how the revised plan for the Basin may impact your business. The first concern that the resort doesn't believe that the Basin management plan should adopt a whitebark pine species refuge inside the permit area and the operational boundaries. The second being that the Forest Service should clarify that the Basin plan direction does not apply to activities outside of the Basin, specifically apply to the portion of the Heavenly location on the Humboldt-Toiyabe National Forest. Then there's a contention that the plan improperly impedes Heavenly's current rights with regard to terrain inside its established ski area special use permit boundary. SG 100 results in a de facto modification of the permit boundary of existing ski area permits by restricting development inside the permit without following the procedures for modifying or terminating existing permits. This contention is tied to SG 100 which limits the expansion of ski area operational boundaries to 200 acres and the forest plan on page 199. It's unclear if this expansion limit is Basin wide or per ski area or exactly how it would be implemented. It's also a contention that the standard and guide displaces the master development plan system set in place in the CFR's—36 CFR 251.54. Does that capture everything?

Pete Sonntag:

Hi, Pete Sonntag with Heavenly. Yeah, I think you've captured what was summarized here. I would like to start off just by acknowledging the effort that's gone into the plan. We know Nancy and her team have put an incredible amount of time and thought into it. We run—what I would say—is a very complex operation on the Forest. For me the fact that we're down to a few items speaks very highly of the work that's been done to this point. I would add though that these items are very substantive from our standpoint, and we don't bring these forward lightly, but I think you've captured them accurately.

Tony Tooke:

Are there interested parties on this?

Bob Hawkins:

Yeah, Steve Fernald. Is Steve here?

Tony Tooke: Where's Steve?

Bob Hawkins: He's not here. He's not here yet.

Tony Tooke: Okay, let's go to this half dozen or so instructions being considered. Then—I'll see what you think about these. So while there's no changes needed to the record, conversation should continue with Heavenly Resort on future practices to conserve whitebark pine as outlined in the plan and in the 2013 MOU, clarify how the revised plan will affect the Humboldt-Toiyabe National Forest portion of the Heavenly Ski Area special use permit. As I understand it, it won't. So that will be clarified. There won't be any effect. It will be a very easy one to do there. Clarify in the record that the 200 acre limitation on expansion of the ski areas. Include in this clarification how this limit was derived, the rationale for the limit, and the extent of the current operational footprints. So I'm going to repeat that one. Clarify how this limit was derived, the rationale for the limit, and the extent of the current operational footprints. The Basin should state that the development proposals inside ski area special use permits will be evaluated pursuant to permit terms and applicable regulations and policy. Clarify that any future unit-wide conservation plans for whitebark pine or other changes such as additional regulatory direction will be reviewed, compared to existing agreements, and discussed with Heavenly in regards to any inconsistencies or legal constraints. The Basin should add a brief clarification in the environmental impact statement describing the final environmental statement describing potential impacts to summer recreation activities in ski areas due to whitebark pine management or restoration. So—I've got three questions. So how do these resonate? How far do they get there on addressing your remedies that you're proposing? Then out of the ones that they may not get there on, which ones are those do you think is the most important? Is it one or two of them that still left there? Is it all of them? After we kind of talk about that, I've got a different question.

Andy Hensler: This is Andy Hensler for Heavenly. In terms of the first question, I think the second point, the clarification that you offered kind of takes that off the table so we're really down to two concerns that we have. I think that the—there's a little bit of inconsistency as I read these various instructions. The first instruction would say that there's no change needed to the record. This is with respect to the whitebark pine refuge area inside the permit. You know I think from our perspective that does not address our concerns at all. We have—one of the broader themes that I see here with respect to the Heavenly issues is that we've got a special use permit which really represents a land use decision that is currently in effect. The decision to treat the area within the special use permit area boundary as appropriate for developed

recreation, something that as Pete mentioned we've done in partnership with the Forest for a very long time we think adds tremendous value and diversity to what the Forest offers and helps the Forest fulfill its multiple use mission. I think there needs to be a recognition that that land use decision is valid, is important, and that forest plan amendment needs to take into account that decision. I don't think that having a refuge area established inside of the operational boundary in an area that's been set aside for developed recreation is necessarily consistent management decision. Particularly where we have a situation like we currently do where there are other high value stands of whitebark pine within the forest outside of areas that have been set aside for developed recreation. With that said, our current course with the agency is to work in concert and a cooperative way to conserve that stand and to do it in a manner that is consistent with existing land use decisions.

Tony Tooke: So question here. On the map, how much is that? How big an area is this?

Andy Hensler: Is the whitebark pine stand?

Tony Tooke: Within your permit area? How much is that?

>> Tony, I think that's a question for your staff. We couldn't tell based on the scale of mapping that we were provided with.

Tony Tooke: Anybody have a guess? Doesn't have to be accurate to the decimal point.

>> The total—

Tony Tooke: Yeah, within their permit boundary. How much is it? Because they're asking for it to be removed from the permit operational boundary, to remove it—the portion that's within their operational boundary so I'm just curious how big is it.

Andy Hensler: The permit was like 7,000 something acres. The operational footprint was 30—what—32.

>> I think there's a clarification on that.

Andrew Strain: [] 3,000, but we do not the area of whitebark pine. If that is your question, Tony, what is the area on the map—we don't know that.

Tony Tooke: 500? Is it 1,000? Is it 2,000 of that 3,300? About what is it?

>> The area of whitebark pine?

Tony Tooke: Yeah.

>> I don't know. [] 2,000.

>> I would approximate one to 2,000 acres of the permitted use permit.

Tony Tooke: That's good so we're talking a third to 45% of it. Something like that. Okay, go ahead.

Andy Hensler: I think, Tony, that does bring up an interesting point, and that's part of this is one of our concerns is that through this planning process there's clearly a lot of uncertainty. We don't even know collectively how much we're talking about. The forest plan sort of has this ephemeral line drawn into the map and no clear direction of what's going to happen, what the ultimate outcome will be. I think that's a poor substitute through the planning process for what we already have in place which is an MOU signed by us and the agency to address these issues in a very specific way, taking into account our shared goals of conservation. We obviously, I think as somebody mentioned earlier—whitebark pine is absolutely something that enhances our guest experience, and we would like to see as part of our permit area—we would like to work with the agency to conserve that but to do it in a way that takes into account the reality that this is an area that's been set aside by the agency for developed recreation. I think what we currently have in place with the MOU does that in a much more elegant and concise way than using the blunt instrument of a forest plan.

Tony Tooke: Can you—so we have 30 more minutes—take just a couple more minutes—what's the salient points in that MOU? Can you talk about that []?

Andy Hensler: I'll ask Andrew to address that.

Andrew Strain: Yes, I can. Thank you, Tony. There is in the beginning, the statement of mutual interest that we have pledged to work cooperatively as a partnership to develop a conservation strategy and identify specific management activities that will conserve and enhance the stands that we have. We have already been on the ground together over the past summer's field season, assessing each of the whitebark dominated and the whitebark pure stands on those upper elevations of the mountain where they tend to be located. We're right now entering the data from that stand assessment process and the next step is to come back and run that through the—I'm not going to use the correct acronym or



term—but there is a vegetation simulator that tracks the stands through time. I don't know the right name for that. Somebody here probably does—to understand what its future conditions will look like. It feels from my end sort of on the ground with it representing Heavenly that we've begun a very cooperative and I think a forward-looking process to manage and conserve the whitebark, and in fact, interpret it for our guests both winter and summer and the public that comes to the mountain. That is much more detailed as opposed to the way that the plan is currently worded with one standard and guide and a map that as you said—we don't even know how big the area of coverage is. Does that answer your question, Tony?

Tony Tooke: Yeah.

Andrew Strain: We are essentially blending a master development plan implementation over twenty or more years with the stated desires that we do share with your agency to make this a real showpiece or a real leading example of how to collaborate between recreation and conservation of an important species.

Tony Tooke: Yeah, go ahead Rick.

Rick Cables: Rick Cables. And just to add to that and again listening to the previous discussion today about wildlife and ecosystems and adaptive prescriptions and collaborative solutions—you know, codifying—our real issue is codifying a species refuge area in this area as opposed to allowing an MOU which was voluntary where we came electively to work with the agency to try to conserve this species, and we just think that's a more durable solution over time. We came willingly. We've got this thing documented. If in fact we learn—which often you do in species issues or forest issues—that we learn something new, research comes in, we can make modifications to that MOU without going through a forest plan amendment or some arduous process. That's part of the thought too in terms of not having a species refuge area established within our permit boundary.

Tony Tooke: So let me put another question out here. I want to get to that 200 acres too, but is it possible on this that if there was a—if the refuge area was left within the boundary and we're thinking that it's covering about a third to 40% of its operational boundary, to work on a collaboratively arrived at standard and/or guide that we would apply that brings in some of the MOU stuff? Is that worthy of consideration?

Andy Hensler: I think—this is Andy Hensler again. I think any solution would be worth talking about. I would think that solution would end up taking more time and energy and effort than is really necessary given the fact

that we're already doing that. I don't think that a forest plan standard or guideline is really necessary. If we were going to go that route, I think it would be critical to us that that guideline recognized the importance and the validity of the existing uses over which this conservation area was being laid. I think that would ultimately put probably less protection in place than the MOU path that we're already going down.

Tony Tooke: Yeah. What I hear you guys saying is that on a voluntary basis we're already conserving the whitebark pine through a memorandum of understanding, and you don't have to designate a refuge area within our operational boundary.

Andy Hensler: That's precisely the case. I also believe—

Tony Tooke: Let me get a little bit more precision on a different question. What—I mean what really worries you about that? If it stayed like it is, it's a refuge, it's inside your operational boundary, what do you fear might happen as a result of that?

Andy Hensler: I think there are a number of concerns. One is as I pointed out earlier there's an incredibly high degree of uncertainty right now. We don't know what size it is. I don't think we have any real ability to impact or to assess what the impacts would be. The way the forest plan talks about it we don't have any idea what the ultimate outcome would be. We just know that we have this polygon within our operating, current operating boundary, and we don't have any idea what constraints that will place on our ability to implement important projects that we've been working with the agency on kind of a site specific basis, safety impacts, the whole range of things. So I think primarily it's the uncertainty on one hand versus we have a collaborative process that we're already well down the road on the other hand. Of course, there's some uncertainty there as we work through the details, but we have some comfort that we've entered into that process with the agency. We're working towards a common goal, and we have the ability to discuss in partnership the biological impacts and—I think that's probably the current concern.

Tony Tooke: You say down here if it's not removed, about clarifying any future unit wide—that any future unit wide conservation plan would consider and defer to the existing agreement such as the MOU.

Andy Hensler: Yeah, and I'm glad you raise that because I do think that's a little broad. We wouldn't necessarily feel that we need to insert ourselves as concerned as we are about the whitebark pine across the unit. Our primary concern and our desire to be sort of at the table on those

discussions is really limited to our permit area so I think that states a little bit more broadly with respect to those other stands that are identified that are outside of our permit area, we wouldn't ask to be involved. I think that—what is that—the second from the bottom point there, could be refined a little bit just to indicate that we're not looking to have our fingers in every one of those pots, just really focusing on the SUP area.

Tony Tooke: Is the agency—do we have anything to say about—because what I hear these guys saying is this refuge area inside the—it's just unclear to them what would happen, what might happen in conservation of the species. So is there anything you all want to say or is there anything that we could put more forward in the plan to be more clear about what would actually happen?

Nancy Gibson The only thing I would add is where an MOU does not necessarily stand the test of time, the plan would. So that would be something to consider is whether or not that has a purpose that will last ten or fifteen years versus a five year plan that may or may not stand the test of time as an MOU.

Tony Tooke: So that gets me back to one of my earlier questions—is there some work still here that could be done in the very near future that kind of brings forward what—like in the MOU into the plan itself that's a little bit more clear? I would suspect we may have other people interested in this topic. Barnie?

