



Lake Tahoe Basin Management Unit Forest Plan Revision Objector Meeting Transcript – July 1, 2014

Welcome and Introductions

Bob Hawkins: Good morning everybody. Can they hear? How's the volume? Yeah, that sounds better. Good morning, everybody. I'm Bob Hawkins and welcome back to the second meeting for the Lake Tahoe Basin Revised Forest Plan. So I'll go through some of the basic meeting and standard opening parts about emergency exits, and so we are in a conference room that has two exits to the outdoors. If either of those exits are blocked, we can exit out the backdoor. You can turn the right and go straight through and outside of the building in that direction. There's a hallway here. There's multiple exits. Bathrooms here, back out in the lobby to the right and a little bit to your left. We do have the same seating arrangements as we had last time, so we are using the PA system. So you'll need to turn your mic on. There's a little button when you want to speak and you'll get a little red light, and we do ask that you start with your name so that we can keep track of who's speaking during the transcripts when we transcribe the meeting.

Like last time, we'll be able to bring objectors to the table as the topics change and so today, the first topic is Heavenly, and they're at the table and if you're an objector and interested party, we can come up and move around during the discussions, and then for ground rules, again, very simple. I just ask that everybody get their cellphones on silent. That's something I always forget. If you need to have a side conversation, if you could take it into the lobby, that'd be great. We'd appreciate that. We want to stay on topic. We want to stay on time. Let me think. You all did a great job last meeting in doing that and I think that's all I got. So we'll start off with a welcome and introductions and go from there.

Tony Tooke: So you said you want to do introductions first or you –

Bob Hawkins: Whatever you want. We can do that.

Tony Tooke: OK and to start –

Bob Hawkins: OK. Let's do introductions. So we'll go to my right.

Mary Beth Hennessy: Mary Beth Hennessy, Forest Service Regional Office, Litigation and Objections Manager.

Barnie Gyant: The gray button to the left.

Jody Sutton: All right. Jody Sutton, Objection Project Manager and most of you all know me.

Fred Roberts: Fred Roberts, Wilderness Committee, Tahoe Area Sierra Club.

Pete Sonntag: Pete Sonntag, Chief Operating Officer of Heavenly Mountain Resort.

Andrew Strain: I'm Andrew Strain, I'm the Vice President of Planning and Governmental Affairs for Heavenly Mountain Resort.

Rick Cables: Rick Cables here with Heavenly Mountain Resort.

Nancy Gibson: Nancy Gibson – good morning – Forest Supervisor, Lake Tahoe Basin Management Unit.

Leanne Marten: Good morning. Leanne Marten. I'm the Director of Ecosystem Management and Coordination from the Washington Office of the Forest Service.

Deb Beighley: Hi. I'm Deb Beighley. I'm in the Washington Office and I'm the Assistant Director for Appeals, Objections and Litigation.

Al Olson: Good morning, yeah. My name's Al Olson. I'm the Director of Ecosystem Planning.

Diana Craig: Good morning. I'm Deputy Director of Ecosystem Management for the region, of Region 5.

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

Mark Novak: Good morning, Mark Novak, Tahoe Douglas Fire District.

Steve Alastuey: Steve Alastuey, Sierra Club Member.

Michael Graf: Michael Graf, Sierra Forest Legacy.

Sue Britting: Sue Britting, Sierra Forest Legacy.

Craig Thomas: Craig Thomas of the Sierra Forest Legacy.

Laurel Ames: Tahoe Area Sierra Club and Toiyabe chapter of the Sierra Club.

Justin Augustine: Justin Augustine, Center for Biological Diversity.

Myrnie Mayville: Myrnie Mayville. I'm just here as a private citizen.

Melrairie Johnson: Melrairie Johnson, Executive Assistant to Forest Supervisor.

Karina Silvas-Bellanca: Karina Silvas-Bellanca, Sierra Forest Legacy.

Matt Dickinson: Matt Dickinson, Forest Service, I'm one of the planners here on the Basin.

Jack Percival: Jack Percival, Forest Service Public Affairs Intern for [inaudible].

Randy Striplin: Randy Striplin, Forest Service fire ecologist here on the Basin.

>> [inaudible]

>> [inaudible]

>> [inaudible]

Mike LeFevre: Mike LeFevre. I'm the planning Staff Officer down at Lake Tahoe Basin Management Unit.

Barnie Gyant: And good morning. I'm Barnie Gyant, Deputy Regional Forester, representing Randy Moore, the Responsible Official for the Lake Tahoe Basin Management Unit Plan.

Tony Tooke: OK. Good morning. I'm Tony Tooke. I'm one of two Associate Deputy Chiefs for the National Forest System. Just started a detail as the Acting Chief of Staff and then I'm also the designated Federal Official on this review process for the – Lake Tahoe. You want me to go ahead, Barnie, first and turn it over to you, or do you want to go first?

Barnie Gyant: You go ahead and go.

Tony Tooke: All right. So just as a little bit of framing and – by the way, thank you. As I said before, we recognize how much – I recognize how much time y'all already put into this planning process for the last several years: a lot of meetings, a lot of comments and now in the review process, and we asked you to come back again for a second meeting, and we really appreciate you doing that, and I know some of you have participated in

meetings with each other in working on proposed remedies. So anyway, we just greatly appreciate your involvement, your passion, your interest, and your caring about this plan, and it shows up in your presence and your input. So thank you for that.

I felt like that the last meeting – at least for me – was very, very effective. It was very informing. I learned a lot more than I did know about your issues, concerns. I learned – got a lot of clarification around some of your proposed remedies and I felt like that objectors and interested parties had a greater understanding of where each other was coming from. So I felt like – as far as informing the process, just with the last meeting that we had in May, I feel like we've already moved toward a stronger and more informed decision, even if we didn't have this meeting. That being said, I think there's a lot of potential for this discussion, too and continuing on the topics that we identified in May that y'all helped me identify that we would talk about here – and the way those topics – I'll talk a little bit more about that when we get to the review process part of it, but the way they evolved and emerged, these are the ones that we felt like that there was – I need some more information about before I make a final decision. As well as – these topics had some degree of potential for even a stronger – more agreed upon from objectors as far as a proposed remedy, OK or that the Forest Service could go back and think about some things. There were a couple of these and I asked the Forest Service to go back and think about some things. So today, I'm going to just continue to listen. I'm going to continue to ask some questions. I'm going to continue to learn and I'm going to add this information to what I already have when I go back and reflect on all of this, getting down toward a decision.

Also I want to – one thing that I want to make sure that we do at the end of the day is make sure everybody has the same understanding that I have and I don't have all this figured out, but what the next remaining steps will be from today to getting to a final decision, kind of what the timeframes look like so we'll go over that at the end. And it's really important to me, it's really important to the Deputy Chief, and the Chief that that final decision reflects the input that we've gotten from y'all and it reflects where we can and where we agree, agreed upon resolutions, and it would be great if every objection was resolved, if everybody's objection was addressed. It's not out of the question. It's not – it's also not probably likely, but it is possible that there will be some of these objections that you'll feel like that they've been resolved or that there's a remedy on the table. If we ask you that – if that would resolve that objection, you might say yes on some of those. Then you might even say

yes on the follow-up question that – “Well if that would resolve it, if we did decide to do that, would you be willing to withdraw that objection?”

So either way, this whole process is designed to get to a stronger, more informed, better supported decision, whether many objections or only a few are resolved and withdrawn or not, I want to make sure that we recognize that this is – like I told you all last time: this is not a box checking exercise. We’re very serious about this process and I’ll talk a little bit more about it in the review part here, but we believe in this process very much and it fits with a lot of our other policies. So anyway, again, thanks for all of your time. Thanks for coming back. I’m looking forward to a really good day. Barnie.

Barnie Gyant:

Yeah. Thanks, Tony. When we last departed in May, many of the folks in the room came and just talked about just the appreciation for the process. I, too, like the process because I actually think it gives us an opportunity to do a couple things. One is get clarity and be candid with our conversations as we see about trying to move forward. And then just the involvement. I think that’s a big part on how we move forward with managing our National Forest. We’ve got some big issues that are facing us and as a way to see about trying to resolve them, that means that we’ll have to come together and see about trying to working together to go forward. So I appreciate those folks that were here before being back again today and so I’m a little bit more optimistic than Tony. I’m looking for – that we roll our sleeves up and we see about successes. These objections kind of go away and then we’re in a spot where we begin to implement the forest plan. So we spend a tremendous amount of time and energy around these plans, but a plan is just a plan if we’re not doing implementation across the landscape. So that’s what success is going to look like for me is that ultimately, these – the objections that we have, we get clarity, we get understanding, and they go away. So now that’s my –very optimistic of the world of this process. So thanks. I look forward to a really good day and getting clarity and understanding where we are.

Tony Tooke:

So just to be clear, optimism is a very much a core value. I mean, I want to make sure everybody understands I’m optimistic about what’s going to happen.

Nancy Gibson:

Again, good morning. As the Recommending Official for the Lake Tahoe Basin Management Unit Land & Resource Management Plan, this has been an interesting journey for this unit, for our planners, for our specialists, and for our community members and others who have participated throughout this process. We are very much looking forward to resolving objections to go through this process that is so much more

useful to us in dialogue toward resolution rather than other means and so again, just to be brief, we really appreciate those. I see many of the faces from the last meeting and a few new faces that are being oriented to this objection process, perhaps for the first time. So again, thank you for your participation, the time and energy you've all spent in looking over all that has been written on our Land & Resource Management Plan, and I look forward to a very effective and fruitful day. Thank you.

Bob Hawkins: Great. Thanks, Nancy. So I think we're going to try to get the phone going. You want to give that a ring? What's a meeting without a few technical difficulties at the beginning, right? And there's probably people out there saying, "OK, I haven't given up on the phone." All right, you ready? We'll discuss the review process.

The Review Process

Tony Tooke: OK. How about, oh, six or seven points that I want to make about the review process? As I mentioned, last time at the May meeting, this has taken longer than we expected and what we're learning with '82 plan revisions that it's going to probably take a little bit longer than what we originally thought. So we're factoring that in and y'all have been patient through the process a long time. So we're asking for just a little bit more here. The other thing that I mentioned last time and I want to repeat: there's a lot of issues that were in your objections or in other people's objections that we're not discussing at this meeting. Now that doesn't mean that those are any less important or that we've forgotten about them. That's not the case at all. There's already been a lot of work done looking at those. It was felt by me and the team that we have enough information to address those, and so they will all be addressed, every objection in the final – what do we call it – review decision or the – yeah. So something like that. They'll all be addressed. So just to keep repeating: these topics are an opportunity to discuss those and inform and make the decision stronger around these topics here. It doesn't mean that your written objections on the other issues aren't also going to make the decision stronger. It's – just because we're not talking about them doesn't mean that opportunity's not there. So I want to make sure that I say that.

Also when I make a final written decisions, I'll have instructions on – or some instructions probably on every topic area, and I'll be grouping those, and everything that's been submitted in writing, everything that's been captured verbally from the other meeting that will be captured today will help inform that and be part of that. I think at the May meeting, we discussed about – I don't know – eight or nine topics,

something like that, and today, we're looking at five, and just to make sure that we are – as a reminder that we all know what those five are: Heavenly's Ski Resort, two topics. Fire management and natural ignitions will be the second one. Wilderness and roadless will be the third one. I think that's up – I may be doing your part. Should I not do this?

Bob Hawkins: Yeah.

Tony Tooke: OK. So the third topic, right after lunch and then we're going to switch a little bit. We're going to take what you saw in the agenda at the end of the day and those topics were around forest management, old growth, wildlife habitat, post-fire habitat, and fire ecology. All those in one and we're going to move that to the fourth one, and then the last thing that we'll talk about will be MIS management, indicators, BC, viability, and monitoring at the end of the day, OK, and then Bob will share a little bit more detail about that in a minute. So anyway, these five – like I said, these are the ones that we felt like could benefit from more discussion and I know some of you have been working together on these topics since the last meeting, and you've already sent us stuff, but we have some questions that we want to ask you about that, and then a few other points.

The other thing about this process that's different from appeals, appeals was *ex parte*, whereas a reviewing official can't get in conversation with the deciding official. This is different. So it gives me an opportunity to work with the deciding official and the recommending official, and sort of in collaboration, and them to work with y'all some, and we've already started that, and so there was some of that that happened at the May meeting, and there's been some discussion since then, but that puts us in a much better position, again, because what we're after here: better informed, stronger, and a more supported decision at the end of the day that we can implement these plans on the landscape because that's what we are wanting to get to. Another thing that I mentioned in May, that – even though there's plan's being developed under the 1982 regulation, we still have an opportunity to bring in – in the process here – things from the 2012 rule and we had some of that come up, like the transition to the new monitoring requirements, for example.

Last couple of points here: so when we do – when I do issue a final decision, I'll tell you everything that's going to be informed by – but it'll also very much reflect our current policies and where the Forest Service is trying to head around some of these topics and some of the discussions that we've had with folks that will be reflected in this. That decision may also contain some directions to the responsible official to incorporate

into the final record of decision. I won't be telling you what any decisions are today and I won't be implying what any decision might be, but I will probably be asking you if – on some of these proposed remedies, if they were implemented, would that resolve your objection, and we may get to some questions like that, and I'll get folks to help me frame some of those, but I'm – there's not going to be any decisions made and there's not going to be any implications of that made. But you can rest assured that's going to move us further down the field in getting to that point because we're getting a lot closer here.

It's not out of the question that if we get around one of these topics and we run out of time and we still just need a little bit more information, or we think that there might be a benefit to more dialogue, or we might get to propose remedies, we could have another meeting, or we could have a public conference call or something like that. Now we're not starting there and we're not planning on that, but I was wondering if we could have that little bitty thing there that's always a possibility. I know these folks would love to keep meeting on this and have more discussions. So I'm being a little facetious.

OK, the last thing that I will say – and speaking for the Chief and others – we strongly believe in this process and we strongly believe it puts us in a much better place. Y'all are one of the first groups that we've been able – we've got a couple others where we're going through it, but we very much believe it puts us in a better place to work in an open, transparent, and an informed environment through a review process now, and we also believe it puts us in a much better place to work collaboratively when we engage the public in things, and so anyway, thanks for your participation in that. That's everything I wanted to cover about the review process. Bob.

Bob Hawkins: OK. So we have some time on the agenda for questions. So if you've got a question, you can grab an open mic and – or if not – I don't look – it doesn't look like there's any questions. Do we want to just move ahead?

>> Yes, [inaudible].

Bob Hawkins: Yeah, there is space. I mean if you're an objector, interested party, come on back up, but -

Tony Tooke: So is there anybody on the phone or – I worry just a little bit. I don't want to slow us down, but are we expecting anybody to join by phone that's going to join at a certain time or –

>> [inaudible] wilderness and so –

Bob Hawkins: Yeah, so let me check for the Heavenly topic, which is the first item on the agenda. You're all here. Steve's here, right, our interested person? No? Steve's not here?

>> No, not that Steve.

Bob Hawkins: OK, different Steve. Sorry.

>> But you're welcome to sit at –

Tony Tooke: Well, I'm OK with moving ahead. The only caveat that I would put on there – if we had somebody join us on the phone that was expecting a topic to be discussed at a certain time, we may have to backtrack a little bit and bring them up.

Bob Hawkins: Yeah. So I guess – is there anybody from –

Nancy Gibson: The only people that contacted me about the phone was the topic on wilderness and we didn't change that time. So that should be OK, all right.

Bob Hawkins: Yeah, so we might – I think if we started with Heavenly and then took a break after that discussion, and then that'd probably get us closer to the fire management time slot. Is that all right?

Tony Tooke: Yeah.

Heavenly Resort Issues

Bob Hawkins: OK. So the first topic on this agenda this morning is the Heavenly Ski Resort – the two issues. We're going to use a similar format as to the last meeting and so for those of you that are new, we kind of start out with Tony going through his understanding of the issues, and there's an opportunity then for clarification to make sure we've – we understand them correctly. Of course, this meeting, we're kind of moving it a little bit further down the road so there's more opportunity to develop understanding and then we'll also get an opportunity here from the objectors and take the discussion forward from there. So again, this is intended for the objectors and if we have any interested parties for the specific topics, they can participate in the discussion. So with that, I'll turn it back to you.

Tony Tooke: And so we've asked Mike at this meeting if like, there's – people want to articulate even further, a more refined proposed remedy. I want to make sure that we're explicit as best we can and what that is where people can see that. Now I'm going to make an exception, a little bit, to the format on the Heavenly topic, but the rest of them will probably go – follow a little bit more like the sequence we used last time that – I think what we want to do – what I want to do on this particular topic. So we know there's concerns with the 200 acre – is – we'll call that a constraint, right, a growth constraint around ski resorts. So we get that, I get that. I think what I'd like to do is y'all had a proposed remedy about going back and following TRPA, and then I have a couple of questions, and then also I have a little option that we've been thinking about, but I think it would be really good if y'all could just take a little bit of time – and we're ahead here – talk about what going back to TRPA means, what that looks like to you, and how that would play out. I know you gave it to us in writing, but if you have – give us some – give us a little bit more context about that. Is that OK with you guys? All right. Is there an interested party on this one?

>> I don't believe he's here.

Tony Tooke: OK, all right. Thanks.

Andrew Strain: Good morning, Tony. I'm Andrew Strain with Heavenly and I'll also ask Pete Sonntag and Rick Cables to add to the discussion where they have other points to make. The existing and the previous MDP – the master development plan for Heavenly was designed around the regional plan's growth, limits, and opportunities that – of the environmental threshold capacities that exist in the Lake Tahoe Basin by which we all play, including the Forest Service. Eight of the nine categories are devoted to constraint oriented caps on growth and development. One: outdoor recreation is an opportunity to add additional uses and additional persons at one time to the Basin in terms of really visioning that our future economic health and therefore, our environmental health is going to be tied to an economic base of outdoor recreation, and that's exactly what we proposed.

Tony Tooke: All right. Can I ask you questions as you go?

Andrew Strain: Yes.

Tony Tooke: So that constraint would be around this person carrying capacity. Is that right?

Andrew Strain: That's correct and in the beginning, in the 1980s when the environmental thresholds were being developed, specifically, they were – they began with broad statements of policy, different environmental categories: fisheries, wildlife, air quality, water quality, soil conservation, stream environment zone. Outdoor recreation was included in that list. The trick then or the real assignment was to figure out how to implement those on the ground so that when we're working with the planning staff here and the NEPA staff here, we know what those policy statements are and how they should be implemented and interpreted down to fine levels of detail compared to broad policy statements.

Tony Tooke: An example of that and how that would look –

Andrew Strain: Yes. The over – the goals and policies plan for the Lake Tahoe region estimates that there ought to be an additional 12,000 – I think it's 113 – persons at one time allocated to all the five ski resorts that operate on public land in the Lake Tahoe Basin into the future. There was a broad agreement on that between all the stakeholders at that point in time in the middle 1980s as part of the regional plan for the Lake Tahoe Basin, the one that just recently been updated. It's on a similar time horizon as the forest plan, not quite exact. And the task then was – there was broad agreement on the policy, "Now let's get down to the nuts and bolts," as, "What does that mean in terms of implementing a master development plan?" The requirement that was in place at the time – again, that all of the stakeholders agreed to – was that each ski resort wanting to access that additional growth potential, additional persons at one time, had to first prepare a master development plan, which Heavenly began doing in about 1988, finished that first one in 1996. We had to then look to agreement on what it meant when you put an additional person at one time on the ski resort. How do you calculate that? So the group at that point in time borrowed a term of art from the Forest Service, as they did in several different situations, the scenic resources being another good example of how that was borrowed, ideas or practices from the Forest Service.

So we as a group utilized the "persons at one time" formula that the Forest Service already had in play for many different things: for campgrounds – comes to mind – is one of the ways that that growth formula is identified in terms of establishing a carrying capacity for a campground. We had to figure out how to do that for a ski resort, too. There is a very long held tradition and well-established formula that ski planners utilize called the Comfortable Carrying Capacity, CCC, and it is a way to calculate down to very detailed level of proposals, what the additional people are you're going to add to a resort when you build a

new lift or expand an existing lift or expand terrain. So a working group was organized with the Forest Service and TRPA taking the lead. You may remember this document from our last meeting in May. I represented the TRPA at that point in trying to get down to brass tacks essentially and we put together a handbook on how you prepare a master plan and how you account for that additional growth. Heavenly's master development plan – the first one in 1996 and the subsequent one in 2007 – relied on those formulas in order to establish what the future build out looked like.

Outside the Basin, I realize, is a different situation than inside the Basin. Inside the Basin, we are all obliged to comply with the growth limits that are established in the regional plan and I don't think there's been a lot of question with that. It's a relatively easy formula to use. I use it regularly when planning lift upgrades or expansions of terrain inside the Basin. We also frankly, use the same formula as is used in the ski industry, the CCC for the out of Basin part and I think that's where our issue is now focused. I don't think there's disagreement on the in-Basin application of the PAOT formula to which we've all subscribed. It's required. We have to do it anyways. We're obviously interested and I think, share your interest and value of trying not to have duplicative systems when one covers it. That's kind of nature of life in the Tahoe Basin. Do we need three different systems to control the same thing or does one work? And this one, by means of a master development plan that all the agencies have agreed to – either accepted or formally approved – we think, a good model to do that. We believe there's an existing formula that works inside the Basin and one that the Forest Service and the ski industry together utilize across the United States that will apply outside the Basin, the CCC formula, to take care of that pod of additional terrain that your staff has estimated at 185 acres.

Tony Tooke: Same –say again what Comfortable Carrying Capacity means.

Andrew Strain: It is the measure of instantaneous capacity. If you were to take an overhead snapshot of a given trail and lift area – together, we call that a pod, a certain number of trails that are served by a single lift. If you were to take a snapshot and count all the people, you could see on the lift, in the lift lines, on the slopes, if there happens to be a warming hut nearby, who's sitting on the deck having a cup of hot chocolate. Count those up. That is the amount of people at one time that would be using that and there's a comfort level to that. There's a design capacity for that.

Tony Tooke: That's what I'm struggling with a little bit. What does comfort mean? I mean comfortable on the landscape, comfortable with the other – rest of the people around them?

- Andrew Strain: It is. It's both. It's intended to apply to both. The TRPA has refined that Comfortable Carrying Capacity formula more strictly to include uphill capacity of chairlifts. The manufacturers one hour rated uphill capacity, maximum capacity. We realized that that is a theoretical capacity, but nevertheless, that measure of how many people you can put up the mountain or up a given lift in one hour was, in large measure, how the PAOT formula is developed. It's a pretty simple formula.
- Tony Tooke: Another question I have and then I'm going to ask the staff if y'all have any – or Bernie, if you have any questions for understanding before I ask my two questions I have, but – so your permit has a geographic area and let me see if I can ask this the right way. How does the Comfortable Carrying Capacity, or people at one time, compare with the geographic area, or what's the connectivity in your mind there? What's the relationship of the two?
- Andrew Strain: The permit area – which I do have a map here of, if it would be helpful to roll out and look at – the permit boundary is greater than the area that we ski today within the developed portions of the ski resort. The master development plan plans to utilize those additional PAOTs within the permit area, but not necessarily within the operational boundary today. There are some areas where we propose primarily out of Basin on the Carson River Watershed, lands that you manage and lands that the HT manages, and private lands of our own to essentially go back into an area that we used to ski in. That perhaps is one of the wrinkles that I'd like to just point out. The area that is within that 200 acre estimate that your staff has made based on our master plan map is an area known as Wells Fargo. That's the local geographic name we gave to it. That's an area that's previously been developed with a lift and with ski trails that's not in use today. So in effect, expanding into that area, we've been there already. If you drive up the Kingsbury Grade today from the Carson Valley, you can see where those ski trails and where the ski lift used to be. We picked it up and moved it in the late 1970s because we didn't have snowmaking down there and it was at a lower elevation and it needed snowmaking on the – it was on the lee side of the crest, and so it didn't have the same amount of natural snowfall that we get on the windward side of the crest here.
- So we actually have skied that area before and there are – you can see where the trails used to be. They've started to grow in now and that's the area that we had proposed in the master development plan within the permit boundary but outside where we ski today to expand – to essentially go back into. I'm not sure if I've answered your question.

Tony Tooke: OK. Well, let me keep thinking on it. So basically, what you're saying – I don't want to put words in your mouth, but what I'm hearing you say is that the way to address this or constrain the growth is to follow the TRPA with people at one time as a Comfortable Carrying Capacity kind of thing, and I mean, is that the bottom line I'm hearing you describe?

Rick Cables: Yeah, Tony. This is Rick Cables. We'd like to utilize the existing growth management system in the Basin that was developed collaboratively with all the parties. And this additional layer, if you will, new growth cap or constrain of 5%, 6% is what – the term we understood the Forest Service used, and this 200 acre cap wouldn't – would potentially not enable us to utilize areas within the permit area that are already designated with a forty year permit for developed recreation, would not enable us to use some of those areas in potential future lifts, runs, trails, and that sort of thing. So what we're advocating is using the existing system that was developed collaboratively. Now if that changes because the people in this Basin, the collaborative groups including TRPA choose to change it, then of course, we'll abide by that. So that's really at the core of it, is this another system, frankly, growth management system overlaid on an existing system within an area that's already permitted and already subject to special use permit clauses, master development planning, NEPA for every expansion. So there are a lot of existing regulatory mechanisms to control growth and involve the public in any decision we may make, and that's all we're saying is – let's use the system that's been devised and we've adhered to, and we'd like to continue forward with that, I think, is what we're saying.

Tony Tooke: So TRPA has been in place for how long?

Andrew Strain: I think they're celebrating their forty-five – forty-fifth anniversary this year, 1969.

Tony Tooke: But these –these numbers that are in there, how long have those been in place?

Andrew Strain: They were part of the 1987 regional plan.

Tony Tooke: So are those – is it like – is that revisited every year, every five years, or as needed, or how does that work?

Andrew Strain: It is evaluated for performance every five years by – they're required to evaluate the progress towards the attainment and the maintenance of the environmental thresholds, outdoor recreation being one I described

earlier. The entire plan was revisited in – starting in – jeez – the early 2000s. It was called Pathway 2007. The forest plan, I think, was part of that same pathway at that point in time and separated later, and now in 2014, there's a new regional plan, and that was evaluated as part of that planning process.

Tony Tooke: All right. So I have two pretty specific questions, but I'm going to look at Bernie and others. Do y'all have any questions, Bernie?

Barnie Gyant: [inaudible]

Tony Tooke: All right. So let's see if I can say this right. So TRPA has land use, is that right, in it, as –

Andrew Strain: Land use and development authority, yes.

Tony Tooke: So what y'all have described is on the people part, the carrying capacity around people. What about the land use part?

Andrew Strain: I'm not sure I understand.

Tony Tooke: Well –

Andrew Strain: The – where it happens?

Tony Tooke: Well, the application of that. Would you see that being part of the growth constraining, too? In other words, you're proposing to go by the TRPA. You're talking about all of it, right or just this part?

Andrew Strain: Yes. No, I think I understand now. The – there is a zoning – set of zoning districts that they have created as part of the regional plan. Again, they're unique to the Tahoe Basin and they are called plan area statements or PAS is the acronym for that, PAS, and those are the areas that have been designated for downhill skiing. In the original plan, it was one of the implementing tools of the goals and policies plan. Heavenly has two of those: one in California and one in Nevada. They could just as easily be merged into one because frankly, the master development plan covers both and probably should be merged into one for simplicity's sake, but no one else really utilizes those plan area statements except for Heavenly. So we're – we deal with it. So they have land use and zoning authority within those lands and for the most part, they overlay the National Forest lands. There are private lands at the base facilities – which is not unusual for a western ski resort – to have the ski slopes exist on the National Forest and private lands at the base where the lodges and the parking

lots and the beginning part of your experience happens. We do not have any inholdings on the mountain like our resorts in Colorado do, based on mining claims or similar claims that have been patented over the years. We don't have any of those. So the upper slopes are all National Forest lands, but within the Tahoe Basin, they are subject to the land use designations and the zoning restrictions of the TRPA. For example, I know this is maybe a simplistic one, but we would not be able to develop any residential uses on the ski slopes or any overnight uses on the ski slopes that are on the National Forest lands. Obviously, that's your policy, too, but the TRPA controls that pretty tightly in terms of land use.

Tony Tooke: So if we put – I'm being hypothetical – if the Tahoe plan had in there that as far as the ski resorts, the Standard was going to be you have to follow TRPA, then these land use and development restrictions in TRPA, those are not discretionary. You have to follow that. Is that right?

Andrew Strain: That is correct. That is true.

Tony Tooke: You have to follow the "people at one time." You have to follow the land use and zoning stuff, unless we put something in the plan that was even more explicit that didn't contradict that. You – at a minimum, you have to follow TRPA, period.

Andrew Strain: That is correct.

Tony Tooke: All things, more than just the "people at one time."

Andrew Strain: All the things that happen in their development code and their zoning [inaudible].

Tony Tooke: All right, OK and so I realize that I'm asking questions that some of the other Forest Service staff know, but I'm sorry. That – so it's a little bit new to me. OK. So I think I got that part. So we may want to come back to – how did those – so how does that geographically – I'll ask this one. On the zoning restrictions and stuff, how does that overlay with your permit area?

Andrew Strain: I'd be happy to roll out a map of – I'm sorry. I'd be happy to roll out a map if that would help clarify.

Tony Tooke: Sure, I think that would be good before I ask the next question.

Andrew Strain: We could put it on the table. We could put it –

>> Put it over here.

Tony Tooke: That one.

>> The top – at the top of the -

Tony Tooke: Yeah and –

Andrew Strain: A lot of times because of the aspect of most ski slopes, that's not north at the top.

Bob Hawkins: And I think to capture your comments, we may need you to grab a mic so that we can get him in the transcripts.

Andrew Strain: I'm just going to flip this one over to match.

Bob Hawkins: OK. You're going to put "north" on the bottom? OK. Let the record show. North is on the bottom. Wow, I just can't look at a map like that. I'm sorry.

Andrew Strain: It tends to drive the government folks nuts. Not the way everyone learned to make or read a map because of the fact that the top of the mountain is at the top of the page. So the – for all purposes of orientation, the lake is in this corner. The lake's right there. That's the lake. Our permit boundary – this is downtown, South Lake Tahoe, this is the state line area with the casino core. The Basin boundary comes something like this, I'll point it out on this map. Red – this is the map from the local office here – is our permit boundary. In all total, it's about 10,000 acres. I think there're a little over 7,000 acres on the National Forest lands with the balance being on private lands. You can kind of see, I think, from that distance – it may show on the map, the small version in front of you – the makeup at the time this base map was prepared, which is not current. The ski trails, the California side – here's the state line between California and Nevada. Trail's on the Nevada side. You can probably get a sense of how it lays out. It lays out across both states. That same pattern, you can see on the more detailed master development plan map, which is in our master development plan. This is just an excerpt from the MDP and the Nevada side. The Nevada side's over here, too. The operational boundary of the resort is just about coterminous with what you see of the trail and lift layout here. Not quite, but almost and that area fits more closely to what you see here as compared to the red line. Our operational footprint today – I think your staff estimated – I want to tell you somewhere around 4,000 acres and this line represents 10,000 acres of land area.

Tony Tooke: You said the Forest Service staff estimated 4,000 acres. What do you mean by that?

Andrew Strain: Around today's rope line that the ski patrol patrols. If we are in winter operations, we set up a rope line around the entire resort to keep – make sure the guests know what the boundaries are as we're required to do by the terms of our operating plan and the operational boundary today – what we patrol within which we grew, we make snow, turn the lifts, put people on the trails – today, roughly 4,000 acres, give or take, say 100 or 200 acres because the maps are at different scales. They look pretty close in terms of areas, but they're not – this is a much different – this is a much smaller scaled map. This red line represents – which is also the line on the map, I think, in front of you; it might be yellow on your map – 10,000 acres. So that represents the difference between what – today, we ski and call the operational footprint, and what's in the overall permit. We realize that there are caps in place today, being – the PAOT being one of them, but also the operational boundary – I'm sorry – the permit boundary being another one of them, within which we'd be allowed to propose additional expansions. We know those are already controlled by the master plan, which this represents – the future as well as existing – as well as the TRPA growth system.

Tony Tooke: So how would – so there's summer uses, too. So if we went to TRPA and TRPA has a person carrying capacity – comfortable person carrying capacity, and then we have this land use and development constraints, and then we have summer uses, how would that apply to the summer uses? Are – I'm assuming it – TRPA is intended to – because it is intended to apply to more than winter and skiing, right, or how would it –

Andrew Strain: That is correct. Yes, the summer uses – in two ways – and I'll ask Rick or Pete to add to that.

The summer uses are direct by two mechanisms: one is the terms of the summer activities bill to utilize existing developed portions of the ski areas, of the public land ski areas. That's in – might even be in the preamble, but I know it's in the bill and further refined in the implementing regulations that were recently adopted. So we are directed by the summer activities bill.

Tony Tooke: And if – what if there's going to be – you want to expand because of the summer use? Then how would that work?

Andrew Strain: Primary use has got to remain skiing in winter use and we're not – would not be permitted or approved to put summer uses over the priority of the winter uses. They need to be complementary to that.

Tony Tooke: How often – like you said – that every five years, the person thing is revisited? What about the land use and development stuff and TRPA? How – what – if I – how does that get changed or what's the impetus for somebody's request? I'm assuming they have a board or something.

Andrew Strain: Correct.

Tony Tooke: Somebody makes a request to them to change something?

Andrew Strain: Yes, that's correct and let me – first, Tony, if I could, the second part of the answer to your question, "How does TRPA deal with that expansion of summer activities within a developed recreation area?" like Heavenly is, they also have allocations of additional summer day use capacity that would apply to our summer activities on the mountain. TRPA also has caps for marinas, for boat slips, for buoys, for golf courses, for campgrounds, other public developed rec sites that doesn't include city parks, doesn't include city recreation centers – those are – that's local recreation. For those things that are more regional in nature, they have the same type of capacity as well – it's a target as well as a capacity.

Tony Tooke: You got something?

Rick Cables: Yeah. Rick Cables and you're seeing this Tony. I mean, this is such a unique unit in the National Forest System. It's one of a kind, literally, with the TRPA and the different constructs that are here, and I think about the Forest Service folks working here and how complex it is, but I'm glad you brought up the summer thing because again, the – I think that's another argument against the idea of a 200 acre "cap", an acre-based cap that is an overlay and a change in a new growth management system that is somewhat counter and maybe even potentially in conflict with TRPA system. As Andrew just said, TRPA contemplates summer use, too and the law – which was passed in 2011 – for summer uses on ski areas, on National Forest System lands actually directs the agency to expand summer uses with the theory, in part, being that by concentrating recreation use in a smaller area, you actually conserve outside areas, backcountry and actually have a more managed situation in a tighter area and create – you can create better wildlife habitat and other uses outside where you don't have the mountain bike use or the hiking and that sort of thing. So it's a more – I mean, that was part of the theory of the law. So again, we would say that TRPA's construct actually fits the summer

uses thing better as well and again, that – as Andrew said, that they do have constraints on growth in terms of people on the mountain for summer.