Barnie Gyant: So on the current MOU when's the expiration date of that? So if it was signed in 2013, what's the end date with the current one?

Nancy Gibson They're generally five years.

Barnie Gyant: Not generally. I was curious on what specifically did you guys put in the MOU.

Nancy Gibson 2018, Barnie.

Barnie Gyant: Okay.

Andrew Strain: So I'm sorry,—this is Andrew Strain again—to answer your question, Tony, we would be willing I think to continue discussions. What troubled us as part of the draft plan—on the drafting I asked on which we made our original comments that we didn't feel got us any more clarity as we moved to the final plan in EIS was the map that we've talked about. I think we've been able to share with you our concerns with that scale of mapping which I realize has to take into account the

whole Basin. I was once upon a time the cartographer here for the regional planning agency, and I had to face those same struggles about how do you display things—the variety of scales that makes sense for decision makers. Secondly the wording that's in the specific standard and guide today on what it says, and I would be happy to read it if that would be of any interest to you, but it did not give us any sense that what we had already begun had been recognized and particularly because it talked about population recovery objectives, and frankly we'd not even gotten close to that being one of the objectives yet. We were still in the process of the visit to the doctor, what do we got?

Tony Tooke: So this is where I need region—I mean is there some more here that you guys think we can do that gets a little bit different remedy that what they've put on the table and what we've put on the table?

Nancy Gibson I can't think of anything. I'm a real proponent of the MOU because that's in the spirit of the collaborative nature of the Basin in general. There are many, many other programs and practices that we engage with our partners so the MOU makes a lot of sense to me.

Barnie Gyant: Andy, if you knew the actual—you talked about uncertainty—if you knew how big the refuge was, what would that do in your understanding of the uncertainty that you mentioned? How much of a difference would that make if you knew just how big the whitebark refuge area was?

Tony Tooke: Exactly where the lines are on the map with precision.

Andy Hensler: Sure. I think that would help a little bit. It would help us to better assess the impacts on our existing accepted master development plan. We do have plans for this area, and so that would help. It would not get us all the way there because we still—as Andrew pointed out—some of the objectives outlined are also unclear. What we're after is the ability to work with the agency to do the things that make sense for us to develop or to provide that developed recreation with our permit boundary and conserve whitebark pine. So I think while having a better understanding of where those lines are on a map would certainly help, would get us the couple steps down the road, it would not get us all the way there because we would still have that uncertainty around what exactly does it mean to have a refuge area. Is that refuge area going to take into account the existing land use decisions? It's in a special use permit area that's been set aside for developed recreation. So I think—it really I think deprives us of the ability that we currently have to work collaboratively with the agency to come up with a holistic solution that does both things, conserve, allow us to continue to operate and I think as Andrew pointed out, part of the goal in this

MOU is to be able to present to our guests an example of how these things can work together, good collaborative management and to sort of present that picture. So I think the MOU—the reason I like it is it gives us what we’re already in the process, we already have a framework for working together. It feels like frankly we’re a lot farther down the road than we would be under the forest plan approach. It’s really—way back at the beginning we’ve left that in the dust.

Tony Tooke: That’s my question to the Forest Service. If we got it on a map which would raise some comfort level, can we say if we’re leaving it in the operational boundary in the plan, more about what we’re going to do there? That’s my question. That would be a little bit more—it would be more informative about what we’re going to do for the species there.

Rick Cables: I was just going to say if for example you had the species’ refuge area for whitebark pine mapped when it got to our permit boundary, we could have maybe a line that delineates the extent of the whitebark pine. If it needs to be in the plan in some way rather than call it a refuge, just say it’s a place where we’ve agreed to work collaboratively with Forest Service, the permittee, and the agency to conserve whitebark pine, not codify it as a refuge per se and treat it like the rest of the forest that’s not under the permit. But there may be some further discussion where we could get to a place that we were a lot more comfortable with. It just seems like there’s an opportunity for that because the essential objective of conserving whitebark pine we share.

Barnie Gyant: I was going to ask. I think, Andy, maybe Pete may have mentioned, but a conservation strategy. So is that currently being worked on? If so, who’s working on that?

Andrew Strain: This is Andrew Strain. I think I can help answer that question, Barnie. The MOU defines this as a partnership action plan. We understood that the conservation strategy is a term of [] within your organization that we didn’t want to exactly follow because of some of the requirements that are part of that. There has been an update of the mapping that was done on the part of this MOU that may or may not be reflective of what’s in the plan right now. So there may in fact be two different sets of mapping out there. One at one scale and resolution and one at another. But it seems to me if there was an opportunity in the plan to revise that standard and guideline to recognize and acknowledge that this is in place and while this is in place this partnership action plan that it will constitute the conservation plan for the whitebark within the special use permit boundary. I think there is a way to get there.

- Tony Tooke: So I think what I'm hearing on this part—I'm going to move—I've kept us on this a little while. So I'm hearing a little bit different remedy. I need you to capture that for us to go back and look at, that there's a little bit different remedy than what you all had and what we had on paper there. So you got it?
- Bob Hawkins: What I was hearing is that clarify the mapping. I'll just give you some bullet statements. Clarify the mapping. Tie it to the MOU. Did I hear that correctly?
- Tony Tooke: [].
- Bob Hawkins: Collaboratively work with the ski area on the conservation strategy.
- Tony Tooke: You all can also put this on paper. We have a little time. We want to talk about that here at the end. So I'm going to get to this 200 acres. So let me get back to my place here. So what I understand that's being done in this plan is around a number of uses, and they're being constrained, okay? What the forest has tried to do—the way I understand it—across ski areas, campgrounds, parking lots, marinas, and what have you is trying to constrain these in an equal and consistent manner. That's what this 200 acres is. So my question is do you all have suggestions for other ways to constrain uses or rates of growth in the Basin specifically ski resorts other than this? Because they've applied this same methodology, thought process across the board on all the uses and constraining growth, not stopping growth, but constraining growth. They're being responsive to a number of things to try and do that. The question for you all that I have is there—do you all have a different way to do that?
- Andy Hensler: Yeah, Tony. This is Andy Hensler again. We support the idea. We understand operating in this Basin, the reality that there are a lot of competing uses and very busy forest and there's a need to allocate. We don't believe that this acre expansion allocation, putting aside the fact that it seems completely arbitrary, that there's no basis articulated for it, that there's confusion in the record about whether it's 5% or 10%, that there's confusion in the record about what the actual current boundaries are of—the operational boundaries are—whether there are approved but unimplemented additional terrain, putting all of that aside, all of that confusion aside, there is currently—and sort of following up on this theme of collaboration—there is currently growth constraint for ski areas that exist in the Basin. What the regional plan for the TRPA has a constraint in it. It's a capacity-based constraint not an acreage-based constraint. It was arrived at through a multiple, kind of a large collaborative process over a long period of time where various groups were able to participate, the agency participated, ski

areas participated. All interested parties had the opportunity to participate. That exists. We think that that makes sense.

Tony Tooke: Can you describe the—is that a quantifiable thing, capacity? Can you say what it is?

Andy Hensler: Yeah. It is—and I'll ask Andrew to get into those specifics.

Andrew Strain: This is Andrew Strain. I'm going to use a prop or two here. This document, *The Regional Plan Update*, the regional plan for the land use Basin—for the Lake Tahoe Basin, the original 1986 plan of this had capacities listed in terms of persons at one time, payouts the term of [] that was borrowed from the Forest Service, very similar in calculation to SAOTs that are used on forest with winter sports resorts to set a capacity. It is in this document—there is a policy that all existing outdoor—I'm sorry—all existing ski areas that are in the Basin have to meet the overall growth capacity limit. I think it's a little over 12,000 persons at one time addition to the existing stock that was in place in 1982 when they were first measured as part of the environmental threshold carrying capacities. That subsequently was translated into the four or five land use zoning documents, called Plan Area Statements, for which existing ski areas were in place at the time. Heavenly was one of them. Heavenly is actually divided into a California side and a Nevada side to reflect our bi-state layout so there are four or five zoning documents that took that 12,000 number and broke it down on to which went—how much went to each area. That was further defined then in the code of ordinances for the Lake Tahoe Basin, sort of the implementing regs that go with this land use plan. It directs that any expansion must go through the master planning process in order to access that additional capacity. The fourth document was one that the ski areas, the Forest Service, and the TRPA came together on in 1990—this is a copy of it right here. I represented the TRPA in pulling this information together. It's called the Ski Area Master Plan Guidelines. So it further defined exactly how that additional capacity was to be distributed and under what conditions.

Andy Hensler: Tony, the reason that we like this approach is that as you know our special use permit obliges us to live by the local regulations. So this is an elegant way to do that. We believe that we're already subject to this growth limitation. We support it. We agree with it. This is I think a better solution than the one that I see in the master planning process which I think imposes on an existing land use decision that the agency has made, an artificial constraint that is arbitrary, and I think does go about it in a way that is not completely in compliance with the terms of special use permit and the way that it should be amended if indeed we



are going to limit our ability to truly operate within our permit boundaries.

Tony Tooke: Okay, so let's just say that I wasn't considering instructing them, that it was very clear how they are derived at the 200 acre limit—there were tracks there. There was a rationale that they disclosed, maybe more than one, and they had the extent of the operational footprints there, and it was 6%. Just assuming that all that was there. Why would what you're describing be better than that?

Andy Hensler: Taking your assumption at face value, which you know I don't entirely agree with—

Tony Tooke: I understand. I'm just hypothesizing.

Andy Hensler: Reserving my rights there. I think there are a number of reasons. One is that the process that Andrew just described is already in place. It's time tested. It was arrived at through a good, collaborative process in keeping with the way that things are done in the Basin as we've discussed in other contexts is very, very regulated area that we operate in. So to continue to embrace this existing standard I think is preferred over coming up with a new one. I also as I started to mention the—in response to the last question—I think that the way that the forest plan goes about artificially prescribing the ability of the resort to propose projects within its permit boundary does create some issues. I think there is a process that exists in the special use permit that the agency can follow if they wanted to shrink the area within our special use permit. That's a process that's well defined, and one that's outlined in the regulations. I don't think that this forest planning process—I think it's a poor substitute and maybe a substitute that wouldn't pass legal muster.

Tony Tooke: Okay. So I think I have everything that I need to go back and think about around the whitebark pine, around the refuge thing, and around this 200 acre limit. If not, we'll figure out how to do some follow-up. I need to think about this a little bit more, but I think I got everything. Bernie, you have a question?

Barnie Gyant: Two. So are all the land owners engaged in that TRPA process?

Andrew Strain: Bernie, this Andrew Strain. Yes, they have been. They were at the table to help design how we took the 12,000 additional payouts, assigned them to the different plan areas that contained the ski resorts so every ski resort had been given an opportunity to present a master plan for additional growth, which would prevent that rush to

development that we had commented on, if there's just one pot that had not already been divided up.

Barnie Gyant: So I guess my question would be – so being that the special use from it is an overlay on top of the Basin, was the Basin and leadership a part of that overall TRPA conversation, being – your special use is an overlay for looking at consistency when they developed those plans on limitations?

Andrew Strain: They were at that time, yes.

Barnie Gyant: And then my follow-up questions: are you guys in the middle of doing any master planning currently or have you just finished some, or -

Andrew Strain: Barnie, this is Andrew Strain again. We have – this document right here is our 2007 master development plan that's current and in place. What we're in the middle of right now with your office here on the Basin management unit and the TRPA is a summer activities master planning exercise. So it's – it is not related to the 200 acre cap in terms of ski area expansion, but it is in terms of proposing summer activities based on the 2011 bill for ski areas.

Barnie Gyant: OK, thanks.

Bob Hawkins: Sorry. We have Laurel on the corner and Rick we'll come back to you.