Tony Tooke: So if we have a – we finalize the Basin plan and that we – but the standard that TRPA’s going to be following, and I’ve got these other things from the responsible official that I put in this plan, that certain things are going to be done at certain places on the forest. We’ve done – designated certain things. What happens if somebody goes to the TRPA board and says, “I want to change – I want a request to change this and expand?” and it’s contradictory to something we’ve done in the plan. I mean what – we wouldn’t have to go by that, would we or what would happen?

Andrew Strain: Both agencies would have to agree to the change in order for it to be implemented.

Tony Tooke: OK. So I mean we’re putting a Standard in there that we’re going to follow it, but then if we have a contradiction, I’m trying to sort – I’m really oversimplifying this, but how we would sort that out.

Would you like me to elaborate first? Sorry. Let’s -

Tony Tooke: Forest Service folks, they get a little conversation about, “Well, how would we sort it out if there’s an expansion and it contradicts with what I’ve designated in the plan on what that expansion is being requested?”

Andrew Strain: It would be the subject of specific NEPA document, obviously and a specific TRPA environmental document, and in order to be allowed to change from the TRPA standpoint, it’s a zoning district is what it is, and that zoning district today is known as Plan Area 086 for the Nevada side and 087 for the California side.

Tony Tooke: So just because it’s a zone for it would still go through the NEPA process doesn’t mean that it would happen. I mean –

Andrew Strain: That’s correct.

Tony Tooke: Right. It’s just that zoning allows under what TRPA has agreed to input on for that activity to occur.

Andrew Strain: That’s correct and at the same time, the master development plan would have to be amended in order to allow that to occur.

- Tony Tooke: All right. So all right, I'm understanding – this is really helpful. I'm understanding it better. Jody, do you have a comment or a question? Then I've got another question.
- Jody Sutton: I'm just really curious how the TRPA zoning lines up with the existing forest plan, '88 plan, as far as the suitability prescriptions that they've got outside of your 4,000 acres.
- Andrew Strain: I brought, Jody, our management area from the '88 plan. I'm sure that Mike – Michael has it, too, but I brought that document with me and I'm happy to leave it with you. It's our prescription for the Heavenly Valley management area out of the '88 plan. The land use designations for TRPA, I would tell you, are very similar on the ski slope side and what's different is when you hit the private land boundaries. This management area, obviously, doesn't apply to the private land boundaries as I understand it. The TRPA zoning districts, would pick up the base lodge areas that we have at the bottom of the mountains. I believe for those areas that are managed by both agencies – the TRPA and the Forest Service – the boundaries line up and there was some – ideally, when these zoning districts were drafted – that was shortly before I arrived in the Basin – I believe that the Forest Service and the TRPA collaborated on drawing zoning district or what are called plan area statement boundaries to make sure that one didn't undo the other one unintentionally.
- Tony Tooke: So what if – this is something that we've thought about a little bit and not deeply, deeply but we've thought about this. So what if this 200 acre cap as – y'all described it – goes away? And if I'm understanding right, what's allocated in the 1988 plan is 4,000 acres, which in essence, would be that no action alternative for this and this proposed plan. So what if we went by that? What if there's no – it simply goes to this 4,000 acres that's currently allocated in the 1988 plan and you have to follow TRPA anyway, right?
- Rick Cables: Tony, are you suggesting – this is Rick Cables again. Are you suggesting that the plan designate or codify – that there's a 10,000 acre permit boundary, that there's a 4,000 acre current operational footprint, and that that is sort of codified in the plan, and anything beyond that, anything growth beyond that from an acreage standpoint, would require consistency with TRPA and the NEPA process and that sort of thing?
- Tony Tooke: No, I think it would still – if this 200 acre Standard didn't exist and we made more clear in that this revised plan, the 4,000 acres here still thinking, right – you'd still be constrained by what TRPA has in it.

Andrew Strain: The second part of your statement, I believe, is right, that we would still continue to have to live and abide by the restrictions on growth within the TRPA plan area statements that are provided today in the zoning documents and the regional plan. What I'm unclear about is I don't believe, but Bernie has it there – we may want to look at it again – I don't believe the 1988 plan limits us to 4,000 acres. I don't think that's right.

Tony Tooke: Well I had a – some folks really dig into that to try to understand all these maps and boundaries and on and on, but what they're telling me is that the bottom line – if you look at what's in the '88 plan and the no action alternative, and this is 4,000 acres. That was what was allocated in the plan part. Anybody got any additions to help me articulate that any better?

OK, I think, Andrew, that if you look at the '88 plan, there's a management prescription #2, Alpine Ski Area and as that is laid onto Heavenly, it's about 4,000 acres, and so that prescription allows alpine skiing activities, and outside of that, the prescription, I believe, is maintenance #9, and that does not allow alpine skiing activities. So that's what we're talking –

Andrew Strain: OK.

>> Does that ring a bell?

Andrew Strain: It was before my time.

Before my time.

Andrew Strain: Yeah.

Tony Tooke: But anyway, kind of the upshot of all that is is that this 4,000 acre allocation plus what you have to comply with with TRPA would be the restrictions on the growth development and what you have to go by, and there would not be a 200 acre area. I'm not suggesting that. I'm just asking, "What if I did suggest that? How would that look?"

Andrew Strain: I think we'd want to be able to overlay the maps with that 4,200 acre limit to see where it lined up versus our current master development plan. I had previously offered to come over and lay out the maps and try and compare notes together because you or your staff was working with the – maybe not the exact same set of maps I was working with.

- Tony Tooke: Mike, can you – do you think you can get it pretty doggone close about where the 4,000 would be? All right, hold on. Oh, OK. We got lots of maps on this.
- Bob Hawkins: And I mean, let me jump in here with – it sounds like we had somebody join on the phone. Did somebody join the call?
- Theresa : Yeah, this is just Theresa Corless just calling to listen in. Sorry to interrupt.
- Bob Hawkins: No problem. Hey Theresa or Theresa. I don't think anybody has joined. So you're it so far.
- Tony Tooke: Now my – I'm going to have to turn my head sideways because of that north arrow, but you can still – all right, go ahead.
- >> So to explain this map real quick, we'll have to try to put along.
- Tony Tooke: You guys – we can wait. I want to make sure – all right.
- >> So again, California state line, Nevada state line, [inaudible]. This purple line is the alpine ski area management boundary from the 1988 plan and so that's GIS'd in there. So that's approximately 4,000 acres that's – and the area outside that on us generally is management prescription, I believe, #9, which is, "Alpine skiing is not a suitable use."
- Tony Tooke: So where's that 200 acre area? And this is where y'all said y'all had skied before, you've been there before. I'm assuming that's it, Mike?
- Mike: That's it, that's it.
- Andrew Strain: Yeah and then you have an area down here.
- Tony Tooke: And so it's within in that 4,000? So for a little sliver, that's on private.
- Andrew Strain: That little sliver's on private land, which -
- Tony Tooke: OK.
- Andrew Strain: That's private land that we control.
- Tony Tooke: So those boundaries make sense to you guys?

Andrew Strain: Yes. On the National Forest, it looks like they omit the base area – the three primary base areas. I can pick them out in that little different shade of the burnt orange into pink.

Tony Tooke: So as you're looking at those boundaries, what I'm asking you to picture is forget about a 200 acre thing, as you're looking at that map and we might have a statement in the plan to reemphasize, "You have to go by TRPA, all parts of it." If there's something about TRPA, somebody goes to the board and requests an expansion that don't line up with our plan that we've got on designations, then we might – the Forest Service might not agree with that, and there's a NEPA process, as you point out, for that, but I guess – and this is just something we thought about. So I'm asking what do you see about that or potential problems or what?

Pete Sonntag: This is Pete Sonntag.

[inaudible], sorry.

Pete Sonntag: Sure.

The plan was amended to include the gondola. So outside of the purple, there is an amendment in place that just picked up out of the '80 – but there is that amendment to include the gondola.

Tony Tooke: All right. Point that out. I'm sorry, yeah. You had your back to me. Show me where it is. Oh, OK. I get it, I get it. All right.

[inaudible] is our GIS layers don't pick up – didn't pick up that amendment. That was in '96, I believe, ish.

>> A little later.

>> OK.

Pete Sonntag: Pete Sonntag. To answer your question, it's hard to sit here in this room right now and make decisions about future expansion ten, twenty, twenty-five years down the road. That's – what you're proposing, I think, is very limiting to our ability to expand. It's tough for me to give the go ahead for that right now just based on what we know and frankly, what we don't know about what opportunities may come down the road.

Barnie Gyant: But if you were to go outside of that purple, you would still – there would still be maybe – based on zoning and just like, even with the gondola, you did a site specific plan amendment plan to address it. So if you went

outside that purple footprint, there would still be other processes and places you'd have to follow into. Is that correct?

Pete Sonntag:

Yeah.

Tony Tooke:

And we understand that this is what's – like right now, this moment in time, that's what's allocated according to all of my technical experts.

Andrew Strain:

I think we disagree with that.

Rick Cables:

Can – this is Rick Cables. Maybe Mike – what's the maintenance prescription? What's that mean? There's 2,800 acres of maintenance. Maintenance for the ski area?

Mike LeFevre:

Yeah. It's maintenance for the forest environment to maintain the forest and within the land management plan, there's a suitability table that describes what's suitable and not, and alpine skiing is suitable within the #2 prescription, and it's listed as not suitable in that #9 forest maintenance prescription.

Barnie Gyant:

So for clarity for me. When I saw that – so is that maintenance? That's a part of our allocation and not necessarily maintenance identified for Heavenly?

Mike LeFevre:

Correct. It's forest health maintenance.

Barnie Gyant:

OK. Does that help –

Mike LeFevre:

Maintenance is kind of an odd word, but that's what they used in '88.

Barnie Gyant:

Does that help, Andrew?

Andrew Strain:

Yeah and I believe that's further detailed in the resource management section or in the management area prescription what the – I think there are four different management prescriptions, maybe five – let me turn the page – four that are listed in existing management area prescription, which is obviously not what we commented on in the forest plan proposal.

One of the things I'm trying to understand in my mind is the orange line is the permit boundary. So we are managing a special use permit area that's designated for downhill skiing, that's 10,000 acres, roughly, in size, yet the – and in a typical convention on other national forests, the way it works in forest plans – at least my experience is the permit area is

allocated for downhill skiing and then if there's an expansion proposal within that permit boundary, you have site specific NEPA. So the forest plan doesn't make a decision on expansion or growth of the ski area. That's done through individual NEPA processes, but the allocation of the land for that use is the permit boundary. That seems to be different based on this reading here and then I'm also thinking about TRPA's PAS, which I assume comports roughly with the orange boundary to where the TRPA has designated that area for downhill skiing. So anyway, I think we have to look at that, as Pete said. I think we have to really look at that and see how that fits together.

Tony Tooke: So there's a forest plan allocation and then was there an error along the way – a map versus what should be in the permit to line up with the allocation? So anyway, what they're telling me is that it was – 4,000 acres is what's in the current plan and way back when as far as – a boundary on a map could have been an error or is an error. We don't have to resolve that here. All I'm asking is once we – if the – what would it be if there's no 200 acres, this 4,000 acres that was allocated in the present plan and we don't have to resolve that, necessarily, right here at the moment, but I'm trying to figure out, right now, sort of where a good place to get us to in the discussion and what some next steps might be on this, and so others from the Forest Service can feel free to jump in and help me right here.

Rick Cables: That's a good question. This is Rick Cables again. On the draft plan – the current plan that we're looking at, does it have 10,000 acres? Does it have that permit boundary in it or does it have the 4,200 acres in it?

Mike LeFevre: The current plan – the revised that's on the table removes all the management areas, all the little smaller management areas that were in the '88 plan and presents only four management areas. So this entire area – and we have a map someplace that shows – is in the general forest conservation management area now, which has the most average uses that occur on a national forest as suitable. So ski areas are suitable within in that, but – so are hiking trails and all that kind of stuff. So rather than have a bunch of smaller prescriptive areas like the old plan did, the new plan goes to four major ones. So it's kind of a – and the permit boundary is the permit boundary. It's not a component of the plan.

Rick Cables: So just for clarification – and I haven't read this in the plan itself. Does the plan carry forward the permit boundary in the plan right now? Is that a land use designation? Is that identified?

- Mike: No, not specifically as a land use designation. Permit boundaries are carried forward as they are identified in their various permits, not in – as a land allocation.
- Rick Cables: OK, but there is that – the boundary is identified in the plan, it's just not identified as a land allocation?
- Mike: It's probably not even identified in the plan specifically because we have all the – any permit – Zephyr Cove, whatever, none of those are specifically identified because they are called out in the permit.
- Rick Cables: OK. Thank you, Mike.
- Tony Tooke: OK. So anyway, I understand a lot more about what you mean by TRPA. You're not picking – you're not extracting parts of it and saying, "Go by that." You're saying, "Go by the whole thing." I also understand what the process would be if somebody went to try to change something in TRPA, how that would line up with us. I'm not totally clear on – yet on how you would feel about an idea like this, but that's OK. Do you have any other questions?
- Barnie Gyant: Let's see. So the permit boundary carried over in the new – in the draft plan.
- Mike LeFevre: So not specifically in the plan. The permit boundaries for all permits, whether it's this or any other, lie in the permit itself, not identified specifically in the plan. So in the new plan, all of this is general forest. Permits of this nature are suitable within that management prescription.
- Barnie Gyant: Okay. All right. Another question I had is the purple that is identified there that is considered suitable, that whole purple area is considered suitable for the Alpine skiing?
- Mike LeFevre: In the 1988 plan, right.
- Tony Tooke: And unless we make a decision or until a decision gets made on a revised plan that boundary's intact until there's a decision to change it, right?
- Mike LeFevre: Correct.
- Tony Tooke: So that purple line could go either forward right now, or it could be shrunk, or it could be made bigger. That is the line according to what my D.C. folks are telling me. I'm looking around at others that – okay.

- Barnie Gyant: So tell me, Pete, so you know based on the question that Tony asked about that purple if the 200 went away, he was like, gee whiz, that's kinda catching me cold, so how much time would it take, you know, being we don't have infinity but how much time would it take to take a look at that to see what kind of effect that would have is looking at that purple without the 200 acre restriction?
- Pete Sonntag: We get where we're at right now, totally understand, totally support it. We don't have any specific plans to go beyond that. I think what we're saying is we understand the permit area as well and would like to at least have the opportunity to consider something in the future. Again, no specific plans right now but I would hate to sit here right now and say we're never going to ever consider expanding beyond the purple line because, again, in 20 years we may view this whole thing differently and we'd like to have that opportunity.
- Tony Tooke: That's – the purple line if that line carried forward in this new decision it's the line until this plan is amended and, you know, in our 10 or 15 year planning period would be it's not set in the stone for, you know, forever.
- Barnie Gyant: You see, you've already done that with the gondola. So when you did the gondola the gondola was outside of the purple line so you did the analysis on that project specifically to do a site specific plan amendment to account for that. So if that purple line went forward into the future, if we landed on it today doesn't mean that that's the line forever. So you'd look at when you got all the projects so if they fall within that, that's one thing and you've got something that falls outside of that then you – then there's another process to take a look at that.
- Rick Cables: Okay. And I think this is, Rick, again. I think since we're going through all the trouble of updating a forest plan we need to look at this and see if we think it fits the future or the potential future in a way where we could have the purple line reflect our best thinking and jointly going forward rather than depend on a sites specific forest plan amendment in the future. I think we'd like to have a little time to look at that. And then sit down with you guys and talk it through and see if there's some way to either to re-configure the purple line or – and, again, I think it's important for us to wrestle through this decision or this question on what's the role of the permit boundary in this whole discussion? Because, you know, as I heard you guys, it sounds like your belief, may be that the permit boundary should have been the purple line. I don't know that that's our belief so there's some, you know, dialogue necessary I think just to work through that.

- Tony Tooke: Yeah. And so on that part, you know, that that part and following up on those questions can be done because it probably needs to be done anyway whether there was this plan pending or not. The other part we'll have to have those discussions in a public meeting, either a public call or a meeting or something and so we'll just have to figure all that out. And so I think, we're going to have to come back to this topic because I don't see any other way to – we're going to have to come back to this and it is what it is. But does everybody up in the Forest Service know the questions and stuff? Do we have a clear understanding of what we need to go follow up on? And then we'll reach back out to you all and we'll notify people about how we're going to have the next public discussion around this. That make sense, Barnie?
- Barnie Gyant: Yeah, it does.
- Tony Tooke: Okay. We have another Heavenly topic, too, and we're supposed to start that other discussion at 11:00 so I think we can get through this next one –You want to come back – where - here you facilitate. I don't need to facilitate.
- Bob Hawkins: Okay. So I was thinking the same thing. Whitebark pine was the other topic that was in the Heavenly objection and so I'd suggest if we want to go – how long was our first – yeah, I mean, we could take this right up to 10:45 if you're okay with that.
- Tony Tooke: Yeah.
- Bob Hawkins: And do – yeah, and do it now and do whitebark pine?
- Tony Tooke: Yes.
- Bob Hawkins: Is everybody – can we go for another 15 minutes and then take our break?
- Tony Tooke: So do we have papers for whitebark pine, Jody, that people have?
- Jody Sutton: So on the back table there are papers for the majority of the issues that we're going to talk about today. A couple of them – there's other handouts that we received from like letters and things like that for fire issues. But for this particular one we do have an issue paper on the back table if you didn't pick it up, okay.
- Tony Tooke: And so thank you all for that last discussion. I realize it was a long one but I didn't know any other way to have that. So I'm going to follow more of

the sort of the format you've had before on this one and I'm going back to the May meeting and if y'all look down the paper where y'all had talked about the Species Refuge Area and about changing that concerns about a recovery and a conservation plan. Also stated that a unit wide conservation strategy for whitebark pine would override the current MOU between Heavenly and the Basin, talked about a concern for the level of detail in the Forest Plan Map of whitebark pine. I'm not going to go back through what's in the FEIS so to speak. You all came back with some proposed remedies around changing the name of the Species Refuge Area to Species Habitat Area. You talked about removal of the whitebark pine SRAs, is that the Special [inaudible], yeah, within the Heavenly operational boundary from the list of SRAs depicted on the Forest Plan Map; talked about extending the 2013 MOU between the Forest Service and Heavenly so that the MOU is [inaudible] with the life of Heavenly ski area special use permit that goes to 2042; utilize the best available whitebark pine mapping data, such as that that was developed by Heavenly and the Forest Service when you did, we did the MOU; changed the strategy on page 61 then you give a description of that about how to change that strategy and then change Standard and Guide number 93. So we captured all that correctly, right?