Laurel Ames: Thank you. I just would like to comment that we're just recently out of a – quite a big uproar in the Basin, in the south shore over Heavenly Valley that wanted to build right through an old growth red fir forest and the Forest Service had approved that, and everything was moving along, but at the TRPA hearing, the people in the Basin who really cared about the red fir forest turned out and Heavenly altered their plan at that point to protect that forest. And I think their sensitivity with the white bark is that the white bark forest is much smaller than the red fir forest in the Basin, and I would guess that the Forest Service interest in protecting 200 acres has a lot of weight behind it. Thank you.

Bob Hawkins: All right, thanks and we have probably time for one more. So Rick.

Rick Cables: As Andy said – and Andrew, too, our growth is already capped, and we accept the cap and that the cap was derived through a collaborative process that included the agency, the counties, all the parties here, TRPA, in this Basin. I personally have never seen a growth cap of five, ten, or 15% in a forest plan that's this sweeping. I've never personally seen that and I worry a little bit that if we do that here, and

then you look at the other national forests around, and the agency gets into that business, especially in areas where you have a special use permit that already requires any expansion or growth or – adding trails requires a separate EIS, NEPA compliant, talk to the public, consult with everyone. So there's another process already built in that will allow the opportunity for the site-specific issues to be raised about whatever that project is. So it just seems like another layer – overlay that's, to me and to us, not necessary. This document talks about alternative – it even includes approximately a 10% expansion in ski areas based on current expected needs for expansion. 200 acres across forest ski areas and I think as we've pointed out in our comments, "Well, then does the first one to put 200 acres out there get it?" and it creates this sort of perverse incentive to go forward with a proposal, and that doesn't seem to comport with what the agency's trying to do here. So again, I just – we just don't think this approach with that sort of percent guideline is the wisest way to go and we think there are – we've agreed to a cap. It's very collaborative and we think there's a different way to get there using the existing systems.

Bob Hawkins: All right. Thanks, Rick. Are you ready?

Tony Tooke: Now – and you've all captured everything that they're adding here to – for us to go back – for me to go back and look at?

Bob Hawkins: I think – yeah, the last data capture would be the cap tied to the capacity. That's the remedy.

Tony Tooke: OK. Thank you all very much. That's very helpful.

Bob Hawkins: OK. Four o'clock, next topic: wilderness and roadless areas. We've got forty-five minutes allotted for that. We've got a number of objectors identified on the summary sheet. Yeah. So we'll try to get as many folks that are interested at the table. Steve Alastuey. OK, thanks. I'm sorry about that. Tahoe Area Sierra Club, the Wilderness Committee and that's Fred. You're here. Sierra Forest Legacy, Friends of the River, California Wilderness Coalition and Steve, you're sitting in for the Wilderness Coalition?

Steve: Correct.

### ***Wilderness and Roadless***

Bob Hawkins: OK. Snowlands, Sierra Nevada Alliance, Earth Justice. Anybody else? I have three interested persons. Steve Fernald, Harold Singer, and John Grigsby. So I'll give everybody a second to get settled. So for a lot of you that are just coming in onto the discussion – and if

you've picked up on the last session, what we've been doing is going through the issues as the reviewing officer understands them. Tony's the reviewing officer from the Chief's office representing the Chief of the Forest Service. Then we'll go through an opportunity for clarification on those issues and then we move into the remedies or the instructions that he's considering, and so we'll start with Tony.

Tony Tooke:

OK. So thank you all for being here and thanks for your interest, and I know some of you – I said earlier, when we started off the day that's – I know folks have worked on this particular plan for a long time, and so we appreciate you sticking with it. All righty. So I'm going to try to summarize – and I asked this question earlier when folks were here when we started the day. Have you all had an opportunity to look at the documents that are about the summary of the – what we're reflecting, what I'm reflecting? Me and my staff back – as a summation of what the issues you're raising, and then you all had some proposed remedies that we've reflected back, and then we've put some instructions here being considered.

So let me go through this. In general, it looks like most of the objectors disagree that the Basin's decision to not recommend any new wilderness areas – that there's a belief that additional wilderness would benefit the area ecologically, financially, and in the quality of life in addition to requesting new recommended wilderness designations. There was a notation here of recognition that the agency found pristine conditions at the – Dardanelles? Dardanelles. OK. I said it right last night. Dardanelles and Freel that caused you to propose them for wilderness areas and alternatives that you did not select in the C&D (alternatives). They found those same pristine conditions in – Meiss Dardanelles? Meiss? OK, I got one head going one way, one the other. OK, so anyway – and the Granite Chief addition, Desolation addition, Hell Hole, and Trimmer Peak – so without the protection of wilderness status, these candidate wilderness areas will degrade from overuse during the fifteen year life of the plan until they are no longer wilderness appropriate. The loss of candidate wilderness areas will be irrevocable and in addition – as both the '82 planning reg and the new planning rule clearly indicate, the Forest Service has the authority to look beyond inventoried roadless areas at other essentially roadless areas, and at newly identified areas, and at undeveloped areas. It's simply impossible for the Forest Service to properly discuss roadless area issues without first determining where the roadless areas are. It's critically important that the Basin accurately map all roadless areas during the planned development process because of the many important social and ecological benefits these areas provide.

So once again, there is a request here that the Forest Service identify and examine all the Basin's roadless lands. If the Basin fails to do so, the record of decision, land and resource management plan, Final Environmental Impact Statement would violate the NEPA standard of failing to take a hard look at roadless issues by failing to include a full and fair discussion of the topic, and failing to include a full range of alternatives that respond to public concerns. So the objectors are recommending that all potential wilderness areas be evaluated by the Basin and in the Final Environmental Impact Statement Appendix C, while others believe that the Basin has failed to offer a sufficient range of alternatives to address roadless and wilderness concerns. There's also a contention that the roadless inventory is not accurate, does not take into account the previously conducted citizens inventory in roadless area.

Then there's further recognition. Or – it says that both the '82 planning reg and the new planning will clearly indicate that the Forest Service – like we talked about it earlier – has the authority to look beyond inventoried roadless areas at other essentially roadless areas and newly identified areas and undeveloped areas. So it's impossible for the Forest Service to properly discuss roadless area issues without first determining where they are. It's critically important that the Basin accurately map all these roadless areas during the development process because of many of the important social and ecological benefits these areas provide. So you're requesting that the agency identify and examine all the Basin's roadless lands, and again, this failure to do so violates the NEPA requirement of a hard look at roadless issues, and because we're not giving full and fair discussion of the topic and by failing to include a full range of alternatives that respond to the public's concerns. So does that capture it?

Bob Hawkins: And so let me jump in for some of you that are new. So this is the opportunity for the objectors and the interested persons, and so I know we have a few interested persons at the table, I think, right – John, Stephen are interested persons. This is your opportunity to clarify the reviewing officer's understanding of the issues. So is there something Tony said that you want to clarify? Marjorie? And please introduce yourself as -

Marjorie Sill: I wasn't here this morning.

Bob Hawkins: Yeah. Introduce yourself when you start off.

>> Say your name.

- Marjorie Sill: Marjorie Sill and I've been working on the Tahoe Basin since I moved to Reno in 1959. So I care a lot about it. My concern is not – was not mentioned in this. I believe that high altitude wilderness areas are a place for wildlife to migrate when climate change occurs and we all know that climate change is occurring. We have read the – most of us have read that report or at least the summary of the report on climate change, and this plan is going to last for twenty years, and it's not going to affect me in twenty years, but it's going to affect my grandchildren and their grandchildren, and we have to understand that wilderness areas are the best protection for wildlife when they have to move up to cooler places, which is going to occur. It probably already is occurring on a small scale. Thank you.
- Bob Hawkins: Thank you, Marjorie. Any other objectors or interested parties want to clarify?
- Steve Evans: Steve Evans representing California Wilderness Coalition and Friends of the River, and standing in for Ryan Henson, who had a previously scheduled prior engagement and couldn't make it today, and first of all, I want to make my apologies. Obviously, I'm suffering under a cold here and I'm taking drugs that cause my attention to wander sometimes. So I have to admit, my attention wandered when you were summarizing some of the key issues. So I wanted to make sure that a key issue that I'd like to see addressed today is that the California Wilderness Coalition submitted maps early on in the planning process suggesting ways to address user conflicts and in – well user conflicts with some of the proposed wilderness areas, particularly Dardanelles and Freel in terms of avoiding both trails that are heavily used by mountain bikes and the wildfire – wildland urban interface area in Dardanelles. So I just wanted to make sure that's an issue that's front and center, and is one we'll be addressing today.
- Bob Hawkins: Let's check on the phone, see if there's anybody on the phone that's dialed in, interested in this topic. I think – John, did you have a question? Yeah. If you're an interested person, this is your opportunity to speak. So grab the mic, hit the gray button, and introduce yourself, and – OK, thanks.
- John Grigsby: All right, hello. I am John Grigsby. I live here and that is my qualification as an interested person. Basically, he alluded to a major problem, which is until you can figure out a way to let people continue to ride their bikes on these trails, wilderness designation is going to be an extremely difficult sell amongst people like me who actually live here in the Tahoe Basin.
- Bob Hawkins: So John – yeah, talk to Tony.

John Grigsby: OK.

Bob Hawkins: Because he's the reviewing officer and he's the one that –

John Grigsby: And the reason for this is we get a lot of pushback, but the New Zealand Department of Conservation summed it up really well. So – and I'll save the citation bombardment for later. "Although mountain bikes clearly do have physical impacts on tracks, these did not appear to be of any greater significance than those from other track users, despite the general perception to the contrary and although safety concerns were also commonly highlighted, the problem related more to apprehension about what might happen than – rather than concern based on any inherent danger or an established record of incidence." And I there are many studies I could cite that showed that first, the biggest problem with trails and conservation is water erosion. "Surface water runoff" was determined to be the dominant erosion mechanism acting on park trails. Erosion generated by horses, bicycles, and hikers was determined to be a minor erosion mechanism, and if you want to compare hikers to bicycles and horses, horses and hikers make more sediment available than wheels on pre-wetted trails and horses make more sediment available on dry plots as well. Moving on to the next – moving on through this –

Bob Hawkins: So John, let me ask you a question, though. Are you coming in as an interested party or interested person because you favor what the plan proposed?

John Grigsby: Absolutely. I'm kind of fighting a counterpoint and let me summarize the whole thing at this point by saying that -

Bob Hawkins: Yeah. We're not here to – we're not for a – this is not point-counterpoint. We're not on CNN. So I think it's fair to tell Tony what your interest is and then how that fits with his review.

John Grigsby: So the summary of everything would be as a strong conservationist, somebody who's been backpacking since you could light – have campfires in Desolation – which was a long time ago, if anybody remembers that – and somebody who's been backpacking a lot longer than I've been riding bicycles, I am – I would be – I and pretty much the entire Tahoe recreational community would be all for wilderness designation, absolutely, if that included a way to continue to ride bicycles on the trails we've been historically available to do that, and that is the summary of what I have to say. Thank you.

Tony Tooke: Thank you, good.



- Bob Hawkins: Thanks, John. That summed it up really well. OK. So – and -
- Barnie Gyant: So just clarification for me. So it may be – some of the areas that are proposed for wilderness, there's trails – currently mountain bike trails within that landscape?
- John Grigsby: And not only that, they are mountain bike trails that connect from one place to another. So every single one of the proposed wilderness areas would isolate currently – current trails from each other and make rides we currently do on a daily basis basically impossible, and that's the problem we currently have, for instance, with the PCT, which makes it impossible to get to Bryant Meadows or – God, what's the one right next to it? I'm blanking now. OK, [], sorry about that.
- Bob Hawkins: But the point is that -
- John Grigsby: OK, wait, yeah, yeah. The point is not only does it block off access to trails we currently enjoy – just like the problem with wildlife corridors where if you cut off access between them, the wildlife can't migrate. We've got the same problem.
- >> OK, not exactly, but all right.
- Bob Hawkins: Thanks, John. So that was the interested person and perspective. So we've got through the clarification stage of the issue. Do you want to speak now?
- Tony Tooke: I'm not sure yet.
- Stephen Fernald: My name is Stephen Fernald and I'm with the Sierra Club and with the group that actually went out and explored all of the areas that were designated originally, and I think – if your question is, "How did we do in the summation and what we're saying here," I'd say it's pretty accurate and it's pretty much to the point that we would ask for kind of a reassessment and taking a second look at the areas, and we provided some information and some data from our hikes that we did in the areas, and the letter that I wrote was basically just my passion about the whole thing and about our experience in hiking in these areas and how wonderful they were, but as far as, "Did you get it right in terms of what we're asking?" I think it's accurate that we want you to have a second look and take a further look in detail.
- Tony Tooke: A question on that. So it's a second look on these two areas that I hear people talking about the most and moving them into the selected alternative?

Steve Fernald: Actually – yeah.

Tony Tooke: And you provided some data for that?

Steve Fernald: Well, our committee chair did for -

Tony Tooke: OK.

>> I'm ready to do that if you want to hear it now.

Tony Tooke: Almost.

>> OK.

Tony Tooke: So – and I want to make sure: on these two areas – Dardanelles and Freel, one of them is in two alternatives considered in detail, and one of them is in one considered in detail. Is that right? Which one is it that's in both or two?

>> Dardanelles is in both. Dardanelles and Freels is in one and Dardanelles [inaudible].

Tony Tooke: OK.

Steve Evans: But to be clear – this is Steve Evans. They're considered in an all-or-nothing way, which is no adjustments made to address user conflicts and needs for boundary adjustments. It's either all of the area or none of the area and again, one of the key issues we'd like to see addressed is, "Well if you make adjustments and you reduce those conflicts, you've reduced some of the reasons why it shouldn't be wilderness," and that was never considered.

Bob Hawkins: Fred –

Fred Roberts: Fred Roberts. I'm with TASC and the Wilderness Committee in TASC. They were considered in our recommendations. The recommendations were originally made by Bob Anderson – who is no longer with us, but – and they were drawn in such a way that they avoided conflict as much as possible with the mountain bike users. So later on, we can talk more about this, but I think the flexibility is there and we've already done some of the work in that direction.

Steve Evans: [inaudible] I was just alluding that the Forest Service's alternatives considered it all-or-nothing, not what citizens had proposed.

Tony Tooke: So the – I think that in you all's proposed remedies that you outline an area that could be considered different than what's analyzed in the two alternatives.

Fred Roberts: Very much the same areas, but drawn in such a way – for example, the Freel roadless area, we had two designations: one was Hell Hole, which you have to see to believe. I mean it is hell and beautiful at the same time, and the other, we called Trimmer, which is much of what Freel roadless area is. So we had them separated and it allowed for the biking.

Tony Tooke: And so the responsible official, they can bring forward out of an alternative that's been considered in detail into the record of decision if they so choose, but the responsible official cannot bring forward a portion of that into the record of decision because it hadn't been analyzed that way. Is that right? At the technical folks here. So in another words, if we've got two potential wilderness areas that have been analyzed and two alternatives considered in detail, but they're not in the selected and somebody wanted to choose a piece of one of those, can that come forward to the record of decision or does it have to be a supplement or something?

Bob Hawkins: That's right. Use the mic and introduce yourself, please.

Tony Tooke: Yeah. You would have gotten on me if I -

Bob Hawkins: Been waiting all day to say that.

Jody Sutton : This is Jody. If you've analyzed it in detail, you've done the effects analysis. You can pick and choose out of some of the other alternatives.

Tony Tooke: Analyzed it as one area. Let's say I analyzed it as 20,000 acres. Can I choose 10,000 of it?

Jody Sutton: Did I not [inaudible]? Yeah. You can choose smaller but you can't go bigger because then you'd have to do more effects analysis without – so to answer your question, you can do this without a supplement if you stay within the constraints of the NEPA analysis.

Tony Tooke: OK.

Fred Roberts: And Tony, that also applies to the Meiss or Dardanelles area, which, I believe, was somewhere around 14,600 acres that was drawn and approved, went through the eligibility test for wilderness, and then all

our recommendation was somewhere around 10,000 acres there, and again, it allowed leeway for biking, mountain biking.

Bob Hawkins: So go ahead, John.

John Grigsby: May I make one comment? Which is: I think we can all agree that the little carve outs and shoestrings are stupid.

Bob Hawkins: All right, John –

John Grigsby: I've been trying to carve out something for a little while for trail access and then –

Bob Hawkins: John, talk to Tony. Don't challenge the other folks. Talk to Tony.

John Grigsby: Sorry. My apologies. My apologies. Anyway, John Grigsby. So I think the – what we're all running into is the fact that yeah, carve outs are silly. We all know that. That's not a good long-term solution and it's silly. Meanwhile, I would like to note that there are plenty of exceptions made in existing wilderness areas. There are airstrips. There are mines. There are in-holdings. There all sorts of exceptions currently made in current law for making a wilderness area where there are things – there are preexisting things that don't damage the character of a wilderness area, but would be inconvenient or impossible to get out of there. So it would be – I think it would be much more productive to consider just saying, "Hey, sure it's wilderness, but we'll make a special exception for biking – being able to ride on trails through here rather than try to route around every single little bit of trail in the Basin." Thank you.

Bob Hawkins: All right. Thanks, John. Gail, did you have something in the back?

Gail Ferrell: Yes, thank you. Gail Ferrell, Snowlands Network. To reiterate what's been said, again, there were several alternatives to wilderness that were not fully evaluated and would give some opportunity for additional evaluation.

Tony Tooke: Can you say it more – is that in the proposed remedies?

Gail Ferrell: I'm sorry. Could you repeat that?

Tony Tooke: Was that in some of the remedies that came forward from the objectors?

- Gail Ferrell: It was presented in the larger context that the environmental coalition put forth in a large document at the point of the draft prior to the final being determined. Is that making sense to you?
- Bob Hawkins: Comments on the draft is what you're saying?
- Gail Ferrell: Yes, specifically.
- Tony Tooke: Yeah, OK. Yeah. So we're going to go – we went over five minutes on the last one. I'm going to ten till on this one and we'll go to 5:35 on the next one, OK, and then I'll make sure that we get all we can here. So let's go look at the – so I think I understand clearly where you all are coming from about recommended wilderness, which ones are the most important to you. Let's go to these instructions being considered. Have you all looked at those instructions being considered? They're on page six of that document. Let me highlight a few of these and these are – when you all weren't here this morning, these instructions are things that we've – we already have there that we're considering – I'm considering, not we – I am considering instructing the responsible official to do. It doesn't say that I will and this list can be added to. It can also be taken away from or these can be modified, but – so one is explaining why the objector's recommendation to modify the boundaries of Dardanelles and Freel roadless areas alternative was not explored further. Also update the response to PC 418 in Appendix N to the response to comments accordingly. Modifying this second bullet, second instruction here – making a modification to clarify that approximately 12,000 acres of the – is that the Citizens' Inventoried roadless areas where I added to the backcountry management area in alternative D, but we're not analyzed for wilderness potential or considered for wilderness recommendation under that alternative. It should have additional text added to Appendix C of the Environmental Impact Statement. That's where we evaluate areas for potential wilderness. Add additional text to describe the basis for the inventory used to delineate potential wilderness. The current empty reference to Section 6, the inventory process, that should be correct and then this fourth one here is an explanation as to why the Citizens' Inventoried Roadless Areas outside of the Forest Service inventoried roadless areas were not included in the inventory and evaluation for wilderness potential. Explain why that would also strengthen the project record.
- Specifically, the Basin should explain whether any consideration was given to the areas that are not inventoried roadless areas, but otherwise meet the criteria set forth in their handbook, or Forest Service handbook 1909 and such areas exist on the management unit. And then another instruction being considered is to modify the record of

decision to include a more specific and detailed discussion of the rationale for not recommending any areas for wilderness designation, providing additional specificity concerning why the Dardanelles roadless area and Freel roadless area were not recommended in the selected alternative. And if motorized or mechanized access or use is significant enough to warrant not recommending an area for wilderness designation, the Basin may want to reevaluate their availability assessment that's documented in Appendix C, particularly in the case of the Dardanelles roadless area, which listed such uses as low.

So anyway, those are five or six instructions that we're considering right now and so one question, and granted, I hear you about wanting one or both of these others brought forward into the selected alternative and not just considered in these others. And then I was trying to make the point that the responsible official has the discretion to do that in the record decision, whether they're in the selected alternative or not, but anyway, on these, do you all have any reaction to those that we can spend a few minutes talking about?

Steve Evans:

Yeah. Speaking for the California Wilderness Coalition, I'd have to say we're less interested in further explanation as to the alternatives chosen and more interested in actually reconsidering the boundaries we proposed for Dardanelles and Freel that eliminate conflicts. I don't know if we get very far with further explanation. I have to be very frank here that by taking an all-or-nothing approach to your consideration in wilderness and the alternatives, you limited the alternatives you looked at, and the Forest Service has lost numerous times on that issue in court. So I don't know if you want to move forward with that limitation. As recently as the Southern California Forest that's been an issue. So – and another key one is the failure to consider roadless lands that were identified in the citizens' inventory. They're identified in the citizens' inventoried and not in the original roadless area review evaluation, too, because Santini-Burton lands were acquired that are roadless, particularly for the potential addition to Granite Chief and Stanford Rock, Blackwood Canyon area. That's a fine addition to Granite Chief and it's not adequately considered in this plan because you didn't look at all the roadless land. You only looked at the part that was identified in [] two as roadless and not – that was subsequently identified in the citizens' inventory. So you're kind of in a conundrum here in terms of you have a plan that has only looked a limited number of alternatives and we think that's a violation of NEPA.

Tony Tooke:

OK. So let me take my questions a different direction. So out of the two wilderness areas that you said you all put on a map, is one of

them, in your view, more important to you than the other one? And since you put those on a map, I'll ask a series of questions. Since you put those two on a map, do you have any different ideas about how you might map one of them differently than what you did or both of them differently than what you did?

Fred Roberts: Fred Roberts. I think if we had to choose – is this like cutting Solomon's baby in half? No.

Tony Tooke: No. No, sir and you can simply – you don't – you can say that there -

Fred Roberts: No, I have a point to make. So I'll help you, Tony. I believe that Meiss or Dardanelles – those are the same – connect Mokelumne, Desolation, Granite Chief's in one wide sweep of – not necessarily completely connected, but almost connected in all areas of wilderness area. And Desolation – as I saw yesterday when I was in Desolation – is heavily used and could use a release of some of the pressure of all the people that want to get into Desolation. That's my view. I don't have all the data the Forest Service has on that, but I think I would.

Fred Roberts: The pressure of all the people that want to get into Desolation. That's my view. I don't have all the data the Forest Service has on that, but I think I would, I think our committee would choose -- and it was designated highest also by the good work that was done by the Forest Service in that evaluation. They evaluated it highest and then Freel Roadless was second. And we'd love to see that included also.

Tony Tooke: So on that first one, how big is it?

Fred Roberts: It's 14,000 acres by, plus, by the Forest Service, and ours was almost 10,000 acres, I believe.

Steve Evans: Yeah, I think we cut a third out.

Tony Tooke: So what all uses occur there?

Fred Roberts: Well, the uses.

Steve Evans: That occur on the existing roadless area or in our proposed wilderness?

>> In the proposed wilderness.

Steve Evans: Hiking, equestrian use, skiing, we excluded every legal mountain bike trail from that proposal, so there's no mountain bike use in what we're proposing as wilderness.



Fred Roberts: Does it have to stay that way? Fred Roberts, does it have to stay that way?

Steve Evans: Well, I mean one of the key reasons according to the Forest Service why it was rejected as wilderness and the preferred alternative was conflicts with mountain bikes. The other one was potential conflicts with the Wildland Urban Interface. We've excluded the Wildland Urban Interface along with the mountain bike. So there's no reason not to recommend it now. It's the highest ranking roadless area.

Bob Hawkins: So, John, did you have a -- see if maybe if you can slide up next to.