And so then I'm not going to go over what our previous instruction was. I'm just going to jump to what we're proposing now and this is after we looked at your proposed remedy. And this is the first time you all are seeing this right? Okay. So what we're saying is to incorporate the clarifying text into the Forest Plan as described above in the summary change the name Species Refuge Area to the Special Status Species Habitat Area. Then these other things down there at the bottom are proposed remedies, also. Let me make sure I'm reading from it, yep.

Andrew Strain: Tony, this Andrew Strain again, do we have what you're reading from, is that part of the –

Jody Sutton: Yeah.

Tony Tooke: Stand by, I thought you did.

Barnie Gyant: We apologize for not letting you know that in advance that they were over there.

Tony Tooke: So now, I'm on the back of page two at the bottom. And so the Basin intends that the term recovery and Recovery Plan be used strictly as they relate to the Endangered Species Act. There's no intention to make determinations about when recovery is needed. Recovery plans are

developed by the Fish and Wildlife Service only after a species is listed as threatened or endangered. Candidate species such as Whitebark Pine do not have recovery plans. Habitat for Recovered Species that are de-listed into the future would no longer be shown as a Species Refuge Area.

So I'm giving you some context for what we're proposing above. Conservation strategy is used only to describe broad scale strategies, in this case would probably be Basin wide and that's intended to prevent the listing of candidate species under the Endangered Species Act. So individual plans such as the MOU between the Basin and Heavenly would most likely be incorporated into a Whitebark Pine Conservation strategy rather than overwritten by it, does that make sense? And then conservation and recovery plans, agreements or strategies are all official documents that Fish and Wildlife Service would be involved in creating, and then all Forest Plan Maps are subject to change when better data becomes available. And so one of your proposed remedies if you look up at the top of the page on the second bullet, if I'm understanding, we wouldn't be able to make such a commitment as that because it could get us out of alignment with the Fish and Wildlife Service. But everything else we feel like that this proposed, revised instruction at the bottom would address everything that you're bringing up. Okay, I'm looking at the validators, all right. Thank you. And so you all may have some questions for us about that?

Rick Cables: This is Rick, Tony, just the – the statement here that a conservation strategy would most likely incorporate the MOU, individual plans such as the MOU, what about the notion of making the date of the MOU the same as the date of the termination of the permit, is that embedded in there? Is it – is that necessary or contemplated or ?

Tony Tooke: Diana, come on up to the table.

Diana Craig: Hi, Diana Craig with U.S. Forest Service. So I'm not an MOU expert, I'll say that right now but I believe MOU's are typically not long living documents. We have usually five year expiration dates on them and then they can be relooked at and updated so I think having it out to 2042 would be problematic for us but I don't see us relooking. We can put word in there to relook at it every five years and we have the ability to renew it at that point in time.

The MOU itself?

Diana Craig: In the MOU itself, right, not in the plan itself. But, yeah, any conservation strategy, of course, would use all the information we're working on for

that particular species would be incorporated in that conservation strategy effort and we would also partner with Fish and Wildlife Service doing that so help increase the chance that we wouldn't – the species would not be listed under Endangered Species Act.

Tony Tooke: Answers the question, Rick?

Rick Cables: Thank you. So is the assumption – or is it a requirement right now with this species to a conservation plan – conservation strategy?

Tony Tooke: No, because it's a candidate species and in that category we don't do – they don't do conservation strategies, they being the Fish and Wildlife Service.

Diana Craig: So this is Diana Craig again. I'll just clarify. So usually we do a conservation strategy as a more of a proactive option. It's not a requirement under ESA or any of our – I don't think any of our manual direction or handbook direction but it does help us work proactively up front when a species is at the border of being listed under Endangered Species Act. And, perhaps can get things in place that will Fish and Wildlife Service can consider when they make that final listing decision and perhaps not list the species because there's protection in place already. So it's more of a proactive document, and then when the species is listed then a recovery plan is required by Fish and Wildlife Service and we would be a partner in that effort as well.

Andrew Strain: This is Andrew Strain and that, I think, Diana has explained it. That may be one of the specific reasons deliberately that when we titled this document as moved through development with the local Forest Service staff here the name of it was identified as the Partnership Action Plan. I think there probably were some conscious efforts to not mix terminology and add confusion rather than clarity to what we had agreed to do together.

Tony Tooke: Okay. Any other questions around this?

Andrew Strain: This is Andrew Strain again. Could you please clarify then, we had, think, of two specific requests and I may not have studied this draft revised instructions well enough yet. The – I think two of the specific requests had to do with the map and the name that we had proposed, I think, two changes to that.

Tony Tooke: Yeah, I think –

Andrew Strain: Can you verify all those?

Tony Tooke: If we went forward with this proposed remedy and instruction it would address both of those things you're raising.

>> Yeah.

Andrew: Thank you.

Tony Tooke: Okay, any, Pete, any questions or?

Pete Sonntag: No, not yet. I think we just want to take a few minutes to review – in general, we appreciate the effort that's gone into this and I do think we'll want to take some time after we leave to just make sure that we've thoroughly reviewed it.

Tony Tooke: Okay.

>> Okay. Fair enough.

Tony Tooke: Barnie?

Barnie Gyant: I don't have anything. Just one point on what Diana said, the conservation strategy is really our intent working with the Fish and Wildlife Service because when and if a species is listed it really helps with the biological opinion in getting through consultation. So it's a way to be strategic with knowing if you've got a species that needs special attention is how do you go about trying to work – and because we do work with Fish and Wildlife Service in that regard. And it helps in the long run when a species gets listed with being able to get through consultation.

Tony Tooke: Okay. All right. Thank you all very much. And, Bob, I think I've successfully used up all the extra minutes so we're right back on time.

Bob Hawkins: That's great, so I suggest take a look at the clock. Let's – you want to start five minutes early?

Tony Tooke: Yeah.

Bob Hawkins: Let's take a 15 minute break. That'll get us right till five minutes to 11 and then we'll see if we can get a jump on the next topic.

Fire Management and Natural Ignitions

Bob Hawkins: Okay. Let's take our seats. And the next topic on the agenda. Let's take our seats. Mike LeFevre. Let's take our seats. You get somebody in front of a map, what can you do? The next topic on the agenda is a follow-up from our last meeting where the Sierra Forest Legacy Group and the Fire Chiefs worked together to develop a proposal dealing with a couple of fire topics. And so the information for this hour's session, we've got two letters, one from Sierra Forest Legacy and one from the Fire Chiefs and there's no additional, no additional papers. And I think if you've got those two letters, you've got everything we've got. And so we're going to go through the issues as we understand them, in the letters, and then get that dialogue going. So Tony.

Tony Tooke: Okay. A little bit more specificity around the format for this next hour. I'm going to go,

Bob Hawkins: Hi. Did somebody just join the call?

John Pickett: Yes, this is John Pickett.

Bob Hawkins: All right John thanks. We're just starting in on the fire topic.

John Pickett: Okay. Great. Thank you.

Tony Tooke: Hey John, this is Tony Tooke. I was just saying that the format for this next hour, I'm going to go through and highlight from the letter that we got dated June 25th from the Sierra Forest Legacy which was a reflection of what they thought were the discussion points and what y'all arrived at from your meeting. So I'm going to walk through that and then I want to go back through some points that was either in a, I think it was in a letter or an email from the Fire Chiefs. And then I have a question or two for both of y'all. We'll do a little summary there and I have a question or two, and then Bernie's got a couple of things that he wants to daylight. So anyway, and as we discussed in the May meeting where y'all agreed to work together on this, I think that's really great. And I'm really glad that you took the time, took the time to do that.

And so when I'm reading the letter from Sierra Forest Legacy, they're saying that they clarified with y'all on that MIST, minimum, my mind went blank, Minimum Impact Suppression Tactics. Everybody else is right

on top of it there. All right, should allow for more aggressive suppression tactics because under certain red flag situations, MIST might not be the appropriate response. Also to have inclusion of the Nevada Defensible Space Standards. And a recommendation, clarifying that the definition of “unplanned ignitions and no actions required.” A recommendation that the Fire Chiefs want to participate in what would be described as a decision-making process for unplanned ignitions, managing unplanned ignitions in the wildland urban interface. A recommendation to include a Standard cooperation and inter-agency/inter-governmental coordination. And there was a best management practice recommended about participation in daily 1300 smoke calls, and I didn’t know exactly what that meant, but we can come back to that. Recommending adding a guideline for an annual review with the, between the Fire Chiefs and the Forest Service. And the way I was reading that is, “What are the results?” You know it was kind of an annual monitoring review of the hazardous fuels reductions projects, what have been the results of those? And then for MIST and the backcountry, where the backcountry and the wildland urban interface overlap, making it clear that community protection is the highest priority during any wildland fire incident.

A recommendation to clarify the Defensible Space Standard and this gets into that 100 feet, and about slopes and the steepness of slopes and the rate of fire spread and that may need to come out to 200 feet. Is that in this publication here, that would line up with the Nevada Defensible Space Standards. Amending Standard and Guide 22 and Guideline 171 to include this 100 to 200 feet of defensible space where necessary and as recommended in that publication. A measurable Standard for fuels reduction projects. There’s not a clear, measurable Standard for reducing fire intensity and flame lengths. The Fire Chiefs express a need for a clear Standard in the wildland urban interface to treatment zone. Recommend including the North Lake Tahoe Fire Protection District’s design for all hazardous fuels reduction projects which is under 90 percentile weather conditions projects will have flame lengths under 4 feet 75 percent of the units. Okay. I want to come back to that in a minute.

And then there was a letter drafted from the Fire Chiefs, let me go through the Fire Chiefs, your letter had, and then we’ll come back to this. And this was dated the day after that - June 26. And basically what I was getting out of that letter was that y’all support all the previously proposed instructions to consider flame length and fire weather conditions in the wildland urban interface, so similar to the SNFPA, Sierra Nevada Framework Forest Plan Amendment. Okay and the Fire Chiefs support the previously proposed instruction to have a desired condition or a strategy for community protection that continues protection, would

be the number one priority in choosing the suppression tactic in all management areas. Fire Chiefs would like California Nevada defensible space regs added and this, can't read that, it's in the information section. Fire Chiefs support the previous instruction that more than 100 feet of defensible space may be needed, depending on site conditions. Support the previous instruction amending the wildland urban interface map as needed for the, to account for the changes in land ownership in jurisdictions. The Fire Chiefs would strongly like to see use of unplanned ignitions prohibited in the wildland urban interface because it could significantly affect response times and jeopardize life and property. There's currently no way for local governments to be part of the decisions for managing unplanned ignitions in the WUI. And when the Forest Service makes those decisions to allocate resources then you're subjected to follow that and it's also going to affect how you allocate resources and expenditure funds, but that's if I'm reading it right. So anyway, the topics here are the Standards, the MIST and the unplanned ignitions and if I'm reading both of these right, and I read them a couple of times, I think that y'all agree on everything from what I can see except this 4 foot flame length over 75% of the area. And that y'all agree with each other on everything but that. So two questions. Am I characterizing everything correctly and is that the only gap in y'all seeing things the same way in a proposed remedy. The 75% , the 4 foot flame length over 75% of the area.

Karina Silvas-Bellanca: So this is Karina Silvas-Bellanca with Sierra Forest Legacy so I'm a little bit unclear on the question. So I think we have agreement that there needs to be a clear Standard in there. From my understanding from our meeting, that 4 foot flame length in 90 percent weather conditions over 75% of unit areas is something that the fire protection district uses. That's not to say that that would be something that the Forest Service would adopt directly, but to have some type of language that is more specific would be included. So I think we have agreement on there, if I'm correct.

Forest Schafer: Forest Schafer with North Lake Tahoe Fire District. I'd say that we are in agreement with the need for a Standard within the WUI defense zone for fire intensity. That was just an example I gave of a Standard that we use on fuels reduction projects in our fire district to account for the fact that there are occasionally wildlife patches that are retained or areas that may have increased intensity. Just to account, that's why there's a 75% of the project area because we acknowledge that some limited areas will have flame lengths over 4 feet, just based on the fuels that are present.

Tony Tooke: What about everything I described?

Karina Silvas-Bellanca: I'm not sure that there's total agreement on the use of unplanned ignitions within the defense zones still. I think, or within the threat zone, thank you. I think that there still needs to be some additional discussion on that. From our conversations, what we took away was the need for increased coordination and planning in advance of any decisions on unplanned ignitions. And so we developed some recommendations based on what we heard, which included a few things.

So you wanted some clarification on the 1300 Smoke Calls so these calls are in coordination with Predictive Services for Weather Events in Riverside, California as well as all of the local air boards who discuss what's happening in terms of weather, and with land managers, to see if there's a possibility to use managed fire in a given situation if there's the opportunity. And so we thought that having that clear Standard in there would provide some more clarity on conditions that are occurring across the Sierra and whether or not the opportunity to use an unplanned ignition would be appropriate. Also a place for land management agencies and fire districts to discuss concerns related to weather events coming in. So I thought that would be a good inclusion. Additionally, we also recommended that there were discussion on fuels treatments that had already occurred within the WUI areas and whether or not Standards were being met in advance of choosing to manage a fire. So that would probably get at some of the issues that were discussed with us pertaining to the fuels work within the fire protection districts that did not meet Standards for them.

Tony Tooke: So I want to come back to the ignition thing. I think we got an opportunity for a good discussion around that. So I got the four foot thing and the Standard, I got that. MIST? Anything more on MIST before we talk about the ignitions?

Craig Thomas: This is Craig Thomas with Sierra Forest Legacy. I just wanted to say that we had a very good discussion with the chiefs and one of the issues was MIST strategies, and we just, our point was at the meeting, it's never just light touch. It's appropriate light touch moving to more intensive approaches if the fire is not contained with the most sensitive, lightest touch. It's not a, "We're going to do light touch and let it burn, if it doesn't work." So we had a good conversation around that, it was just a clarification conversation. We felt there was plenty of ability to use the necessary level of intensity to reach the objectives of that fire.

Tony Tooke: Okay. Do you guys have some comments?

- Mark Novak: Correct. Mark Novak Tahoe Douglas Fire. One of our concerns centered around whether MIST isn't necessarily the way the doctrine's written today, as far as what the range of options are. Understanding that this is a 15 to 20 year plan, those doctrines can change over time. We don't want MIST to become the overriding concern when suppressing fires, we believe that strong language needs to retain that the primary consideration is life and property and threat to the community over resource impact. Especially when we're in the WUI.
- Tony Tooke: Okay. Nancy do you want to come up here as a way to sort of get this dialogue started around the ignitions thing. So let's just back up just a minute. There's unplanned and there's natural ignitions and there's a defense zone and there's a threat zone. And so just what happens now whenever there's a fire? Explain that. What happens?
- Nancy Gibson: Do you want to hear from me?
- Tony Tooke: Bernie or you or whichever one. I know Bernie's got some things he wants to daylight and I'm getting us out of order, a little bit, but I think we need a foundation to start from.
- Barnie Gyant: So Nancy going first may get to the question I've got. So the bell rings. What happens? The fire bell.
- Nancy Gibson: Okay. This is Nancy Gibson.
- Tony Tooke: Describe if it's in. You know, I have a long history with fire and prescribed fire too, but not in the last 8 years. But going back to the 26 before that. So if you're in the defense zone and there's a fire, bell rings and you're in a threat zone and there's a fire and the bell rings, what happens in each spot? Rule of thumb, generally speaking, no other extenuating circumstances.
- Nancy Gibson: This is Nancy Gibson, Forest Service. And my fire management officer, Kit Bailey is also in the audience, so in case I misstate something, Kit, you can steer me straight. I do want to start with definitions because unplanned ignitions become confusing right out of the chute. We have, the vast majority of the fire starts here in the Basin are unplanned because they are person-caused. Any person-caused fire is always 100% suppression response. There's lots of reasons behind that but just to know that is what we do for any person-caused fire. Another unplanned ignition is lightning-caused. So it's a naturally occurring event. So we would assess that perhaps a little differently than we would a person-caused fire. We also have those two distinct WUI areas. We have the defense zone which

is that zone immediately surrounding community and homes, man-made structures, those kind of things. And the map on the wall over there behind Steve, catty-corner, the darker red around the lake is the defense zone. So you can see it is a sizable chunk of real estate.

The threat zone is a little beyond that with less direct interface with homes, communities and structures. So understanding those distinctions might help in the dialogue a little bit because unplanned is kind of a misnomer. There are either naturally-caused events or person-caused events. There's either defense zone or there's threat zone. So when the fire bell rings we all respond. We are all under mutual aid agreements. We don't make a distinction at the time as to how we're going to respond, we're going to respond and then look for that geographic fire start to understand jurisdiction. But we all respond.

If the jurisdiction is defense and it's a pretty, and defense regardless, it's going to be 100 percent suppression action for all respondents and we work out the billing system later. That's basically how the mutual aid agreements work. We don't, we would never be in a position, and I think the local chiefs would agree, nobody's going to sit back and worry about the jurisdiction before they go to a suppression action. We will always go to a suppression action first in the defense zone. The threat zone, it really just depends. It is predominantly going to be 100% suppression. But if you look at the map again where you see the lighter pink color, we have a couple of outlying areas that are not in that close proximity to communities that may have an opportunity for resource benefit, if it's a naturally-causing, if it's a naturally-started ignition. We very seldom have those circumstances, but we do need to assess those circumstances depending on where the fire start is.