John Pickett: This is John Pickett with Tahoe Douglas fire. The conversation now is around a proposed wilderness area that we have not had an opportunity to evaluate and to review. It sounds like you've removed the Wildland Urban Interface from the Dardanelles. We'd just like an opportunity to look at the map and make sure that we have addressed public safety. In our original comment letter to the Forest Service plan, our issue with increasing the amount of wilderness was obviously -- it changes the suppression tactics that are available in those areas. And some of this wilderness areas did extend into the Wildland Urban Interface, and that's an untenable position for us. That may have moved, but we need to be able to see that detail and be able to evaluate that before that goes forward please.

Bob Hawkins: All right, thanks, John.

>> Harold Singer, can I just ask a clarifying question? There has not been much discussion about, Over-Snow Vehicle. In terms of the mountain bike issue it's mostly focused on mountain biking. But in the area you're proposing, the smaller area, is there currently Over-Snow Vehicle use in that area? And would that be precluded if there was a designation?

Harold Singer: Would the Forest Service speak to that please?

Bob Hawkins: Does anybody have an answer on that?

Barnie Gyant: Barnie. I think that would depend on what the legislation would call for.

Bob Hawkins: I think they're asking about current use.

Barnie Gyant: Okay.

Bob Hawkins: Do snowmobiles currently use that smaller portion. Do you know, Mike? And if you do?

>> I believe that I remember that map.

Fred Roberts: My understanding, Fred Roberts, my understanding is that they do. They have access. Now please tell me I'm wrong.

>> So for the Dardanelles my understanding was, my memory of the map that was presented for the smaller area is not open to OSV at this time. I'm just saying we're talking about my memory.

>> You're right, Mike.

>> And then OSVs are precluded from wilderness when it's designated wilderness unless Congress provides a non-conforming use exemption.

Bob Hawkins: Alright, thanks, Mike.

Fred Roberts: Another issue was the Meiss structure, that's the cabin that's there. Is that not a problem that is resolved by getting historical, what do they call it, designation for it?

Laurel Ames: It's going to fall down.

Steve Evans: Someone has to maintain it.

Bob Hawkins: Are you just making a point that there is a potentially historic structure in the area?

>> Mike, it's in.

Bob Hawkins: Okay.

>> We've written it up.

Bob Hawkins: Okay. Thanks. So we've got one more on the corner. Laurel?

Laurel Ames: Thank you. Laurel of Sierra Club. I want to remind you that your plan and your people talk often about the fact that Desolation Wilderness is the most used wilderness in the country. And as Fred said having been up there in the last week, it's overused. And with that kind of pressure on the Basin, we need more wilderness.

Bob Hawkins: All right. Thank you.

- Stephen Alastuey: Steve Alastuey, Sierra Club. My perspective goes back to the 1960s when I first moved up here. And since then I saw over the years a major vicissitudes changes in the areas social atmosphere and which had a direct relation to, I believe, to the environment, maintenance of the environment and access to viable, whether wilderness or semi-wilderness, anyway, ecologically viable areas. Which considering -- I don't know how to describe it over the years. When I first moved up here it was almost rural part of the year. There were -- Pioneer Trail was a dirt road and so was the road from Tahoe Valley Y to Meyers a direct route. And these were backroads almost back then. And then over the period of the next several years they deteriorated -- or I wouldn't say they deteriorated, they were simply paved and developed.
- Bob Hawkins: Hang on a second.
- Stephen Alastuey: But areas in the community were neglected.
- Bob Hawkins: Hang on a second. I'm sorry to interrupt, but we've got music coming over the phone. So if there's somebody on the phone playing a harp -- oh, yeah, Gus -- please stop. I don't know. I hate to have you talk over that, but if you could speak louder maybe into the mic it will drown out the harp music. So folks on the phone, if you could keep your phone on mute that would be great. We'd appreciate it. Thanks.
- Tony Tooke: Go ahead, sir.
- Stephen Alastuey: Okay. Since my earliest residence up here in 1963 through 1970 and from '73 up through '78 and then periodically in between those years, other years, I saw considerable changes in the area. And I believe those to be significantly related to the social climate and is related to the environmental condition of the area. In the late '80s or early '90s they started changing things for the better. And I believe that progress should continue with the establishment of definite wilderness areas for these protected areas.
- Bob Hawkins: All right. Thank you.
- Tony Tooke: So I think I've captured everything that I need to go back and think about my part and my role. And that's around, particularly around these two wilderness areas that you all are talking about and the way that you remap them, and your comments and your proposal. And then on the Citizens' Inventoried Roadless Areas and the, you're saying that we haven't looked at that. We should. And that we're violating NEPA.

- Steve Evans: And that affected one particular area, which is a potential addition to Granite Chief, Stanford Rock, Homewood Creek area, or Blackwood Creek area rather.
- Tony Tooke: Yeah, so I guess just some feedback for you all I think I have everything that you're raising, and understand where you're coming from. I think I have what I need to go back, take a look.
- Steve Evans: Okay. Raise one last issue. It's in the document, but we didn't talk about it and that is the assumption on the part of the Forest Service that the Backcountry Management Area was sufficient protection to protect roadless and wilderness characteristics. And that, again, is an issue that is often litigated. And one of the key issues here is not so much irrevocable physical changes but irrevocable social changes. We had this same fight over Dardanelles, Meiss, Upper Truckee, whatever you want to call it back in the original Lake Tahoe Forest Plan. We lost that fight then. And since then part of it's become a popular mountain biking area, and that's one of the reasons why it wasn't recommended as wilderness in the preferred alternative. And I want to make it clear that we are donating blood by excising mountain bike trails out of these areas. We are not giving them up easily. They're important areas. They have high scenic values, high wilderness values, but we see the value of working with people and getting along with other users and achieving a little bit of protection rather than none. But we don't think that the Backcountry Management prescription sufficiently protects roadless areas and wilderness quality roadless areas over time particularly from kind of the social impacts as recreation use changes. Twenty years ago mountain biking simply wasn't a big thing here and now it is. And that's almost become an irrevocable social impact on roadless areas. So that's one of the reasons why we're not happy that the Backcountry Management prescription is used as a replacement for recommended wilderness.
- Bob Hawkins: Okay. All right. So.
- >> Can I ask a question?
- Bob Hawkins: Hang on a second. So I kind of cut John off and then you jumped in because I thought we were closing up. So let me give John one more opportunity and then I think we really will move forward so.
- John Grigsby: John Grigsby -- a quick comment on that, one reason -- again, I'm speaking for myself here, but I think I can speak for a great deal of, a large number of local people in this as well. One reason I'm not a fan of cherry-stemming is there are quite a few trails that exist that aren't inventoried in the cherry-stems. There's a trail going up Meiss Ridge

that you can get through without touching the PC -- that you can get to without touching the PCT at all. There are trails in the Freel Peak area that are social trails that have existed for quite a while and exist and that also don't get accounted for in cherry-stems. So, yeah, we're -- again, wilderness, if wilderness, if we could get a wilderness designation that somehow included the ability to bike on it that would be great. But you're going to get a lot of pushback on cherry-stemming. That's all of what I'm saying. Thank you.

Bob Hawkins: All right. Thanks. So we've had our 45 minutes of robust discussion. Are you ready to move on or do you want to give Fred one last?

Fred Roberts: Just one minute. I heard where you are with receiving information. I just thought I'd give you one more piece of information. The Meiss Dardanelles area is watershed area and tributary to the largest river, Upper Truckee River, that enters the lake, Lake Tahoe. So its integrity as a forest is critical to clean water, clean air, the whole, all the eco-services that forests provide. Thank you.

Bob Hawkins: All right. Thank you very much for that discussion. That closes the topic. So the next topic we're going to talk about, final topic of the day, is winter recreation.

Tony Tooke: Let me say just one thing before we go to this topic. I know that we've had a long day. A lot of you have been here with us from the beginning. We're going to talk a little bit at the end after this topic about some next steps. So you may want to stick around and hear that.

### ***Winter Recreation***

Bob Hawkins: Okay. No, so that's fine. Hey, this is your meeting. So let's see if we need to bring any other folks to the table. We've got an issue package on this. The primary objectors John Anderson, James Miller, Snowlands, Winter Wildlands Alliance, Tahoe Area Chapter Sierra Club, Bob Rowen, Sierra Forest Legacy, Sierra Club, Friends of the River, CWC, Snowlands Network again, Earth Justice. We also have Marjorie Sills and Harold Singer who are all objectors and interested persons; Heavenly Resorts, Lynn Whetstone, did I get that right?

Lynn Whetstone: Yes.

Bob Hawkins: Thanks, Lynn, and John Grigsby. So if everybody has got their package of issues we're ready to go.

Tony Tooke: Okay. So the first thing I'm going to do -- and these objections and issues are a little mixed a little bit. So I'm going to kind of go through

and highlight them and then we can have some clarification discussion. So there's one issue about the need to consider expanding Over-Snow Vehicle restrictions. There is an objection there, an issue and a concern about that; a concern about not separating non-motorized and motorized use; a concern about increasing recreation pressure on the Nevada side; a concern about loss of access; a concern that we dismissed impacts of Over-Snow Vehicles; a concern about climate change and the future effects on recreation decisions; a concern about the use of recreation opportunities spectrum; a lack of Over-Snow Vehicle impacts and the quality of air quality, noise, safety, all that not being addressed; and a concern that national visitor use monitoring numbers are inadequate and a concern that Over-Snow Vehicles can generate -- I think this has to do with air quality impacts at trail heads. Does that capture everything?

Bob Hawkins: Okay. So this is, again, the opportunity for the objectors and interested persons to help clarify the issues. So, Harold?

Tony Tooke: Objectors first and to clarify the objections you raise and then the interested parties can share any information that you want to offer up around them. Go ahead.

Bob Hawkins: Harold Singer?

Harold Singer: I'm going to go back to Bob's definition of an objector from the last discussion and indicate that you have totally mischaracterized my objection or my concern in this. That my concern related both to wilderness designation and in part, I guess, to OSV usage. My concern was that your NEPA analysis failed to analyze the effect of people moving from existing use areas to outlying use areas if there was restrictions placed on certain uses if they're currently ongoing. So I guess I would put myself more in the interested party since I do not object to the current draft or final plan.

Bob Hawkins: Okay. Thanks for that clarification.

Barnie Gyant: Hey, Bob? So was your issue displacement more or less having restrictions on this would make, disperse users to other areas?

Harold Singer: Yeah, my concern was that you're NEPA analysis failed to adequately disclose the environmental effects of displacing current users to outlying areas and the effect on recreation use in those areas because they are close by. You've acknowledged in your plan what would happen if, in fact, they were displaced. You've acknowledged that as an impact, and yet you failed to adequately analyze the effect of that impact.

Bob Hawkins: Go ahead.

Gail Ferrell: Can you -- Gail Ferrell, Snowlands -- can you clarify this section right now what we're doing right this second?

Bob Hawkins: What we're doing is giving you an opportunity to clarify with Tony his understanding of the issues that were raised in the objection. So he went through how he understands them, and it's your chance to clarify that understanding.

Gail Ferrell: So I have additional comments. Gail Ferrell with Snowlands Network and then additional comments later on. So we'd like to thank you for this opportunity to clarify what was published. Our objection to the plan is that the LTBMU has failed to review the impacts of allowing snowmobiles unrestricted cross-country travel over 52% of the National Forest. Although the LTBMU has purported to address these impacts on recreation, the emission impacts to regional air quality, we appreciate that that has been addressed to some extent. LTBMU has not taken a look at more significant local impacts. We appreciate that the Forest Service now acknowledges the need to look at the impacts of OSVs on water quality especially with regard to Lake Tahoe. These are impacts that need to be considered.