I've been here a little over three years, about three and a half almost, and there's only been one situation where I was called, "There's a fire start. It's in Desolation. What do you want me to do?" So it wasn't in the threat zone, it was in the wilderness and that was an opportunity to assess. We knew it was lightning. We knew that is was nowhere near proximity to structures or community and so that was one we assessed. And instead of sending jumpers, we sent a crew to hike in. You always manage the fire no matter where it is, but that management action may be altered based on the appropriate management response. So the short answer is, there's fire start, 75 to 80% of the time, if not greater, it's going to be person-caused. Everyone responds. We worry about the jurisdiction, sort of, it rolls out later. We do the suppression action initially.

- Barnie Gyant: So if I'm in the defense or threat zone, how is the unified command working?
- Mark Novak: Mark Novak for the record. So when you're in the WUI, unified command, local government is in unified command with the Forest Service. However, typically, once we decide whose jurisdiction it is, as we get into the incident, then transfer of command will happen. If it's going to be an event that doesn't, it's not going to cross jurisdictional boundaries. If it's going to cross jurisdictional boundaries, then we'll stay in unified command.
- Barnie Gyant: This is probably not the appropriate thing, but if you start out working together, why do you not stay in unified command until you, until the fire's out? Because it seems like to me, if I'm looking in the Basin, either I've got resources at risk or I've got potential resources at risk.
- Kit Bailey: Yeah, good morning. Kit Bailey, Forest Service. Yeah, in regards to that question, Barnie, it depends on the specific circumstances and severity of that incident. And generally what happens here, if this is going to be a short-term type of event with minimal threat, we'll all respond. We come together. We determine jurisdictional responsibility and if it's on Forest Service, we're able to contain the fire quickly. We want to release local government resources as quick as we can because they have a responsibility outside wildland fire response that includes EMS, and others. So we make them available quickly and we don't necessarily need to go into unified command if it's a single source jurisdiction. It happens quite, quite often. Now if this is going to be an extended event then typically we will go into unified command and we will remain in unified command until the threat to one end or the other has been diminished.
- Barnie Gyant: So that process is currently working okay for you guys?
- Ben Sharit: Ben Sharit, Tahoe Douglas Fire. Yeah it works very well. Collaboration between the federal government and the local government agencies running the lake works very well. We have a different time schedule. We're on duty 24 hours a day, 7 days a week. The Forest Service has a typical day shift 7 days a week in the fire season and so forth. But our common goal on all our agencies is to, excuse the expression, stomp them out when they're small. And so we'll respond. We get to the fire, we've had several already in the last month or so and like Chief said, we kind of develop whose ownership of that property is quickly. Isolate it and move out of the area and get back to our responsibilities or if it's in our area, we'll stay in unified. The key point is 24 hours a day, 7 days a week, somebody's within rapid response of most of these fires with the

WUI. Now if you get up into the ridge tops, we'll typically get a phone call to the chief here, saying that, "There's a lightning strike way up there, we're not able to commit local resources. Hike up the mountain because we still have to cover our 911 responsibilities for our residents.

Tony Tooke: So could you describe just a little bit about an extended period. Would that be beyond the first 24 hours or, ?

Kip Bailey: It could be inside that first 24 period, it depends on our ability to catch, contain and control that fire during the initial response. So it could be our, in unified command, that first 24 hour period and we have an opportunity, we make containment, the threat's diminished in say, twelve hours. And then we may elect to go out of that unified command. But again, that's a discussion and a negotiated process through the dialogue with both partners in that unified command process. So you know, you need to remain flexible, you need to remain agile to make those things happen. And it all takes communication. So it's very situational dependent as well.

Tony Tooke: So what I'm trying to discern in my head is what should be in the Forest Plan to foster such an environment that y'all are saying is working and being governed by other things versus what should not go in that Forest Plan.

Barnie Gyant: Yeah, because I was just thinking generally, taking a look at the Lake Tahoe Basin Multi-Jurisdictional Fire Reduction, so it sounds like there's a good relationship in relation to fuels and fire suppression. So the reason I was driving at unified command and why do you turn that loose, and particularly in the WUI, was the recommendation, my perception was that the Fire Chiefs wanted more of a voice when it came to tactics, when it came to suppression. That's how I understood it which led my mind to go to, well, if that's the case that you're in unified command, so if you want more of a voice, that means that unified command must not be working. So these are the assumptions that I'm making. So that's the reason that my questions were as they were. So it sounds like, based on the responses here, that unified command and how you do it, releasing those resources is a process that's working really well. I'm not sure that the Plan is a proper place to do it because you've got your other agreements and the Fire Chiefs are part of these other cooperatives around fuel and fire suppression here in the Basin.

Mark Novak: Mark Novak for the record. I think one of the concerns is that if a fire is clearly, you know, it's in the WUI, but it's a distance from the community still, the first thing to understand is that anywhere in the WUI is always

within a burn period of threatening a community, within this area, that's one of the overriding concerns, but ultimately even in the unified command environment, the person in that unified command who has land management responsibility is going to have, in essence, the final say, the trump card in that decision. And so historically, in the past, a fire that's more removed from the community has been the responsibility of the land manager and we are concerned that we would not be party to the final decision of the strategy that's used necessarily on the initial tactics.

Barnie Gyant: So is there even more of a sub-set of-so if I've got my WUI map, my WUI is my WUI. But it sounds like there's a sub-set that's in the WUI, but it may be far removed from homes. So is there not a way of managing just the WUI in general or, so when I've got that mapped, I've got a fire in there, then my suppression tactics, being they're in the WUI, then we should be looking at 100 percent suppression of that in my WUI-mapped area, right?

Mark Novak: If I understand you correctly, I would agree and I think that's one of the things we've said all along is, the Fire Chiefs and fire district,

Barnie Gyant: Whoever's on the phone, could you put yourself on mute?

Nancy Gibson: I wasn't sure if he was trying to speak.

John Pickett: This is John Pickett. Let me know when it's my turn, please.

Bob Hawkins: Okay, we'll do that.

Mark Novak: So we strongly support the use of fire as a tool. We believe it's important to re-introduce it to the landscape. We use fire frequently, prescribed fire, for our management, so we're not disputing that at all, but if I understand you correctly, we whole heartedly agree that within the WUI, we're going to engage in suppression and outside the WUI, that's going to be the land manager's decision. Did I correctly pull that together?

Barnie Gyant: I thought I heard you say, like if for instance there was a fire in the WUI that was removed from structures,

Mark Novak: Yeah, and I guess that's contextual understanding. You know, some of the areas of the region, you know we have areas of the WUI that aren't immediately adjacent, so we're kind of getting into defense zone, threat zone kind of issues. And we can have a fire in the threat zone, it's up on a ridge, it's still in the WUI, and those would primarily be our areas of

concern and the defense zone, we're going to take that suppression action, but right now we would be concerned about using unplanned ignitions in the threat zone.

Nancy Gibson: One of the things that may warrant clarification is the proximity of the inventoried roadless area to communities because that sometimes, I'd have to look at the map, whether that's considered threat or defense. But I know because it is considered inventoried roadless that may have a different, that would be another consideration for any suppression action. And I think that might, I think that was called out in the chief's letter, was the proximity of community to inventoried roadless area and whether or not that constitutes threat zone or defense zone or something else entirely.

Mark Novak: Mark Novak again for the record. If I could add on to that, that has been one of our concerns, because you have different categories. You have land use categories, backcountry roadless area and then you have the WUI, and one of the overriding themes I think we would say is that when you're within the WUI, regardless of the land use designation, backcountry, roadless, anything else, the primary strategy and the primary goals need to be life and property. And if that was the Standard, then I think that would trickle down and resolve a lot of issues.

Nancy Gibson: I would say that life and property is paramount over pretty much every single goal, action we would take. There would never be a time that we would exclude life and property for some other purpose. So it's a matter of, how do we articulate that in a way that can capture your concerns in a document that's very comprehensive that we wouldn't have to say it 15 times in order to capture that concern. Because, speaking just for this plan and every other activity I'm involved in every day, Fourth of July coming up, 150,000 of my closest friends arriving, life and property will continue to be our over-arching purpose.

Tony Tooke: So before we go to the phone, so in reality what happens whenever y'all have a fire, what you said a while ago, y'all meet and coordinate. If you're factoring in then where you are on the landscape, whether it's this kind of designation area or it's this and you're articulating that to the Fire Chiefs, I'm assuming.

Ben Sharit: Yes, we are to a degree, but I want to make one fundamental point here. I think we're missing a real basic concept. Regardless of whether it's in the defense, threat zone, RIA, any wilderness, we have a response plan. And that response plan is based on current conditions that are monitored twice a day. So it could be low, medium, high. So when we're in a high

dispatch, the rest of that does not even factor because we are sending a high dispatch which includes aircraft, ground resources, and it's all a coordinated response. And it's a very aggressive response to wherever that fire is, regardless of where it is on the hillside, WUI, wilderness, defense, threat, general forest, backcountry, IRA. So that's a fundamental point that we really need to drive home. That high response is based on those current conditions.

Tony Tooke: And that response plan is developed based on many factors, whether other fires are going on, the situation we're in across California and the country, a bunch of things, right?

Ben Sharit: Yeah. It's factored on, [] .

Tony Tooke: Resources you have, resources that are already on some incident. []

Ben Sharit: Well the benefit here we have in the Basin is that when we get a fire that has significant potential, guess who gets all the resources? Lake Tahoe Basin. And that's been a proven point time and time again.

Tony Tooke: What you just described, and I know we have to get to the phone, but it goes back to the thing that I said that I was trying to wrap my head around, is what should go in a plan versus what we have in place to govern such activities that we put in, we make sure we in the Plan, the framework, that doesn't undermine that is I guess what I'm trying to say.

Nancy Gibson: Yeah, this is Nancy. Just a quick reiteration and based on Karina's comments which I appreciate. Predictive services is something we do routinely and as Kit said twice a day we go through predictive services. We get, as a matter of fact, just on all our cell phones this morning we got the lightning activity levels. We get these things routinely, particularly through the course of fire season, but any time we ask for them outside of fire season, and that does drive many of decisions that in that initial attack, we already know what the predictions are for wind, humidity, all those kinds of things.

Tony Tooke: Okay, let's go to the phone.

Bob Hawkins: So John, you're up.

John Pickett: This is John Pickett. [No audio for two minutes] agreement that fires should always be suppressed in those areas. Thank you.

- Tony Tooke: So does the current response plan that y'all have say in the threat zone you will immediately respond to every fire and put it out, right away, in the threat zone, is that what's in the response plan right now?
- Kit Bailey: I think more importantly it doesn't say that we would do anything different than that. Based on our normal response and our historical and traditional response, and again, based on the low, moderate and high dispatch levels, the intent and the purpose is to suppress the fires, regardless of location, threat, defense, WUI, IRA, wilderness, we're going to respond at the appropriate level and then as conditions warrant, then we may modify that strategy using appropriate tactics.
- Mark Novak: Mark Novak for the record. I definitely appreciate Chief Bailey's historical commitment to suppression and it's been working well, but the thing and part of the reason that this objection exists, is this Plan has to be bigger than the people who are currently involved. And so we want to make sure that it's clear for future generations, what the intent was and what the priorities are. And a tagalong on that is the Response Plan, it's a sound Response Plan, but the Response Plan, my understanding is just because you have a certain level of resources responding, it doesn't dictate the specific actions that will be taken, that there will be 100% suppression or not. So that's what we're really trying to get at it is that our successors will understand what the intent was of the people sitting here today. Thank you.
- Tony Tooke: Okay. Barnie. Anybody else?
- Craig Thomas: Craig Thomas with Sierra Forest Legacy. So we got involved with this, sort of volunteered and were sort of asked for a couple of reasons. One is that Karina and I are very committed as a part of Legacy's program of work to increase ecological burning in the Sierra Nevada. So when we saw Standard and Guide 26, we were pretty excited. The more I thought about it, I thought, "Hmm. I wonder. That's, this is the Tahoe Basin." So do you have that Standard in there? And it was interesting and bold. And I thought, "I wonder what the firefighting folks think about this." And so that's why we wanted to have that conversation with the Fire Chiefs which I thought was very productive. And there's no easy way to mitigate the risks that they're concerned about and so I, our conclusion after hearing from them some very serious concerns, one of which being a recommendation to you to support in whatever decision you make, is there needs to be significantly ramped up communication between the two agencies. And that more direct involvement. We're supportive of the Forest Service choice in Standard and Guide 26, but we do not take lightly, we had a very good meeting, very professional people, I've known

John Pickett for years and they actually burn, so they're not just suppression and don't want to do anything else. I mean they apply fire to their landscape. And that was one thing I wanted to understand was their range of concern, their range of engagement with fire and the land. So we came out of that meeting saying, "Boy this is very serious stuff in a very challenging location."

But one of those recommendations is that not just the fire predictive services but the actual engagement on what portions of the landscape on an ongoing basis are currently set up to be able to accept a natural ignition when it comes. And that communication is updated all the time. So is there excessively high fuel loads around some communities adjacent to them that might be an opportunity for burning that is really not set up to take it? So that it's a much deeper communication, much more frequent communication. And I don't know that that provides 100% comfort to the chiefs but we think that it would certainly be an important recommendation to move forward with.

Tony Tooke: Okay. So I think we have everything that we need, that I need and so I really appreciate the discussion, appreciate y'all's time. I also appreciate the work you do. Greatly appreciate and admire the work both the Fire Chiefs do and our Forest Service folks do. I understand the daunting task, and especially in this place. I know what you're up against having driven down here twice now from Reno, I had a firsthand look at some of it and since we took a detour yesterday, Leanne, I had an even closer look at some of it so I really appreciate all that y'all do.

Craig Thomas: Tony, this is Craig Thomas again. So I just wanted to highlight and I hand it out to you guys the Fire Adaptive Communities document that the chiefs gave us and hopefully they're going to be spread all over this community and every other community. It is an outstanding piece of literature and it's what drove us to suggest that the more slope-specific restriction on, the need for increased clearance that's slope controlled is a really important thing to add into the recommendations.

Tony Tooke: Bernie.

Barnie Gyant: This is for the Fire Chiefs. I just want to see if I heard one of your last statements correctly: Is that the current relationship working with the Forest Service is working well and your concern is when the people here now are no longer here, how do we set the stage in our Forest Plan or maybe some other instrument, our overall intent of what we're talking about today about fire suppression, particularly as it threatens communities. Did I understand that correctly?

Ben Sharit: Ben Sharit for the record. Yes, that's correct. Our concern is when you see a 20 year document, that goes up in the air. Hopefully in 20 years we'll have the treatments in place and in those threat zones and so forth in the WUI [inaudible], but for now, the current relationships work very well. We work and collaborate together. We can always improve communication and both, all parties, but it is a very intricate location, thank you for your comments, that we're all very concerned about. And we need to make sure that we continue that collaboration. Ten years from now, 20 years from now, the faces will be different and inside of these rooms. And that's our concern is making sure we put in place clear intent in the Plan itself. And we appreciate the Forest Service including all local agencies, all local parties in the process. It's daunting at best. Thank you.

Bob Hawkins: Okay so you have what you needed. Looks like we're going to be able to break a little early, quarter of. We've got the next topic will start at 1 o'clock. See you all then. Thank you. So folks, just one more thing. If folks want the revised paperwork, check the back table for this afternoon's topics, for the handouts.

Wilderness and Roadless

Bob Hawkins: Hello, folks. Why don't you come on in and get a seat so we can get started? All right. Good afternoon. Thanks for coming back right on time. Let me do a little bit of recap for the new faces in the audience. This afternoon's agenda, we've got three different topics. The first one's going to be Wilderness and Roadless. What we've been doing is having the objectors and the interested parties come sit at the table, interested persons I should say. Then we'll have a discussion around this issue. We're going to have – this one's going to be a little different because it will be, I think, more of a discussion of what the objectors were bringing forward, and then we'll have an opportunity for clarifying questions as part of the discussion. Do we have anybody on the phone? It sounds like one person.

Marjorie Sill: This is Marjorie Sill.

Bob Hawkins: Hi, Marjorie. Anybody else on the phone? OK. It doesn't sound like it so – ready?

Tony Tooke: Yup.

Bob Hawkins: OK. I'm going to turn it over to Tony.

Tony Tooke: OK. For the folks that were not here this morning, we expressed our appreciation for you all continuing to invest time in this process and coming back to another meeting. Thank you for doing that. The other thing that I talked a little bit about was the information certainly from the last meeting as well as what we're going to gain from meeting is going to be a big help to me as I make a final review decision. Even without this meeting, we already have what I view as a more – we're going to have a more informed, stronger decision. I talked a little bit about – it'd be great if we are able to address and resolve all these objections, that may or may not be possible and I may ask some questions about whether or not some of these things addressed objections as they were and if so could they be withdrawn and what have you. This afternoon, at the end, I'm going to talk about the next steps and what's left, what remains, and so if you all will be patient with me until then, I'll go over kind of where we're at in the process and what you can expect to happen next.

This next topic is on Wilderness and Roadless. Let me try to get a little context and then, I'll go backwards. I think the way that I want to have this discussion over the next 55 minutes is to go back to – we had some proposals about recommended wilderness, for example, on the table the last time and go back to those – I think we need some clarity around one of those in particular. So we had that and then I know that some of you have been talking and thinking about other ideas. I know some of you have actually went out on the ground and looked at some stuff, and I think that's great, and provided us with some information. At the end of this discussion, I think where we would like to be is to understand there seems to be – seems to be, this is a perception I have, some common ideas among some of you all about where there might be recommended wilderness, just a little bit different from what was submitted in the proposed – in the comments, not proposed comments, but in the comments. We want to make sure we understand any idea that anybody has and have an opportunity to ask questions about that and we've got specificity about it and we know all we need to know about it whenever we go back. Then we also have an interested party that will make sure on any of these ideas will give an opportunity to share information about any of that.

The other thing is we had a list, if you all remember, of about a half a dozen previous Forest Service instructions that were beyond recommended wilderness. You all remember those? I went through those at the May meeting. Those have not changed. They're still there as proposed. Instructions being considered. Those have not changed. We

haven't added to any of those. We haven't removed any. We haven't added to them or anything. We'll make note of that. Going back to the May meeting – is there a paper on this one, Jody? We handed out a paper on this topic.

Jody Sutton: Just what we have.

Bob Hawkins: Yeah, just the two-pager.

Tony Tooke: Those right here?

Bob Hawkins: Yeah.

Tony Tooke: OK. I'm looking at the summary part there going back to the May meeting which we had the discussion around a proposal in the California Wilderness Coalition Comment Letter and Steve Evans talking about these included proposals for Hellhole and Trimmer within the Freel Inventoried Roadless Area, and – is it Meiss?

>> Meiss.

Tony Tooke: Meiss, Dardanelles. Dardanelles? OK. I'm sorry. I said it right in May. That did not include the current mountain bike routes or wildland urban interface. While the Hellhole and Trimmer proposals do exclude mountain bike routes and wildland urban interface, the Hellhole proposal is currently open to OSV use. Anyway, the Meiss/Dardanelles proposal excludes the portion of the Tahoe Rim Trail that's open to mountain bikes but does not exclude the Big Meadow Trail, and this is where we got to have some clarity. I'm getting into the parts now that we all need to understand what we're looking at on the map. Anyway, that connects to the Rim Trail also open to mountain bikes. Additionally, the northern border of this proposal is partially within the wildland urban interface. Thus, the California Wilderness Coalition did not propose a Meiss/Dardanelles recommended wilderness area that excludes mountain bike routes and the WUI. So the Forest Service, we need to clarify. We want to clarify whether the California Wilderness Coalition is proposing a different boundary for this area than what was proposed in the comment letter. I guess is what I'm getting around to is around that proposal. Let's make sure we know exactly what it is.

Steve Evans: Steve Evans representing California Wilderness Coalition. It might be easier if I just point it at map and I'll speak loudly. This is what the California Wilderness Coalition submitted for, a proposed Meiss/Dardanelles Wilderness. We excluded, our attempt was to exclude

all the trails or currently open the mountain bikes, and we believe we did so. Also to exclude all the – not include any area that was in the WUI. Now, the summary has an interesting statement in it. It says that the CWC proposal does not exclude the Big Meadow Trail that connects to the Rim Trail. In fact, it does. This is Big Meadow. Big Meadow Trailhead is here, and this is the trail. Unless there's a trail here that we're not aware of, we have in fact excluded all trails in that statement and the revised summary's incorrect. As for the WUI, if there is WUI that's included within the boundaries marked on this map, it's unintentional due to the scale of the maps that were in the plan which are difficult to translate into a larger scale map. Our intent is to exclude all the WUI. I believe the biggest potential conflict with that that we would certainly be willing to change the boundaries right in here, but I actually couldn't find any other overlap between WUI and this boundary other than right from this area. That was unintentional and could be easily fixed, but we need clarification from the Forest Service as to what trail they're speaking of, Big Meadow Trail, that connects to the Tahoe Rim Trail because that is it as far as we know.

Tony Tooke: That is the map we looked at last time at May meeting.

Steve Evans: Correct. It was the map that we submitted both in the scoping comments to the plan and draft plan.

Tony Tooke: So I have a question that I need to get the Forest Service folks to – I think this is where we think that we received in comments something different. I need the Forest Service folks to be able to show that compared to this, but anyhow, how big – and I asked you this before. How big is that area?

Steve Evans: I'd have to look it up.

Tony Tooke: Within 300 to 400 acres, how big it is.

Steve Evans: It's probably 15,000 or so.

Tony Tooke: We talked about at the May meeting a smaller area too, didn't we? All right. Well hold that thought.

Steve Evans: Yeah. I don't recall that.

Fred Roberts: Our committee has a slightly different view. Did you want to hear our view on this?

Tony Tooke: Yeah, and then –

Fred Roberts: He didn't sound convincing.

Tony Tooke: No, I do and –

Fred Roberts: Is it appropriate now?

Tony Tooke: Yes, but we still got to make sure who's going to say for the Forest Service on what we received in comments and – OK, come on up, but go ahead and – Mr. Roberts, and describe.

Fred Roberts: This is Fred Roberts with the Wilderness Committee Task. I'll probably go up to the map here in a minute and leave this mic and talk as loudly as I can, but we, as you mentioned, we're on the ground since the last meeting to look at the situation because to put it in context, when we left that meeting, the May 20 meeting, we saw that you had asked if there was a pathway for Meiss or Freel to be moved into the now approved plan, taken out of the unapproved plan and moved in, and I believe Jody told you that it could be done according to NEPA if it was not larger in acreage. The original acreage that the Forest Service requested was about 15,000 acres, I believe, somewhere around that. Actually I can tell you exactly; 14,227 acres. When we went on on the ground, we knew that there were two conflicts, the WUI and also the bike trail, the mountain bike trail, and we wanted to find a way that we could help you design that in such a way that it would be a collaborative effort that would satisfy bikers and satisfy the fire department or the fire departments about the fire danger in the WUIs. We have a slightly different alternative than what Steve has mentioned. I think we can show you what it is and then you can take a look at that and put it into your equations. Is that OK?

Tony Tooke: Yes, sir.

Fred Roberts: By the way, we recorded the number of – our hike went from here to Round Lake, and we were looking at the possibility of a turnaround in Round Lake for this bike trail and rather than have it meet the Pacific Crest Trail, which is problematic, because bikers tend to want to take the trail in. You almost can't fault them for that and yet it's illegal so we considered that a problem. We hiked into here and then hike back out down Lake Valley Trail on a different way. We've hiked into this area, in this process coming in from this end, coming in from this end to Dardanelles, and then getting out here. This is our third time. During that day, we had 35, 42 people, one-sixth of them were bikers. That's just one day. The bikers you're going to see at a higher frequency than you see

people because they're going faster. That's just some data [inaudible] that's used. When we came out of there, we had conversations about how we could create a bike trail that would make bike people happy without doing this, and one of the ways we've talked about was there's a shortcut across here that when you come in from Big Meadows parking and come up the steep area towards Big Meadows, you can cut over in a relatively level area and then meet – I think it's called the Lake Valley path that runs down to Lake Valley.

>> Yeah, normally called Christmas Valley, but yes.

Fred Roberts: I don't know. You can look that three to four times if you want. It's a very technical run. I'm not a biker, but some of us were, and they said this is very technical. I think some people will be willing to help get that path going. In any event, that would allow us to include this area in the wilderness. If there had to be more of this taken out here in order to create the path in a way that satisfies bikers or satisfies the WUI issue, I think we tend too and we can have a conversation about that later, we tend to be willing to see that [inaudible], is that consistent with this? But we think that this is a go from the conversation we had with you last time, we set it up to be able to be moved in. We've talked about the conflicts. We've seen solutions to the conflict. It helped us understand if there are any so we can continue to work on [inaudible]. Or if there are still conflicts.

Tony Tooke: Yeah. Let's talk a little bit about the map that we got in the comments and then maybe we can come back and clarify anything else that's happening in this 14,000, 15,000-acre.

Steve Evans: Could I correct something I misspoke earlier?

Tony Tooke: OK.

Steve Evans: This was the map submitted in response to the draft. We just submitted the Roadless Area map in response to the scope, scoping period. By the numbers looking at our comments, looks like we estimated the Meiss/Dardanelles Roadless Area as about 10,000 acres. This is about 8,000.

Denise Downie: Denise Downie. Steve, we were not able to find that map in your letter. We looked through the California Wilderness Coalition letter and what was in that letter was the map on the right-hand side, and so that's –

Steve Evans: Are you talking about the scoping letter or the draft?

Denise Downie: The draft comment letter. Yeah. You may have intended putting that one in, but –

Steve Evans: I also hand submitted large format maps of these kinds at one of the public hearings.

Denise Downie: OK. That's entirely possible too. I do have to say that looks somewhat familiar to me, but the reason our response looks the way it was is because when we went to your letter, that map on the right was what we saw.

Fred Roberts: Denise, whose map is that over there to the right? Whose?

Denise Downie: That's the map that was in the draft comment letter from California Wilderness Coalition.

Steve Evans: I found our scoping comments and it's certainly in those but I unfortunately didn't bring the draft comment letter.

Barnie Gyant: As Steve is looking for that, so Fred your questions about working with the biking community so you saw about trying to drop the bike routes out. Was there conversations throughout that or did you just drop them out because there was controversy around it? Really my question is did you collaborate in and around those bike routes being dropped out?

Fred Roberts: I heard from John that he didn't like cherry stems. I heard from John that he did want bike paths. I heard from our group that that trail as it is the bike trail is inconsistent with a wilderness experience. That's what led us to suggest a different alignment for a bike path.

Barnie Gyant: You didn't jointly develop that map together.

Fred Roberts: Our group did, the Wilderness Committee of the Tahoe Area Sierra Club. We were not working in conjunction with the coalition.

Barnie Gyant: Denise, another question I have is what other activities there are in that overall footprint of that propose? Are there other activities or other uses that are going on in that proposed map area that's particularly to the left?

Denise Downie: It's a Roadless Area. The area to the left –

Bob Hawkins: Use the mic. Thanks.

Denise Downie: I'm sorry. Denise Downie responding to Bernie's question. The area that we're looking at is an Inventoried Roadless Area. The area to the left is primarily the watershed of Upper Truckee. It includes the seven-mile segment that was recommended as a wild river under our 88 plan or subsequent to our 88 plan. So that recommendation still stands. There is not a lot of activities planned up there. There are some minor watershed restoration activities, some minor Lahontan cutthroat trout activities, but all of those activities are currently constrained by the fact that it is a Roadless Area, and so –

Tony Tooke: You're saying that entire –

Denise Downie: Pardon?

Nancy Gibson: Don't we have historical cabins there as well?

Denise Downie: Yes. Nancy Gibson just asked if we have historical cabins, and yes, there is a historical cabin up there.

Barnie Gyant: Just one cabin.

Denise Downie: Yes.

Tony Tooke: That entire 14,000, 15,000 acres, whatever it is, it's all in Inventoried Roadless Area, the whole thing?

Steve Evans: I believe so yes. In response to Bernie's question too in terms of collaboration, I met with the Tahoe Area Mountain Bike Association and the IMBA, the national group, during the draft comment period and presented these maps. They said, "Thanks, but we don't like Wilderness," and that's as far as the conversation went.

Tony Tooke: Does anything else go on there in that area, any kind of activity or anything?

Steve Evans: The grazing allotment has been shut down. I know it's all backcountry recreation and it's closed to over the snow vehicles, at least this area is not Hellhole/Trimmer.

Bob Hawkins: Let's open it up to the interested persons and for clarifying questions. John, I know you had your hand up.

John Grigsby: I can go any time?

Bob Hawkins: Go ahead. Go ahead, John.

John Grigsby: There's a few –

Bob Hawkins: Use the mic. Use the mic and give us your name.

John Grigsby: Thanks.

John Grigsby: All right. John Grigsby, Lake Tahoe local. First, there's something I'd like to note there. I'm not sure how it's considered a Roadless Area. It's very clearly a jeep track going by the Meiss Cabin. Yeah, everybody threw a bunch of branches over one of the jeep tracks but that was very – definitely a road at some point and I don't know enough about the history of the area to speculate how or why but that's – it's also the PCT which makes it doubly entertaining to be banned from a jeep trail. Anyway, but as far as the impact of that Roadless Area or various cherry stem versions of the Roadless Area, I appreciate, and I definitely and I will do my best to speak for the mountain biking community here. I cannot guarantee that, that as someone who spends a lot of time both on foot and on bikes on these trails and as someone who's very intimately familiar with this area both the foot-only sections which I've hiked multiple times as well as the bicycle sections which I've ridden a lot. I hope this will shed some light.

The first comment I have is that – is something I brought up last time which is the problem with cherry stemming is it doesn't account for trails that exist but aren't necessarily on the large-scale trail maps. For instance, there's a trail that comes up from Highway 88 almost to the Rim Trail there, which has obviously existed for a long time and I've been up before. That connects up to the – I don't know what it's officially called but we always called it the Meiss Ridge Trail, which is a trail on the ridge to the west of that entire valley which follows an old fence line. You can see it up there. There's an old fence line that goes up that ridge and you end up – basically you can go all the way to Little Round Top on that, and obviously, Wilderness Area precludes that.

The biggest concern we have is that we would have about that is that this forever and ever shuts off any possible connection between Highway 50 and Highway 88 that is not on a road. Now note right now, you can almost do that, that existing trail that comes up from near Carson Pass. It starts a little to the west downhill from Carson Pass. That comes up and that hits the PCT not very far from the trail to Round Lake. It would take very little effort to connect that through and provide a way to get

through that. That's even an existing trail. That's well-established. It's already there. Obviously this shuts off that ability forever and ever. One point I'd like to raise when you're talking about how much bike traffic there is on specific trails, yeah, you'll see bikes on Christmas Valley sometimes on these other trails sometimes, but it's a fairly short set of trail segments so it's not a terribly well used trail by bicycle Standards because it's not long enough. You got to just sit there and do multiple loops when you'd rather be on the Rim Trail. Just to give you an idea of typical scale, a 20-mile ride is relatively common and a fairly easy day. My personal record on single track trails is 60-miles that is not common, that's a really, really brutal day and I don't feel like doing it again, but the 20- to 30-mile distance is very common and I feel very fortunate to live in a place where that is a realistic thing that you can do on trails without just doing little loops or something contrived. There are a great deal of trails around Kirkwood and Caples Lake area. In fact just yesterday, we were riding the Horse Canyon area down around Kirkwood, which is so – anyway, the upshot of this is the problem with this particular wilderness designation isn't so much that we lose – first, we lose access to some things we have now, and second, you forever shut off the possibility of there ever being a bicycle connection between 50 and 88, something we're very close to now, very, very close to. We're literally maybe a quarter mile away from, and yeah, there's no possibility of that in the future.

Barnie Gyant: John, is there a way to easily show where 88 and 50 are on that map?

John Grigsby: Sure. Let me bring this up. This is the map I'm used to, so it'll make it a lot easier. Highway 88 is down here. It goes just along the line of the map and kind of winds around here. Then Highway 50, you'll see – actually, this is 89 up here. This is 89. It comes through, and 50 comes up here. Actually, I kind of misspoke this is a connection between 89. Basically there's this huge [inaudible] of no highways in here and currently, there is no way to get from here to here on a bicycle. There almost is. There's a – like I said, there's a trail that goes from right about here. It's somewhat less PCT that almost connects up to this and we take very little effort, probably less than half a mile of trail link to connect [inaudible] PCT, but this forever shuts that off. The other trails I'm talking about besides that is the Meiss Ridge Trail that goes up here, basically up from there, up that along – close to that ridge from Round Top. That's another long established trail. Again, there's a fence line there. These are things that I've personally been on in the last definitely year, in some cases seven months. That's what I'm talking about. This is 89, this is 88, and this is 50 down here. Right now, there's no way to get between these on bike and we're kind of forever shutting off that possibility at this point.

Bob Hawkins: All right. Thank you. Are there any other interested parties that had any questions they want to asks, thoughts they want to share? Go ahead.

Laurel Ames: Sierra Club –

>> Use the mic [inaudible] Thanks.

Laurel Ames: Last time I couldn't touch it because he was toxic.

Bob Hawkins: We could argue that point about today.

Laurel Ames: Laurel Ames, Tahoe Area Sierra Club and Toiyabe Chapter of the Sierra Club.

>> Get closer to the mic.

Laurel Ames: I'm sorry. One more time. Laurel Ames, Tahoe Area Sierra Club and Toiyabe Chapter of the Sierra Club. I think there are a number of things about Meiss that are really important to figure into this. One is that it has been ID teamed several times, it was in RARE2, and each time, the Basin Management Unit has recommended at the ID Team level wilderness for the Meiss area. The second thing is that this is the headwaters of the largest stream that empties into Lake Tahoe, and if there's one way to protect headwaters, it's wilderness, and it doesn't cost you anything. Also you asked about other activities. There is restoration going on up there of the Lahontan cutthroat trout, which is an endangered species that is native to the Tahoe Basin. The trail that comes in now up on the far side of – on east side out of Big Meadow was constructed in early 2000. It's not really been around very long. The old trail is still out there. People use it that know about it. Fortunately the bikers haven't found it yet. It's a wonderful, beautiful place from – ridges on both the east and west side. Meiss is wet most of the year and it's a perfect place for wilderness. It is a wilderness, and fortunately, even with all of the activities that are going on, it's still not damaged.

Barnie Gyant: You mentioned about the restoration for trout. What's actually – I think a couple of people mentioned about some restoration. I'm trying to get a sense on what is going on as far as restoration. Are you restocking? Are you putting in fish passage? When you talk about restoration, I'm trying to get a sense on what that actually means.

Laurel Ames: I can speak for the Forest Service on that although they might want to speak for themselves. There has been quite an effort for the last 20 years

to restore Lahontan cutthroat up there and there's been poisoning, there's been elective fishing. There's been any number of different attacks they've taken and started different many tributaries in that area as you can see from the map to the main stream. They were in there last year. I'm not sure what they were doing. Is Richard Vacirca here?

Barnie Gyant: Steph is going to speak to that.