The LTBMU has not considered or looked at the impacts of OSV emissions on ambient air quality. It's important to us to breathe air, which is a frequent complaint of non-motorized users due to the many shared trail heads. LTBMU has not looked at the impact of OSV noise on other users, which is also an important and serious issue. LTBMU has not considered other impacts and issues related to OSV recreation detailed in our Snowlands comments but they include important issues related to sustainability, demographics, growth and recreation demand and topics related to species protection. In particular sensitive plants such as the Tahoe draba, the safety of which its viability is important in the Lake Tahoe Basin and is impacted by off-road OSVs. These impacts have intensified since 1988 due to changes in winter recreation. The changes of technology for snowmobiles haven't really been addressed, and they are profound, and they have changed what happens for winter recreation. They have created several, many conflicts in the growth with backcountry skiing also with snowshoeing as well as a global warming trend that is so evident especially in this season. Recreation is the primary activity on the LTBMU, the unrestricted use of OSVs on 52% of the LTBMU lands creates some of the most significant user conflict issues in the Lake Tahoe Basin. And it's important that these conflicts are addressed in the plan revision.



Just a little history, Snowlands has been participating in winter recreation issues since 2006, 2003, when we started the Pathways 2007 process. And at that time we were told that the plan revision was the place to deal with the issues of winter recreation. Then in the subsequent changes in staff we were told that the place to deal with snowmobile issues is in the travel management. So we've been tossed back and forth and gotten different points of view on how to deal with increased conflict over time. On one hand really the LTBMU has stated two different and inconsistent reasons to justify the failure to address snowmobile impacts. On one hand it states that OSV management is site specific. It's not true, because the forest plans are broad and need to address broad objectives. For example the best available technology is a specific issue that the forest plan could address in terms of requiring snowmobile use to use the best available technology. Other issues that are global that could be addressed at the forest plan level are the issues kind of looking at who uses what areas. We've got three passes, three major passes. We've got Highway 50, 267 and 431. Two of those are dominated by snowmobile use, and one is dominated by pedestrian use. Let's look at the global perspective. But it was not addressed in the plan revision.

Bob Hawkins: So, Gail, can I ask you a clarifying question?

Gail Ferrell: You bet.

Bob Hawkins: So are these things that you raised in your objection that didn't get captured in the summary? Is that what you're?

Gail Ferrell: Well, we feel that they were not captured -- yeah, in the summary adequately.

Bob Hawkins: In the summary of your objection?

Gail Ferrell: Correct.

Bob Hawkins: Okay. I just wanted to make sure we were still on target. Do you have a question, Jody?

Jody Sutton: Let me just add one thing because you weren't here this morning.

Gail Ferrell: Thank you.

Jody Sutton: And I think it's really important to understand. And Tony went over it earlier also. There's a lot of things that you won't find in the summary, things that we've looked at and that we're looking at and we're helping Tony to respond to, things that we talked to the Basin

about, things that we've talked to the regional office about and other researchers. So the summaries are about the issues that Tony's chosen to talk about today in the limited amount of time, and he's going to have some follow-up. And that's good to hear your concerns and stuff, but at the end of the day we want to make sure all, everybody here understands that there's a lot of issues that we just don't have time for, but we are going to respond to them.

Gail Ferrell: With due respect, how will we know you're responding to Tahoe draba say? How will we know you're responding to best available technology? How will we know that you're looking at the shoulder solutions and so on?

Bob Hawkins: When the process is done then as the reviewing officer, Tony, develops a response. And that's where.

Tony Tooke: We will respond to, I will respond to everything that you submitted in your objections. Any objector that submitted something there will be a response in writing. And then what we did, what we've been doing today around these five or six topic areas that we -- or eight or so that we're talking about, is trying to see if there's something that I can use in directions or instructions to the responsible official to strengthen the decision, strengthen the record, but also to give opportunity for some collaboration between objectors and the responsible official where we might get even better remedies than what's been talked about.

Gail Ferrell: Then let me say very clearly that as participants in this land management process, again, since 2003 on a regular basis we've been told, "Well, we'll deal with the conflicts and issues with OSV in the land management plan." And then we'll be told, "No, no, we'll do it in the travel management." That really wasn't addressed, because the response to the summary said, well, you have a collaboration going and that's really where you're going to deal with these titled site specific issues. But really these issues are not site specific and so we don't feel that they have been addressed in the summary. And I can be specific again. The global perspective of the passes, the three passes that are the high use areas, but two of them are dominated by snowmobile use. The best available technology is a global issue, and why has that not been evaluated as part of the decision making for the land resource management plan? And in light of the federal case that was just decided in March of this year that snowmobile impacts would be evaluated in the travel management plan there are issues that could be addressed in the land management plan. And in addition the roadless areas as a, not as an adequate designation for potential wilderness, not roadless, but the back, the back, we call them the backcountry areas that did allow for snowmobile use can create a

precedent that allows for snowmobile use and doesn't allow for its exclusion later, for example the proposed Hoover Wilderness. We have a huge issue with that. I'll stop now, and I'm sure I'll have more comments later.

Bob Hawkins: Thank you. So let's -- Marjorie, did you have something you wanted to add?

>> [unintelligible] if you have a minute.

Bob Hawkins: Okay, Bob, I'll get you next. Marjorie is going to go next and then James is at the table and then I'll come back to you on the phone.

Marjorie Sill: Marjorie Sill -- I went to a hearing on snowmobile use I believe about two years ago here, and the only thing that was suggested or talked about really were recreational conflicts. My point is that we have climate change occurring. Snowmobiles like any internal combustion engine emit CO<sup>2</sup>. I don't think that I have seen anything that has been addressed by the forest on what this problem is. And if you add the CO<sup>2</sup> to the CO<sup>2</sup> that is emitted by automobiles in the Basin, it seems to me that you have a difficult situation. Also when the temperature increases the air pollution is going to get much worse. To leave 55% of the Basin open to snowmobiles seems to me from the point of view of climate change and air pollution to be extremely bad.

Bob Hawkins: Thank you, Marjorie. So Jim?

James Miller: Thank you. You've had a long day, and I'll try to be as brief as I can. I agree with Gail's comments. My comments are primarily of the area that I'm most familiar with. I live in the Basin. I live very near Highway 431, Nevada Highway 431, and I have for several years now observed the problems there with respect to Over-Snow Vehicles. The first point I'd like to clarify is that in your summary you refer to Chickadee Ridge. I don't think that is a formal place name. I don't think you'll find it on a map, but it is widely used in this area. I refer to the area as southwest of, or southeast, excuse me, of Highway 431. What I mean and what I think most people mean by that area is that Chickadee Ridge is the western most part of a ridge extending more or less parallel with the highway for about a mile or a mile and a half. I think it's important to note that the entire ridge area is what I at least mean and I think what most people mean when they refer to that area. The second thing I would mention about that area is that the situation is complicated because it's right on the boundary between the LTBMU and the region to the east, the Carson City office and I think that's Region 3 is it?

Bob Hawkins: Yeah, Region 4, Humboldt-Toiyabe,

James Miller: I'm sorry?

Bob Hawkins: The Humboldt-Toiyabe National Forest, does that -- It's Region 4?

James Miller: Region 4, okay, along part of the Chickadee Ridge area snowmobile vehicles, over snow vehicles are prohibited, have been for decades because the other region has prohibited them. On the top of the ridge and on the south and west slopes Over-Snow Vehicles are not prohibited because the LTBMU has refused to do so. I am quite concerned about the situation in that area in that it's a very popular area, and the reason it's popular is because there are a lot of people who can get there. Based on census data there about 8,000 people in Incline Village who are a few minutes away. There are over 50,000 people in the South Reno who are less than 30 minutes away. It is therefore not surprising there are people there all the time. Long ago an area to the north of the road that was designated for snowmobiles and most snowmobile users use that area. At the same time though there are significant incursions into areas that have for a long time been used primarily by pedestrian users. Most snowmobile users are pretty responsible about it, but those few who are not cause a great deal of concern. I am convinced that over a period of time, sooner or later, somebody is going to be injured because there are snowmobile users going at speed through literally crowds of people on a busy weekend. I realize that in finishing your plan you need to finalize it at some time. It's been going on for many years. At the same time, as Gail indicated, this issue has been kicked around considerably, and I think it is an important enough issue to consider as part of the plan. But secondly if it is an issue that we're going to deal with in some forum I hope that you can understand that we've been advocating, somebody has been advocating this issue, for 25 years, and there have been no changes in the Lake Tahoe Basin management unit during that period of time. I would strongly suggest a specific instruction to the LTBMU that would talk about how and when this will be taken care of. I think that's about all my comments. Thank you for your time.

Bob Hawkins: Thank you. We have Bob on the phone. Bob, go ahead with your comments.

Bob Rowen: Thanks very much, and I'm sorry I couldn't be there in person. I appreciate the time you're taking to consider these issues. I'd like to refer to three basic problems, pretty serious issues in the objection issue summary that was posted on the website a few days ago. First there's the fact that the summary makes no reference to OSV impacts on ambient air or on noise, two areas that the LTBMU needs to

consider and that Gail also mentioned. The second point is that the summary refers to, “Aggressive implementation of improved state standards,” regarding OSV emissions. I have examined the California Air Resources Board website and there is nothing about improved state standards for OSV exhaust emissions. And I’ve talked to people at CAR and they’re not aware of any effort to consider imposing improved state standards. There are recent standards regarding [unintelligible] emissions that addresses things like the hoses used in two stroke and four stroke engines, but those standards did not include [unintelligible] use of OSV exhaust is far more polluting than automobile exhaust. I am glad to see the instructions that you want the LTBMU to compare OSV exhaust to automobile exhaust because I think you’ll be very surprised by the results of that analysis.

In 2002 the EPA found that OSVs emit as much emissions as 100 passenger cars, one OSV to 100 passenger cars, and that trend has increased, that difference has increased in recent years because of the continuing improvement in automobile emissions and the lack of any changes to snowmobile emissions. This is one of the reasons that Yellowstone National Park imposed its own best available technology requirements on snowmobiles and why our concerns over ambient air are so important.

The third problem in the objection I’d like to refer to is that the draft instructions continue the Forest Service reliance on the collaborative effort to magically resolve this issue. This is not going to happen. We are seeking to impose restrictions, new restrictions on the OSV community, and the OSV community has little to gain from this process. Forests that have fostered successful collaborative efforts to address OSV restrictions have done so by evidencing a commitment to make changes regardless of the OSV community agreeing to such changes. With that impetus there have been successful collaborative efforts in the Sawtooth and White River and other national forests. But that’s not going to happen so long as the LTBMU continues to put all its eggs in the collaborative effort and refuses to acknowledge – as we have demanded in our objection – that this issue needs review and needs changes. In our objection, we also proposed that the LTBMU, immediately close two areas to snowmobiles. This will not really change the total balance. We’re – I think the total area we requested closed is less than three square miles, but it’s important. It’s important to send a signal to the OSV community that the LTBMU will take management action where such management action is appropriate and the limited areas we’ve demanded be closed now are as close as one comes to no-brainers. It’s the area that Jim just mentioned – Chickadee Ridge – where there’s a huge amount of use by non-motorized users and currently little motorized use, but that may change

as demand increases in the Basin, and that would be a terrible loss to the non-motorized community.

The other area is the Blackwood Canyon, where you have snowmobiles riding over riparian environment, yards from Lake Tahoe itself and although there's a lot of disagreement over what the science says about snowmobile emissions, there can be no disagreement that snowmobile emissions pose a risk to aquatic environments, and do we want to roll the dice with an area as precious as Lake Tahoe. So I really ask that the reviewing officer give a close look to the remedies we've proposed in our objection and consider why those remedies should not be adopted by the LTBMU. Thank you.

Bob Hawkins: All right. Thanks, Bob.

Tony Tooke: So we've got about a little over fifteen minutes and I want to get in these instructions, which he – on the phone there, he just touched on the first one. Is there anything else about clarification?

Gail Ferrell: I'll make it quick. Gail with Snowlands and that is that there are no restrictions on what kind of technology to use for OSVs in the Lake Tahoe Basin, and so the most polluting snowmobiles are available for use at this time. There's no restrictions. Thank you.

Bob Hawkins: All right, thank you.

Tony Tooke: Lynn – we need to get the interested party in here. I'm sorry.

Lynn Whetstone: And this actually relates to the first instruction, which – if you're going to stay with it, my concern was that it doesn't deal with the public safety issue. There's nothing – there are two groups of people at the table, but nobody's telling them to look at changes in use – in how the areas are used and changes in population, and we know that the Nevada Department of Transportation recognized the increased usage up there by imposing a lower speed limit when the area's being highly used. Well obviously, if all those cars and people are in the road, they're also up there recreating. And the other group of interested parties that are really not at the table are – a lot of the non-motorized transportation are very casual users. I mean, people come up from Reno for the weekend. It's a family outing or they're visiting in Reno. They rent snowshoes. They don't even know the etiquette of snowshoers versus cross-country skiers. So they're certainly not going to be looking out for motorized vehicles. So it's really a major problem waiting to happen and it's a public liability as well as a public safety issue, and I'm sure that was behind what the Nevada Department of Transportation did when they made that change.

Bob Hawkins: OK, thanks, Lynn.

James Miller: One last point if I could.

Bob Hawkins: OK.

James Miller: The – if the prohibition of over snow vehicles was implemented as Bob suggested, there would be a substantial area to the south of the Chickadee Ridge area that would still be open to snowmobiles. So it doesn't – they haven't – they already have an area to the north of the road. They would have an addition area to the south of the road that wouldn't be done. It would simply that it would be a little safer for everybody.

Bob Hawkins: Thank you.

Tony Tooke: OK. So I'm going to get pretty precise in my questions. You have one more comment? We're – I don't want to cut people off, but we're – I want to get to the essence of this.

Laurel Ames: Laurel Ames, Executive Committee to the Toiyabe. I am – we haven't mentioned noise, but noise is a serious problem for people who are not associated with motors. You go someplace and all of a sudden, here comes all this noise, and it's not – it really disturbs that quality experience that you expect when you're doing something quietly and not expecting noise. I – if you're going to be on a trail that has noisy snowmobiles, you're on a trail with noisy snowmobiles, but if you're way off, you don't expect it. They really have to be constrained. Thank you.

Tony Tooke: So there's a lot of issues here. There's a lot of issues here besides just non-motorized and motorized users, OK. So the way I understand it, the Basin has begun travel management. The scoping process has just begun, right?

>> For Subpart C.

Tony Tooke: Yep, for Subpart C. Now in the meantime, there's been this collaborative – these collaborative discussions going on about winter travel management in the Basin. Now that being said, what I hear y'all saying – I hear one person saying, "Well, it ain't going to work," and I don't know. I don't know whether I'd say it won't work or it will, or then, I hear another person raising that there's only two groups at the table around this, but we've got more issues beyond what those two groups are, and then in this instruction that you saw here, this very



first one, it's got here that, "I'm considering instructing the Regional Forester to direct the Basin – the Forest Supervisor to continue this collaborative approach and then if people get at the table around these issues and they come up with agreement, that the forest would consider that the results of that agreement in an alternative in the environmental analysis under subpart C." OK and so I just want to pause there a minute because I'm hearing one person say that's not going to work. I'm hearing another person say that everybody's not at the table around these discussions. So I guess what I'm wondering is how can we get it where it is going to work and how do we get everybody there in the room? Because there's a number of issues here that people are very interested in.

James Miller: If I might answer to that question: I have attended -

Bob: [unintelligible]

Tony Tooke: Three people want to talk.

Bob Hawkins: OK, Bob. We're going to have James – we'll go to James first. Then we'll go to Bob and then we'll go to the back of the table, yeah. Marjorie.

James Miller: I've attended meetings, organized the LTBMU for several years now. Those meetings have not been particularly frequent. They've been about once or twice a year. At every meeting, the snowmobilers, the pedestrians, and the couple of – and then occasionally, other individuals come. Nothing is ever resolved because the snowmobilers refuse to accept any additional restrictions and those of us on the pedestrian side insist on additional restrictions. I have to add my view that since this has gone on for several years, I can't see any particular reason why the groups would be able to agree when they haven't over a protracted period of time. It is – I'm concerned especially about the notion expressed in the environmental impact summary and the newer summary, to some – environmental impact statement and your summary, to some extent, that the Forest Service will consider a change in snowmobile usage restrictions if people can agree. Unfortunately – it would be wonderful if people could agree. It would be great if we could have some dialogue. We haven't – we've tried several times and we haven't had any luck at all at that, frankly. It's not the responsibility of the public to arrive at a consensus. It is the responsibility of the Forest Service to wisely manage public lands. In the absence of any kind of consensus over time, I certainly would like you to continue discussions and I'm certainly glad that given [unintelligible] anyone else be allowed to give in, but I think you ultimately have to make the decision here, and particularly on the

safety angle, I think it's becoming more urgent as the population increases. End of my – that comment.

James Miller: All right. Thanks, James. So we'll go to Bob on the phone. Bob?

Robert Rowen: Yeah. You asked what can the LTBMU do to improve the chances of success in a collaborative effort and again, we laid that out in our objection and these are big steps. I mean, the first thing we ask that the LTBMU acknowledge that change needs to be made and that this issue needs review. I don't think that's a lot to ask for the LTBMU to do the plan revision and then as other people have said, the two areas we've asked for closures are tiny, but yet they will have a big impact and send the signal that the LTBMU is willing to make changes where appropriate. There was a meeting to restart the collaborative effort last fall. I believe it was last fall. At that meeting and afterwards, Snowlands has generally been accepted as the lead representative for the non-motorized community, and I've been leading up that effort myself. Unfortunately, there hasn't been agreement among the motorized community upon who is a responsible person or organization to represent the motorized interest. There's a split of interests among the motorized community. There's two active groups and I can say with total confidence that we're not going to come to agreement with one of the groups. They – that group has no interest in discussing OSV impacts and only want to discuss where lands can be opened to snowmobiles that are currently closed. I think there is a possibility of us making some meaningful progress with the other group that recognizes the need for some possible changes, but we're not going to come to agreement on all issues. We will possibly come to agreement on some issues with some people, but other issues are just too important to both sides. Having the freedom to ride snowmobiles up Relay Ridge, up the Mount Rose Highway may not be the biggest issue in the world, but it's a big issue to some people and the way government works is where there's competing interests, government comes in and draws the line as to what the fair balance, and the LTBMU has to signify that it's prepared to do that, and then I think through the collaborative effort, we can make some major steps, though probably not get us all the way.

Bob Hawkins: All right. Thanks, Bob. Let's give some other folks a chance. Gail, did you have something?

Gail Ferrell: Gail Ferrell, Snowlands Network and fair and reasonable questions. So Bob just referred to a meeting that – a collaborative meeting that we had in the – within the last year and a half, and Snowlands was representing the non-motorized community and a snowmobile group was representing the snowmobilers, and we all agreed on many

general issues, two of which we thought maybe we could begin to talk about: safety and noise. We as a group – as a mixed group thought, “Well, maybe these are non-conflictual enough that we could come to something.” So we met with – so I and Bob and the snowmobile folks met out on this area that Lynn referred to. It’s off this very popular area called the Mount Rose Highway; 45,000 winter visitors trips there are made each year, 95% are pedestrian users, 5% are motorized. The snowmobilers and the non-snowmobilers agreed that we could talk about safety. We could talk about safety and we talked about where the snowmobilers are allowed to go through where the families sled. These are children on sleds. We could not come to an agreement about a corridor for snowmobiles to avoid the family sledding area, nor could we agree on a speed limit for snowmobiles. So that’s an example of – you’re asking, “Why is this so intractable?” That’s just one example of why it has – evidence that it has been intractable.

The non-motorized community is doing the ask and the snowmobile community has something to lose potentially, and so that’s why there needs to be a change in terms of what the LTBMU is willing to say, and that is to say, “There needs to be some changes. Either you come up with changes or we’ll change it for you,” but the land designations from 1988 are not adequate. There have been so many changes with recreational use, not only technology of snowmobiles, but also the demographics and the number of users. It’s tremendous.

Bob Hawkins: All right. Thanks, Gail. Did you – Lynn, one more thing and then –

Lynn Whetstone: I was just going to clarify to that as an example because it’s really – we’re trying to represent the non-motorized users who really aren’t part of the community and as one example: you can buy a snowshoe package at Costco for – I think it’s \$50. So there are huge numbers and if you go to local Costcos, you see piles of them in the winter. Those are the people who are coming up, that it’s not a big investment. They’re the ones who are the most in danger from the interface because we’re there enough that we kind of know to look out for it, but they don’t and there’s no way you can include them officially in a work group because they’re not a group.

Bob Hawkins: Thanks, Lynn.

Tony Tooke: So those collaborative discussions kind of are a voluntary exercise or it is a voluntary exercise up until now, have been two groups in the room. The Basin launching out on Subpart C here is a discretionary action on their part. Subpart C, at some point here, is not going to be a discretionary action. It’s going to be a will [unintelligible], OK. So I don’t know if that’ll put people in the room at the table or not. I guess

we shall see about that part, but what this comes down to is kind of the way – and I understand all the issues, I think. I’ll have to go back and reflect on that. I can issue – I will issue a written response as the reviewing official to all of this and have some instructions and everything, and at some point here, the responsible officials’ going to make a decision on the plan, and that could or could not be done without groups getting in the room and getting some agreement. We’ve done that many times. I’ve done that many times, but I guess what I’m – even though I hear what you all are saying – hasn’t worked them out, nobody’s agreeing on some of the simple things until now. The Forest Service keeps saying, “We’re going to work on this,” they haven’t worked on it yet much, but we’ve got some things started here. So I’m still trying to kind of put out there that people get in the room and try to give us something, and I hear what you’re saying. The agency, we need to exercise our decision authority and we can without that, but this would be a valuable piece of information for us to use, too. We are out of time, but I think all of these instructions being considered – that you all touched on them a little. I’m sorry. Go ahead.

- Laurel Ames: I’d like to comment on the next to last bullet in the instructions. It says, “Clearly clarify that the Basin is in attainment for the criteria pollutants of the Clean Air Act and it lists ozone.” The Basin is not in attainment with – for ozone and there has been a number of very odd movings around with monitors, and there is a claim from the TRPA that they are in attainment. We are in Ninth Circuit discussing that. I wouldn’t accept it as the truth.
- Tony Tooke: OK.
- Bob Hawkins: One more?
- Fred Roberts: Fred Roberts. I see one of the instructions was to clarify analytical conclusions regarding the air quality as a result of OSVs and I had an opportunity to review what – the work that’s been done in that area, and it’s concerning to me because it seems to me that we’re comparing apples to oranges when we say that the CO2 footprint of an OSV is small compared to prescribed fire and wildfire in the Basin. We’ll keep the cars – automobiles out of it for a moment, but when you look at the data, they used period one, which included ten years, I believe, of the plan and there was emissions over 10,000 – 10,000 tons of emissions from OSVs and quite a magnitude larger for both fire and prescribed burn, but in fact, if you don’t look that statically and look at it over fifty years, you’re looking at prescribed burn as an effective tool to reduce carbon dioxide emissions or at least mitigate it because it’s creating forests that are not going to be lost to burns, to high

intensity fires, and that would be a tremendous loss, the carbon dioxide. It creates more healthy fires, protects those forests and so over the long term, you would see wildfires diminishing and you would see prescribed burns actually creating a higher level of sequestration if – or an increase in sequestration of carbon dioxide in Granite – by the forest. So I would really look at that and I can't turn off my mic without saying that all of this connected.