Stephanie Coppeto: Hi, Laurel. You're absolutely correct. There is restoration going on in that area. I'm not a fish biologist for the Basin but what they're doing is a collaborative effort with the U.S. Fish and Wildlife Service to help restore Lahontan cutthroat trout, which is a native listed species in those areas. What they're doing is they're trying to remove non-native species or species that potentially hybridize with Lahontan cutthroat trout. It is a recovery action. I hope that clarifies.

Laurel Ames: And it's ongoing.

Barnie Gyant: Really, what I was really driving at is, are there are some – thank you for that. Ultimately, when I asked the question originally, I was just curious on whether – are there some activities that are currently going on that we would be incompatible if there was a wilderness designation? That's what I was trying to get at originally. Thank you for that.

>> State your name.

Laurel Ames: Also there was – they found endangered plants up there. There's a Lewisia and something else, and I don't know that they find it every year, but they are there.

Stephanie Coppeto: This is Stephanie Coppeto again, Wildlife Biologist here at the Basin. You should know the trail head that leads from Highway 89 towards Round Lake through Big Meadow proper. There is some forest restoration work going on. We're restoring the meadow community there. I'm sure all of you that have hiked through that area or ridden your bikes have seen some of the piles we have created or some of the meadows that we've restored. That project is intended to continue until approximately 2017, pending that we are able to access the area safely and continue to restore that area. It's just really the northern section. I hope that helps.

Steve Evans: That's currently outside of this proposal. This is Big Meadow right here.

Tony Tooke: Are there any other ideas for recommended wilderness?

Steve Fernald: Steve Fernald from the Sierra Club. All I wanted to add was that I think we've worked pretty hard to look at this collaboratively and we want to continue in that mode of working with the Forest Service, working with the bikers, working with all the different groups to – with the ultimate goal of preserving whatever can be preserved for wilderness, but we have a desire for working together. I mean when we're on that trail and we have bikers there, I know some of the bikers talk to them and so on and so forth, so it's not – I don't like to see it as an adversarial thing. I like to see it as working collaboratively to try to meet the ends of everybody and also preserve as much of the wilderness as possible.

Tony Tooke: Say more about that when you say working together. What specificity? What do you mean? What would you say that would be?

Steve Fernald: I think we worked with the Forest Service and I think we felt, as a group, we had a directive that there were several areas that were going to be designated, potentially designated for wilderness, and we went out and we hiked all those areas. Kind of, I think we felt we were being agents for the Forest Service and looking it over and looking at it from a recreational standpoint. We took notes. We took minutes. We hiked probably ten times, and as Fred said, three times in the Meiss area alone. From that, we had a pretty strong feeling that there were areas that we felt were – exceptionally ranked them and we had meetings about it. We felt we were in collaboration with the Forest Service initially when almost as if we had an instruction to go out and look at those areas and see what was valuable and see what could be done. When the response came back, that none of those areas were going to be designated as wilderness, I think other than the initial response, we were a little bit saddened by that, but then I think we kind of put our hats on and thought, "Well, what can we do?" and so we went out and hiked the areas that we talked about at the last meeting, and then we did it specifically, almost 100% of it was looking at what could be done to make as much of that area that we were looking at in Meiss still be available for the bikers and not alienate them? Also the WUI with the houses that are down in the Lake Valley Area, the beginning of Christmas Valley, there are houses down there, and we felt that we could not have anything in that area and even – should set up a buffer so that the fire people could get in there and make sure that it wasn't a problem from the WUI. I think that's the idea with working in a collaborative style is trying to look at the needs of not only our own group but what the Forest Service is trying to do and what the bikers need.

Tony Tooke: Thank you. What I remember before, I think I asked a question and I think this is right from most of ya'lls perspective. This area is the most

important, probably. This area we're – there was two to three spots that we talked about before, but what I'm remembering when I asked that question is most of y'all said this is probably the one of the most importance to you all and y'all listed some reasons and then I hear some of those reasons repeated again today.

Steve Evans: I think that's a fair statement that this is the most important one, but speaking for the California Wilderness Coalition, if you chose not to look at changing your non-recommendation for the other areas, we would still like to see the steps applied that are recommended in the sheet, explain why, et cetera, but in terms of if you're looking at "Can we potentially look at a wilderness recommendation?" this would be our highest priority.

Fred Roberts: That was also true for the Wilderness Committee, and for the reasons that you have recorded in were underlined by Laurel.

Tony Tooke: Yeah, that's a good idea. Hold on. Somebody else got something? OK. Go ahead.

Stephen Alastuey: Steve Alastuey, Sierra Club. In the Meiss Meadows area in particular, which is headwaters for the Upper Truckee River, that is a critical tributary to Lake Tahoe. Historically, it's always been the major waterway on the south shore that leads through the marshlands where Trout Creek and Upper Truckee meet just before they go into Lake Tahoe which is part of it is now taken over by Tahoe Keys, but there's been very successful restoration in the remaining marshland. That whole watershed there is a critical area to protect for the future of Lake Tahoe in general. Wilderness designation would be a major barrier to any negative influences that could affect the area.

Tony Tooke: Anybody on the phone have a question or any comment that you'd like to add?

>> Just Marjorie Sill.

Tony Tooke: OK. John?

John Grigsby: I do have one brief question which is, is there anything, any allowance in the existing plan or any indication in the existing plan as was passed, that the Meiss/Dardanelles area, the Freel area or the Hellhole area or any of these other areas under consideration are in danger of any sort of development or being touched in any way or is this simply we're afraid of what might happen even though the Forest Service has no plans to do

anything and the plan says there are no plans to do anything. Is there anything specifically in the plan that anybody's concerned about that will impact these areas or it's just we want wilderness because we're – yeah.

Bob Hawkins: Is that a question to the Forest Service?

John Grigsby: Yeah. Really, that's my question is – I mean, I couldn't find anything in the plan because I want to see this place preserved as much as you. I spent a lot of time in these places. I want to see them preserved just as much as anybody else. Does anybody – this question I guess is to anybody in here. Does anybody see in there any indication that there's anything we need to be afraid about?

Bob Hawkins: Yeah. Well maybe the way that –

John Grigsby: With or without wilderness designation?

Bob Hawkins: [inaudible] afraid of or – maybe that question's not – yeah.

John Grigsby: As far as these areas being developed or touched any more than they already have been.

Bob Hawkins: I think Denise had explained – if I heard her right, it is an Inventoried Roadless Area. Did I get that – where's Denise? Yeah, it's an Inventoried Roadless Area so it does have protection. Go ahead, Nancy.

Nancy Gibson: It was also a proposed a wild and scenic river area, so we have been managing it ever since that proposal in the manner that you would manage wild and scenic river corridor.

Tony Tooke: Nancy, when you say that that entire 15,000 acres –

Nancy Gibson: It's the corridor of the Truckee River, Upper Truckee.

Tony Tooke: The whole thing?

Nancy Gibson: Up through Meiss, yeah.

Barnie Gyant: Can I ask – To the whole [inaudible] the Truckee River watershed?

>> Yes.

>> OK.

>> The wild and scenic river goes basically from here to – so it's [inaudible] of the boundary.

>> Yeah, so the corridor –

>> It's in the corridor.

>> Yeah. Generally a quarter mile.

Tony Tooke: Is there any other recreation uses in there besides biking?

>> Camping.

>> OK.

Tony Tooke: No?

>> [inaudible] hiking.

Tony Tooke: I understand that, but – there's nothing else?

>> [inaudible]

Tony Tooke: Yeah. OK. Any other recognized recreation activities in there?

>> [inaudible] there are people coming in [inaudible].

Tony Tooke: OK. John, you had another comment, question?

John Grigsby: No. No, that was basically my question is – because as far as I can see, the wilderness designation, the only real world affect of the wilderness designation here given all that is to ban bicycles. Real world, nothing's happening there. Real world, it's not endangered. Real world, it's not like the Forest Services has planned some big developed campground up right there below Round Top. I guess now – and again, as somebody who lives here and goes there frequently, I want to see it preserved as much as anybody else here. If I thought there was anything here or the community in general thought there was anything in here that put those places in danger, we would be tremendously up in arms and just reiterate the point that we share the goal of preservation. The only difference here is currently the interpretation of the Wilderness Act is you can't ride bicycles there. If I could ride a bicycle in wilderness, I would have no problem with the wilderness and I don't think the biking community

would either because we all want to preserve this for future generations and as long as it can possibly be preserved. Thank you.

- Steve Fernald: Steve Fernald. I had a question that comes from John's question which may not only tangentially relate. We hiked in the Blackwood Canyon and we found that area to be just beautiful area, and then I happened to meet somebody from Homewood and they were talking about expanding their facility up into the higher. They go, I think, three levels up in the mountain, and then they have a final area that they have their eyes set on and they said they were looking at developing that, and I said, "Do you own that land?" They said, "No. The Forest Service owns that land." I don't know where that touches on that area that is the area that's a Blackwood Canyon area and what plans there might be in place and whether that has an effect to John's point. I don't know if the Forest Service is aware of that or the intent of Homewood.
- Nancy Gibson: We don't have any proposal for that for Homewood. What we have with Homewood at the present time is Forest Service property adjacent to the private land and Homewood is a ski development. In that adjacent strip, they're under special use permit for a single run. That's all we have with Homewood at this point.
- Laurel Ames: Homewood provided a map during the development process that showed [inaudible] going down into Blackwood Canyon [inaudible] and then [inaudible] the ridge.
- Steve Evans: Just background that when the Blackwood Canyon/Homewood proposal would affect a portion of the Granite Chief additions, we also proposed but not this area. I just wanted to address some of the questions that were asked. Bernie, you mentioned fish restoration. I think the only activity that wilderness would hamper in terms of fish restoration for the Lahontan cutthroat trout would be use of [inaudible]. I think the minimum tools analysis would allow the Forest Service or fish and wildlife or Department of Fish and Wildlife to go in there with backpack electroshock rigs if needed. I think there are plenty of opportunities there. In terms of the cabin, we do recognize that wilderness could require the removal of that cabin if we sought legislation for this, which is not going to happen any time soon, because the current person who represents this area in congress isn't amenable to wilderness legislation, but if we sought legislation for it, we would want a provision that legislation that would ensure that that historic structure remains in place. As to wilderness being anti-mountain biking, I would like to point out our proposal here leaves open all legal mountain bike routes, so it's not quite as black and white as provided. Also John, I don't know if you're familiar

with this but making that area wilderness wouldn't foreclose the only connection between Highway 88 and 50. It's the road in the Schneider [inaudible] camp and the trail next to the Pacific Crest Trail here.

John Grigsby: Isn't Pacific Crest Trail? Illegal for bikes?

Steve Evans: Well, pointing out, you seem to say that's what's needed.

John Grigsby: Yeah, which is – yeah. Like I said, the connection I'm talking about would come to a currently legal trail. There are other issues in there which is [inaudible] Canyon don't connect to anything. We've got other issues there caused by the PCT, but this isn't the time or place for that.

Bob Hawkins: OK. Fred?

Fred Roberts: Just to help answer John's question. It's our assumption. John was concerned as an environmentalist also that he indicates that he doesn't want anything to happen negatively to that area, and suggest that there's nothing planned in the near future, and therefore, we don't have a problem. Well, we kind of take a different view in the Wilderness Committee. There's a lot that can be done in that area as backcountry or whatever else designation. Once you put it under wilderness status, it's going to be – you're going to be able to count on the future that it's not going to be impacted and there aren't going to be changes that are unforeseen. So that's what we're all about is preserving that wilderness and not having any surprises, and the Wilderness Act is the vehicle to do that.

Tony Tooke: So I have a couple other questions here. We got a few more minutes. And I need to make sure that none of the other Forest Service folks have any questions. Has there been any discussion, have you all had any discussion, anything in your thought process about a portion of that area? A portion of this area, have you talked about a smaller portion of that 15,000, I'm just asking.

Steve Evans: A portion of what's already a portion you mean?

Tony Tooke: Yeah. A portion of the portion.

Steve Evans: No. I mean, it's my viewpoint that we can avoid these kinds of processes if we could sit down with the agency and work this out, but frankly, during the draft comment period, we get no feedback from anybody, "Can't talk to you about it. Just submit your comments, we'll take it from there." We could have resolved this a long time ago and could still

resolve it if we sit down with a map and on a table and draw some lines and see what comes out, but –

Tony Tooke: That's what I'm asking you right now. Let me be more really specific, is there a different defined area within that 15,000 acres that you would have talked about, you would have sat down if you were looking at a map with folks and said, "And here's also another idea"?

Steve Evans: Yeah, we, you know, of course – I think Fred just mentioned Sierra Club had come up with some changed boundaries and we haven't had a chance to talk to them about it, but I can't say that the California Wilderness Coalition has done that, but we'd certainly be willing to have a discussion.

Tony Tooke: Can you share that? Can you show where that is, different boundaries in that?

Fred Roberts: Well I need to say there was some confusion. This is Fred Roberts. There was some confusion about that. We had someone in charge of that who's no longer with us, but my view of what it was initially, it looked very similar to this and where it's gone from our point of view now is that we – and this is all suggestion is that this bike trail wouldn't be there and as much WUI – WUI as necessary for fire protection and to create a trail satisfactory to bikers, so we'd be willing to sit down. But essentially, when I took the map that Bob Anderson showed to us in the committee early on when we were being formed and I overlaid it over what the Forest Service suggestion was, it was the same thing essentially with the bike trail going down the middle. So that was 14,227 acres. I haven't helped you much.

Tony Tooke: Yeah, so really, there is not a grossly different idea out there, it's a matter of whether or not as far as the ideas that have been discussed by you all, the cherry stem being in or out, the out being that there would be the bike trail would be on another spot.

Fred Roberts: I think this is really the only difference.

Tony Tooke: OK.

Bob Hawkins: Laurel, do you have one more comment? Go ahead and use the microphone for me, would you? Thanks.

Laurel Ames: Thank you. Laurel Ames, Tahoe Area Sierra Club and Toiyabe Chapter Sierra Club. I'd also like to make another pitch for Meiss – I mean, for – I'm sorry. Somebody tell me the name of the –

>> Freel.

>> Freel?

Laurel Ames: Thank you. This is bad when my words just fly away. For Freel, it's the tallest peak in the Basin. You can see it from almost everywhere. It has a very distinctive cousin, the – whatever the name of it is.

>> Job's Sister.

Laurel Ames: Thank you, Job's Sister, and it has quite a collection of endangered species there, the Draba, which is right up near the top. It's a place that has been also recommended for wilderness over the last 25 years by the Forest Service ID teams, and it's really deserving of wilderness. It's a place that hikers use and it has really vast views from the top.

Bob Hawkins: Thanks, Laurel.

Tony Tooke: OK. I think we've used all of our time and I understand particularly about the area there a lot more than I did. OK. So I guess it's back to you. Thank you all very much.

>> Thank you.

Bob Hawkins: OK. Thanks. We're going to switch topics now. I think as we described this morning, we're doing a little bit of a rearranging.

Tony Tooke: [inaudible] question, I think this is going to be a pretty long discussion.

Bob Hawkins: Yeah. Let's take a ten?

Tony Tooke: Yeah.

Bob Hawkins: Let's take a ten-minute break so folks can get rearranged. The next topic is going to be the Forest Management, Old Growth and Wildlife Habitat, Standard and Guide 33. Let's take a quick ten-minute break and then we'll get rearranged.

Forest Management, Old Growth and Wildlife Habitat, Post Fire Habitat, and Fire Ecology.

Bob Hawkins: Let's everybody grab a seat. Okay. We're getting close. Oh, what happened? Okay. Thanks. Welcome back. We're on the topic of forest management, old growth and wildlife habitat, and post fire habitat, and fire ecology. So there were some new briefing papers that were available on the back table. Just want to make sure everybody's got the updated version. Okay. And so on this one I think we will be following kind of the more traditional format where we'll go through a little bit of the history. I think Tony's going to do that very quickly and then we'll get into what the Forest Service revised proposed remedy is going to be. And with that, I'll turn it back to you.

Standard 33

Tony Tooke: Okay. So we have three papers that we're going to walk through in this particular section. We're going to start off with the Standard 33. Then we're going to go to 37 and 38. Then we're going to go to complex, early seral habitat. Okay? So in this Standard 33, we've had a lot of discussion—there's been a lot of discussion about the 30-inch trees. And objector is proposing only allowing removal of trees great than 30 inches DBH for safety, our equipment operability purposes, and utilizing project specific forest plan amendments when the removal for other purposes is needed. We have a proposed, revised Standard that I'll get to there in a minute. But it talks about—reduces discretion, we think, and addresses habitat concerns by looking at the removal of trees with potential to spread insect and disease by limited developed recreation sites and facilities, removals to reduce stand density are limited to stands where mortality is imminent unless densities are reduced as quantified by stand density index. Removals impacts are limited to unoccupied PACs as described in the PAC restoration Standard that it's Standard and Guide 90. And removal of TECPS. Threatened and endangered— That doesn't look right. Okay. Nest trees and adjacent habitat—oh, it says prohibited. Okay. So then there's some other Standards and Guides that provide additional protection, but we'll get to those in a minute as far as 36 and 37.

Standard and Guide 33 is not intended to provide for the removal of many [inaudible] trees in the event of widespread tree disease or insect outbreaks. Project specific NEPA analysis obviously would be needed under those circumstances. Forest plan amendments are not necessary for the types of removals described in the revised Standard, so I'm not going to go through what was in the EIS version. And then just repeating the objector's remedy was about eliminating this—pardon? Oh, I'm sorry.

I thought I heard something. Eliminating the Standard and utilize project specific forest plan amendments. That was the original remedy that was proposed. You can see our previous instruction there. That's what we presented at the May meeting, middle of the page, page two. That has since been revised and that's the bottom line of where I want to get to where we have expanded that revised Forest Service instruction. We're starting at the bottom of page two, Bernie, on the SG33. And so let's just sort of read along together there.