We talked about whitebark pine. The carbon dioxide emissions are – have much to do with the increasing temperatures. The increasing temperatures have much to do with the fact that in California, not just Yellowstone, but in California the whitebark pine are dying, at June Lake, at Warner Range in Modoc and look closely at the High Meadows area. I mean, who knows? I haven't been up there lately, but that was a close call in High Meadows. In any event, it's connected. So I believe you have some traction. If you really take a look at the fact that OSVs just plain produce greenhouse gases and we as a unit here are responsible for our greenhouse gas production – and I think the Forest Service, looking at it from the point of view of tragedy of the commons where everybody gets away with not having to restrict their own carbon dioxide emissions, the Forest Service, I believe, needs to put their foot down on this and not let unnecessary carbon dioxide be produced on our – in the name of over snow vehicles.

Bob Hawkins: All right. Thank you, Fred.

Tony Tooke: I think on this one – like I said, I think I've got everything I need to inform what I need to do next. If not, we'll do some follow-up. I'm going to talk about that in a moment. OK and this is – well, this is going to have to be the – I'm sorry – the last one.

Gail Ferrell: Did you save the best for last? This is Gail with Snowlands Network. We really are questioning why there have been no changes in boundaries for motorized and non-motorized use in the Lake Tahoe Basin since 1988 with the changes in– for both non-motorized and motorized recreational users and the technology that has changed for snowmobile access. It's profound and we really question that. Thank you.

### ***Summary of the Day***

Tony Tooke: OK. So we ready to go to the – kind of what we – what we're looking at as the next steps on this? So we talked about eight topics here today and as I said on all the objections that were raised, just because there was topics not talked about, all those issues are going to be responded

to. So back on one of the earlier topics, the one MI – management indicators, PACs, monitoring and viability, we said that we didn't get far enough in the discussion there and that we wanted to come back again, even have another public meeting around those, and then in the other topic, the post-fire habitat, there was one or two things that we put in that same category. So we've got that part about following up more on those and having another meeting, and I mentioned that earlier that – in my opening comments that – in my looking at this – and I've been looking at it for a few weeks now, but it's a long way from DC to San Francisco. So I spent six hours – me and the passenger next to me looking at – as I was looking at everything, and I felt like we were going to be really challenged to do everything we need to do in one day.

So we've got that part and then on another set of topics, two or three others, we captured different remedies. I don't want to say an additional remedy, but a remedy described in a different way from what I put out in instructions or what people put out as proposed remedies that I'm going to ask the advisory team that's working for me in DC in consultation with the responsible official and their staff to spend time on looking at those remedies. And then what I heard some folks say when we were talking about fire suppression – I heard some of the objectors, the – both the – from the – some of the environmental community and the fire chief say that they were going to get together in the near future, and potentially develop some remedies for us to look at, and that's on you all's own, and I think that's really good.

Now as we've gotten down to some of this last topic, I hear people saying that we're kind of weary. We've been in these discussions and they ain't getting nowhere, and the agency keeps putting this off. The agency won't put its foot down, it won't do that, but like I said, the forest has already launched Subpart C. Subpart C for folks is not going to be a voluntary exercise at some point. All right. So what we're looking at doing – is it July 1<sup>st</sup> or July 2<sup>nd</sup> – the first to give some time work on some of this other – we're looking at coming back and having another meeting here on July 1<sup>st</sup> around these topics, and so we'll have another public meeting about – what's that? Yeah, the first. That's on a Tuesday, isn't it?

July 1<sup>st</sup> on Tuesday and in the meantime, we're not going to just stop things because the advisory team working for me needs to be working on all these other issues that we haven't talked about, and that's also going to give time to look at some of these other potential remedies that were mentioned, and if anybody else chooses to come together and the public to come up with some agreements, potential remedies, you can do that. And then after we meet in July 1<sup>st</sup>, it won't be too

long after that. I won't tarry too long in making a decision on my role in this and issuing that. That potentially could be done in July and then whenever I do my part, then the responsible officials' got to take those instructions and do their part, and incorporate those into the plan and the final decision, and that may take a little while. I don't have a timeline on that. So that's kind of where we are and that's kind of the thought process that we have on how to walk through.

Leanne Marten: Just for clarification.

Tony Tooke: Microphone.

Leanne Marten: All right. This is Leanne Marten. Just for clarification: it's a question for you, Tony. If folks get together on some of these issues and have some other potential information or remedies for you to consider, do you have a deadline or a timeframe on which you would like those by, or are you just saying bring them to the July 1<sup>st</sup> meeting?

Tony Tooke: Do you have any deadlines you think I should consider?

Leanne Marten: Ask Jody.

Jody Sutton: Let me do a clarification, too. We're not asking for more objections, OK. We've got that, OK. We've got plenty of issues to deal with here. We are definitely looking at more creative ways of coming together on some of this and things that would be within the boundaries of what we can legally implement. I mean that's something to consider, too, when you're doing this, but as far as some kind of – I would hope that in a couple of weeks, you could have something to us in writing, into the inbox that you email me on a regular basis and I would share it with Tony, and -

Tony Tooke: So we could take this all the way through the month of June. Let's just say that – July 1<sup>st</sup> because – and there again, I want to take you all back a little bit to the – because this is a different process. Some of you have been dealing with these issues and stuff with us for a long time, so this is different. We're talking about the issues before a final decision is made and so definitely – and I'm representing the Chief, and I want to make sure that I have done – I have given a thorough review of everything that's been put on the table, and that's going to happen. And so the purpose of this meeting is to help me do that, and so I want to assure you that that's going to happen. I'm going to give an independent review of this stuff and that's why I want to – this is not a box checking exercise, OK. I can tell you that.



Now the second part of it is that this is an opportunity – and this is why we went this way in the new planning rule, which I’ve worked on for four years, three or four years, something like that, but – and so that we can try to resolve issues, and that people that have issues in the public can come together and try to resolve some of those among themselves and offer those up as remedies to us. So that’s kind of where we are on that and I’m really encouraging you all to do that as much as possible. Now at the end of the day, we will exercise the decision making authority. I can tell you – you can believe that will be done, but there’s a window here. If you really want to get even more serious around some of these issues and offer up – from a broad group of stakeholders – remedies, you can do that. You can’t offer up anymore objections, as Jody says, but you can offer up – you couldn’t even offer them up if we wanted you to. It’s not allowed. I think that’s everything. Anyway, I really appreciate, the meeting, the discussion. I really appreciate all of you all’s interest in this and whether you’re new to it or whether you’ve been working on it for years – and some of you were here when we started today, and so I really, really appreciate you staying all day and stuff. It’s been really helpful for me.

Bob Hawkins: So Bernie, do you want to – have any closing thoughts? And then I think we have a few nuts and bolts, things we’ll cover in questions, but I wanted to give you an opportunity.

Barnie Gyant: So for me, it’s been a good day. It’s been a long day, but I actually think as far as how we move forward with managing these national forests is bringing people together because in most cases, when we’re in different conversations, we kind of get one-sides and the other person or the other party never really hears a piece of it. So this objection piece, for me, I really liked it today. So all the objectors could hear different objections from different people as we think through those. I was thinking about the snowmobile issue and all the issues wrapped around that, and people saying, “Well it won’t work and you – and the Forest Service needs to use their discretion and lay the hammer down.” So I’ve got – for me, it’s like in all caps, as big as I could write them. It’s in my mind, is what’s fair and so when our clients can’t come together, that’s one of the biggest considerations for us as an agency with being able to move forward, and so what ends up happening is we deliberate all the different issues and come up with what’s fair. Most of the people come away mad. And so this overall process is one where, as you say, “Do you want to be engaged in that and help shape that and design that and at least have a voice?” I’d say yes to that and if you don’t, then we come up with what’s fair, and then most days, most people are mad at us, and that doesn’t get us where we need to get to.

As far as looking at the Basin, we've got a sensitive landscape. We've got a lot of people. It's got a lot of interest. It's very political and we're trying to crowd a lot of different stuff in a limited landscape, and so a piece of what I'm hoping that most of the folks – whether or not you were spectators or objectors today is that these jobs are not always easy as you look at, "How do you try to manage America's forests for America?" So it's challenging. I would say, "Get back together on this – on the group thing, on the snowmobiles and the other groups." Try it at least one more time before you give it back to us and I'd also say to them on some of these issues, if you want to get together like Tony said and see if you can come up with some – maybe some other remedies that we can consider – Tony's considered, I think that'd be great. Thanks.

Bob Hawkins: Thank you. Jody, did you want to talk real quick about the topic of how we're documenting, how it's available and when, or is that all just going to be on the website when it's available? I don't know. We had it on the agenda. So the part – so we're doing a transcript, right and how's that going to be? Is it going to be on the web? There you go.

Jody Sutton: OK, this is Jody. All right. There'll be several phases to this. We – over the next week or so, two weeks, we will get the meeting transcribed. For those of you that have not been in the room all day, this has been recorded through the PA system. So we have all of your comments from today. Then of course, we have all the objections and then we're busily responding to those and drafting those up, but they will change, and we will have – and we will take these meeting notes, we will take our notes, we will take whatever you come up with, by July 1<sup>st</sup> for the meeting, and that'll all get incorporated into Tony's final resolution decision. That will be sent to each of you individually as an objector, the lead objector and then that person – we hope – will share with your co-objectors, and each of the interested persons will get their own copy. We will also post that on the web. We want this to be as transparent as possible. There'll be a lot of information as it comes out and I am sure that I will be sending you more letters from Tony over the next few weeks. So keep using the Chief's inbox as your way to communicate with not just me, but I obviously forward your emails to Tony and others as we go through this, OK. So if you have any questions about that, you can always send me an email or give me a call, OK.

Bob Hawkins: Perfect, thank you. Any questions before we close? Sue and then Craig.

- Sue Britting: Sue Britting, Sierra Forest Legacy. First off, thank you for listening and talk to us. Much appreciated. Just a process question: I'm thinking about two of the issues where we're going to have more conversation: should I expect that we'll have another issue summary paper as you did in this last time or – I'm trying to think about how to prepare for July 1. I get what to do about talking to the fire folks, but I'm not quite sure how to manage the viability, MIS monitoring, and the post-fire environments. So just – how could we help move it along?
- Tony Tooke: So what I asked the responsible official and the staff to do is to take those topics and bring something back, and we have that available before July 1<sup>st</sup> where you can look at it before the meeting.
- Tony Tooke: Can look at it before the meeting. That's the question. Mary Beth.
- Mary Beth Hennessey: Mary Beth. This is Mary Beth. I think we can and we should, just as we did with these papers, try to get them to you. A week is what we aimed for but I think it was four or five days and it is going to be a reframing of the issue for you guys to take a look at and be able to come back with some thoughts.
- Tony Tooke: And just to be clear, that day will be spent on specifically those three things, or however many there were. And we haven't discarded viability off of that list either.
- Bob Hawkins: Okay, Craig, did you have a question?
- Craig Thomas: First of all I'd like to say you guys handled this really well today. It was a huge operation to pull off and I want to thank you for allowing things to be aired and the way you managed this group and the depth of the issues. You did a really great job. We didn't get to everything. We'll take another shot at that. I'm wondering in terms of the agenda for that meeting, and the rules of engagement, there's, how do we, are we going to see a draft agenda, are we going to help build that together between the parties that are related to those issues or is it do we just wait until we get some email from Jody.
- Jody Sutton: This is Jody again. I think that's a great idea. You can help me build the agenda. We'll wait for Mary Beth and the regional office to coordinate the next go round of reframing the topics and then from there I'll contact those of you that are the primary or lead objectors for these topic areas. And try and catch anybody else that wants to be involved. We'll build an agenda together. Does that, if that's okay. I guess I shouldn't just make that decision by myself. But yeah, I mean,

why not. It's a lot of work. This agenda was a lot of work. I'd be happy to have your help.

Tony Tooke: So you all put it together and I'll take a look at it and we'll go from there.

James Miller: Thank you for your time. And if you could, when you come back in July, it probably will not snow.

Bob Hawkins: Thanks, James. Any last thoughts, any last thoughts, Tony or Barnie? No, ok. So I think that officially concludes the meeting. Please travel safely home. Thank you all for your time today.