Retaining trees 30-inch DBH or larger or trees greater than 30 inches DBH need to be removed. And ID team number—and I remember this coming up before about who makes up the ID team and you all talking about a biologist being part of that. Vegetation management specialist, wildlife biologist, and you see the other specialists will propose trees to be removed guided for snag retention or fell for coarse woody debris during project development. Exceptions. I have some exceptions listed there under which a 30-inch DBH tree or larger can be removed include the following and I've got these seven or so things. One about the safety hazards. One that talks about insect and disease within a recreation facility. C talks about the average DBH of over story trees within the stand that's greater than 30 inches DBH and the stand density index indicates that mortality is imminent. The selection for removal or snag creation will allow competitive release for growth of the largest trees, selections of trees for removal, would give preference to shade tolerance trees. Talks about removing them in support of restoration of other types of species, aspen or talking about meadow or stream restoration. And gives an exception for blister rust. Then we get into an exception for PACs down there in F. And then the last one you see there in G threatened, endangered candidate proposed or sensitive occupied or known nesting denning roosting trees and adjacent high habitat value trees. Then that keeps going. So what I'd be looking for here from the objectors is how much of that proposed revised instruction addresses your concerns? What is still left if anything? But mainly your response to that.

Craig Thomas:

Craig Thomas, Sierra Forest Legacy. So we did get the revision this morning and had a chance to look it over and talked outside a little bit. There is some clarification that we want to talk about and go through the exceptions from A through G. But first I want to reiterate that our primary concern is the establishment of this Standard back in 1992 and the reasons for it. And it was largely related to concerns over spotted owl conservation. And that situation has actually gotten worse rather than better based on recent research. So that's part of the problem that we're struggling with is that it's still very difficult for us to understand the magnitude and the scope of what this discretion would actually lead to.

And it wasn't analyzed in the EIS. After seven years, we think it could have been. Should have been. But so that is still outstanding.

And the other tension that, Tony for your sake, that we've—we don't feel is resolved yet is when you look—and I'm look—I'm referring to our comment letter back on page 42 when we initially wrote the objection. And that is related to exception C which is the density exception. And the use of stand den—excuse me. Stand density index as the metrics for measuring density and risk. And so that concept has a long history though, issue of measuring stand density and the important of density looking at mortality risk. And I'm not saying there isn't validity to that as a tool. It's one tool to look at how to manage forests and anybody that's grown carrots know that you get different outcomes if you thin them versus if you don't. So there is a basic validity to that tool at some level. Largely developed for fast growing stands '33—back in 1933, years ago, all of that evolved over a long time. There is some validity to it. Our concern and the photo that I included in page 42 is trying to address the fact that under the new science, and a lot of it captured by people that we work with, Malcolm North and folks, on a regular basis, is that those clumps of dense large trees eventually access a different place in the ecosystem to tap into resources. So the thinning theories and the need to space trees out starts to lose validity when you run into these important large tree clumps. And so the stand density application to those large tree clumps would really be inappropriate. We would—and that photo just FYI has seven large old growth trees, many hundreds of years old stuck on a piece of ground that's barely larger than this room. And they're doing fine there. And yet, you could apply a density metric to that which I can't imagine how one would get there, but you leave the opening for applying—I would argue somewhat outdated and particularly when applied to large trees in groups that are accessing different parts of the ecosystem and these water table and everything else. If you apply that stand density metric to those things, you're really making a pretty big mistake. And so we wouldn't want that.

Tony Tooke: So what I hear you saying, Craig, is that in the application of this stand density metric, if that comes to pass, that conservation of these large tree clumps is important?

Craig Thomas: It's a value that we're actually trying to hold onto. And not have that be one of the tools when you're assessing those situations because it's not designed for that application. In our mind based on all the work that we've done collaboratively to create these two documents, it's really about holding onto that condition whether there's mortality or not. We don't see that we're running into large tree clumps or accidentally access

large trees in this landscape or any other one in the Sierra Nevadas. So that—wildlife value tiered to that and the importance of them for wildlife. We're struggling to see how that one works.

Tony Tooke: So it's almost like a desired condition?

Craig Thomas: It is. And a very much desired condition particularly there's individual large tree importance, but when they're in a setting that is dense and they're surviving, they have particular increase value.

Tony Tooke: Okay. So go back and talk about the discretion thing. Do you have examples or something—some type of description that you could describe to where there wouldn't be as much worry about the discretion?

Craig Thomas: We've talked about that a lot and that is a hard thing to come up with. Right now we're very focused on owl conservation and the new strategy that's coming along. And if there was going to be a change, we'd like to see a larger scientific body make some decision about that because we don't think we're ready. Since the value of large—white fir's usually considered the problem tree and large white fir happen to be very valuable in the system today because the pine that used to be here, the decadent old pine, is no longer around as—in the numbers that it used to be. So that white fir which can be a problem also stands in very heavily for wildlife value at the same time right now. So it's hard to—we talked about this a lot. What would the biologist have to climb the tree? I mean we've stood in front of situations many time on field trips where we've had glasses and we've looked around for value and we couldn't see the fact that there was fisher den up in that tree at 150 feet up in the air. So it's hard to say that the bio life—wildlife biologist would have the discretion to make the call because those are just—those are tough situations to begin with and very hard to be certain about. And we think we need more hands on deck before we make a decision about loosening up that discretion.

Tony Tooke: And so I know at the last meeting I asked you all—I put out three about what if we went back to the Sierra Nevada framework settlement—no. Forest plan amendment.

Craig Thomas: It's a long handle we got.

Tony Tooke: And so that's still there. But I'm asking you all now is your reaction around this proposed revised instructions. That's why I asked that question. And I think Bernie's got something he wants to ask.

Barnie Gyant: Not right now.

Tony Tooke: All right. Not right now.

Sue Britting: Appreciate seeing a revised proposal. A, B—sorry. Sue Britting. Sierra Forest Legacy. A, B, D, E, and G are fine.

Tony Tooke: Say that again.

Sue Britting: A, B, D, E, and G are fine. We had issues with C and F. And so I think definitely all that Craig mentioned about large trees, but I looked at this and I—all I could think of is, “Where on the Lake Tahoe Basin landscape do we have a stand of trees where the average DBH is greater than 30 inches? And where is that presenting a mortality problem?” I just—we—it was beyond me where that even exists today. And then I think we’re—things are—so then I would say if we are—I would be acutely concerned if we had a stand like that which I think is going to be extremely rare and we think we need to do some things in that. I think that’s a big deal. And in the Sierra Nevada, I don’t know where we have those stands. A giant sequoia grove you might push that kind of DBH because of who’s there. But other than that, I can’t figure it out and I’m not sure what size a stand is. And when you would apply this SDI because that’s a measure—that is a measure that you cannot count in the field. You must take plot data, go back into some office, and calculate it, and that tells you what the SDI is. So that in my mind is not a useful metric, but it’s also a stand metric. And I presume—but that—this is my presumption. I presumed up until this moment we were talking about incidental trees. But now you’ve introduced the idea of a stand of big trees that we want to go in and surround it. So that—it kind of—maybe it wasn’t the intention, but it kind of made it even more worrisome for me what was going on in there.

Tony Tooke: Do you have this—I know y’all are just seeing this today. Do you have a suggestion, addendum, to C and F?

Sue Britting: I don’t know. I guess I don’t know what—I do—we do have a—I don’t know what to say about C yet, so could we just set that aside for a moment?

Tony Tooke: Sure.

Sue Britting: Okay. F, we discussed among ourselves and F would probably be acceptable if in the first sentence there you got rid of the word “removal.” And so if the objectives there were to create snags or create

down wood for that PAC because this is limited to the PAC then okay. Great. That's what you need to do to improve and restore conditions in that PAC, fine. So that was one. And I think—am I right? If we could get “removal” deleted, we would say yes. Keep F. And then I guess we really—what is the intention to accomplish in C? Don't ask us what we would allow. Tell us what you want to accomplish.

Tony Tooke: Great question. So tell us, Diana, about what our intention is. And Denise, come on up. So this is what these discussions are all about. This is why we have this process is to get the Forest Service—sometimes having worked on these regulations awhile our words don't always capture our intent. Who wants to go first?

Denise Downie: I'll go first. So Denise Downie. Forest Service. So the intent with C is to , C I think would mostly come into during the latest part of this planning period. Because you're right, we don't have stands like that now and it's possible that we are thinking too far ahead. I don't know. I talked to Randy this morning and he said that we probably wouldn't get to that situation for several decades. Is that true, Randy?

Bob Hawkins: Use the mic.

Randy Striplin: Randy Striplin. Forest Service. A lot of the Basin is in this mid seral stage with trees that are starting to approach the 20, 24, approaching 30 inches. At some point, some of these stands are going to be getting to where the average stand diameter is greater than 30 inches. It's been pointed out to me by one of our foresters that we did have a stand like that up around the Big Meadow Trailhead area. That some of those larger trees we'd lost because we didn't have the ability to thin those out. Now that's second hand information, but that's what's been told to me.

Denise Downie: And so to address your confusion about C and it being a stand level, you're absolutely right. This is Denise again. And it's why this process takes so long. So I'm thinking that if we were to keep C, we might want to separate that out in itself because—by itself because that I think would need to be something that was done during project planning as a project sort of thing whereas the other ones we're talking about individual trees and that's a different process.

Randy Striplin: And this is Randy again. And, obviously, if this opens a door to—where this would be occurring, cutting trees, thinning stands that had larger trees in them on a regular basis, I can understand the concern with that obviously. And it's meant to be just an exception to the rule in case we ever did need it. Not something that we plan on going out and using

often. Just something that is available to us should we need it. That's the intent.

Denise Downie: Denise again. But the situation in C is basically to address the Comstock logging. We lost a good part of the trees in the Basin all at once. And so we've got, as Randy said, these even aged stands that at some point we need to get some heterogeneity into them. And how do you do that? So that's what we're trying to do with this.

Bob Hawkins: So then, Denise, do you think we should capture your comment this exception is really designed at a stand level and really could be taken out of this Standard? Is that what you're suggesting as a possibility?

Denise Downie: Yes. We could consider that because it—to me, it does kind of seem to be a different situation because we are talking about a stand level. I don't know. And here's a person who can answer those questions.

>> Hi. Go ahead and introduce yourself. And yeah.

David Fournier: Good afternoon. My name is David Fournier. I'm a forester here with the Lake Tahoe Basin Management Unit. And I've helped work on the forest—sections of the of rest plan in the EIS. And so what was the question? I was just—

Tony Tooke: Can you explain the intent behind C? Do you have C in front of you? We don't mean to put you on the spot but since you're sitting there.

Sue Britting: So just as a little background that I raised the issue about C and not understanding what it is that you were trying to accomplish. And that this Standard 33 was about incidental large trees to be removed and that C introduced a different concept related to a stand of trees that had a stand density index to them that wouldn't be something that you would estimate at—as you were marking through a stand in an incidental or one tree by one tree. And that it struck me that—I don't even know where we had conditions today where we had a stand whatever size that is with an over story—dominated by greater than—that was a mean—an average over story of more than 30 inch diameter. So what are you trying to do with this Standard? And where does it occur now on the Tahoe?

David Fournier: All right. So that's a good clarification there. Right now it's—we do have some stands that the mean diameter is over 30 inches. But really just a quick SDI, stand density index—it really is for any size tree. So if the stand age at a early stage of development, they're mostly smaller trees. But there's only a certain capacity for how many trees can be sustained on an

acre. And—but the stand density index takes the number of trees in an average basal area trying not to get into too many weeds here in the details of that technically. But it helps guide the silviculturist well how much do we need to thin. So the trees can capture enough of what's on that site and grow and be a fairly healthy stand. So it's more of a stand level at different stages of development.

Sue Britting: That's exactly what I meant. It's a stand level condition.

David Fournier: Yeah. And we do have some stands. And some of these stands we've witnessed. The stand density index is so high that we could lose the very thing we are trying to protect. In the life of this plan we put it as an exception here just because we don't have a lot of instances where in the life of the plan it would really come into play. It will. I would expect that it will, so that's why it's in there. It's really going to be a much bigger issue the next time we go to revise the forest plan. Because all this—the majority of the Jeffrey pine, which is most of the forest you see around the lake, the average diameter is going to be hitting 30 inches by the next time we revise the forest plan. And they're already over 20 inches now. So that's what we're trying to just put it there as a—the exception, so that in these larger diameter stands, we do have that ability to give some breathing room for those stands. That's the intent.

Sue Britting: And so what's your down wood or snag levels in those stands that you see these—the potential death occurring? And why wouldn't we view that as positive for wood recruitment?

David Fournier: That—I'll have to give a big D—depends on that one. The down wood and snags created from the mortality—because we don't have so much in the way of the natural disturbance regime coming through here, when it does it's usually a pretty big effect. So I've—I actually studied the last bark beetle outbreak and it was pretty tremendous. It's what led to the whole presidential visit and all of that in the mid-90s. The density is so artificially high for lack of disturbance regimes that when it did hit, and we can predict it very easily with SDI, the imminent mortality and it's from natural factors. The bark beetles are local. They're not exotic or anything like that. You know that. So what we're really trying to avoid is that mortality would happen on a intense, large scale. I'm keeping my fingers crossed this year that we don't see much come October or September, October because the situation right now is setting up like it did in 1991, '92 with that last outbreak. But with room to grow, the trees are able to fend off a good portion of the bark beetles. Not to say, they won't still succumb. And average—what John Wentz [ph] one of our past entomologists said is that in Lake Tahoe Basin, we're going to get about a

tree per acre per year dying from something. So I don't know that if we don't utilize this exception that everything—I wouldn't predict that we get the mass mortality, but the thing is we just—we're trying to keep it healthier, so when an event and we're in one of them now, third year of drought, that we don't set ourselves up for this kind of mass mortality. The other things I think might relate more to wildlife habitat and things like that and what's—what could come from—what would be—I don't know if there is another intent to your question in terms of—

Sue Britting: No. Just wanting to understand what it is you wanted to accomplish.

David Fournier: I don't know if I've helped answer some of that concern.

Sue Britting: It's—so don't—I—in this setting, I'm hesitant to say, "Oh, okay. I understand," because that signals something to somebody. So I hear you. I'm letting you know I hear you. I don't agree with the perspective that it's a crisis and it also doesn't sound like it's something that's going to be often used. And so the backdrop of a lot of my concern is that we can look up in the—that's just the North Shore up there. West, east—that portion. That area that we have to work within is the WUI. And it's also the area that at least in that northern part, owl and marten are using. And so when we line up exceptions that undermine their habitat, that's when we—those are issues that concern us greatly. And so I didn't even—I frankly don't even know and this is the other thing that's very difficult about the setting is we're talking about a rule set that obviously people thought a lot about and tried to create. I'm not imagining that you are the people implementing this. I'm imagining someone's reading this and implementing it and they may or may not have your context. Or may not have your perspectives or may not be your—the wildlife person working. And so I'm just reading it as the plan language and I'm frankly going to be looking for where people will abuse it or will take advantage. And so that's why I just want to say that so that no one's offended by the hard look because it's about an area where both people, owls, and some marten, all want to be and trying to figure out how to manage that.

Denise Downie: Sue, may I respond to your map? Because when I saw that in your objection letter, it really caught my eye too. I'd just like to point out that—oh, if I move away, I can't be heard. Pretty much all of those owl sites that you have outlined there are included in our Carnelian [ph] project for which we already have NEPA done under the current plan. And so we would be following the current plan in implementing the WUI treatments there. We are currently implementing those treatments.

Sue Britting: At the tenure ones? They're in period of [inaudible] years?

Denise Downie: Yes. Yes.

Tony Tooke: Craig, you had a comment.

Craig Thomas: On—just on that thread, so then I don't know what happens when the plan gets validated and whether or not there's any revision to what's going on there and if that would happen within the timeframe of this project maybe not. I don't know. And a couple of things. We are generally supportive of the focus on—and what I see is the big problem and have always seen up here is mid seral forest condition and the density from that uniformity that's been mentioned. I mean we see that. We understand that. When it moves into the larger trees and groups of larger trees then I just want to reiterate that what I brought up is that stand density indices are an idea that has utility, but it—there is other information and other ways of thinking about those large tree clumps because they access different points in the environment than the smaller, younger denser stands of trees that we're used to seeing around here. So that is a concern for me. That we don't just move that concept over to large tree clumps and—

Tony Tooke: Can you describe—you're talking about that's a desired condition. These large tree clumps for him. He wasn't in here before. Go ahead.

Craig Thomas: We've known each other for quite a while. So in the comment letter, I put a photo in which is—there's seven—if you look close, seven old growth trees within the perimeter of roughly this room. And when I point that out and have worked—we all have worked with Malcolm North for years and he, in his Tea Kettle research and a lot of the work that he does, points out that when trees get to that level and survive that long, they're tapping into a different resource base. And so SDI and tree competition ideas are—certainly is a stress. I'm not denying that, but something different happens when you get this old and that big in that long of a time and that—so for me, that's not appropriate to apply that metric uniformly. And I—we just don't see that problem showing up when we're out on the ground running into these kinds of conditions to where we can walk around or can't operate or can't do other things. They're just really rare still on the landscape.

David Fournier: Okay. Craig, could you hold up that photo? I have a picture in my head because I remember reading that. David Fournier for the record. Right. And so those are the kinds of things that it's not a grouping or a clump like that is—it's a feature potentially within a larger stand. I remember when I looked at that I may even have had a comment or two on it. Yeah.

An SDI—and you're right. The larger, older trees tend to have much deeper tap roots and so they're not a surface level like the young seedlings and saplings, of course. But still there are limitations. Clumps like that, that's something we're currently aiming for in our prescriptions. And especially in the larger stands. But we're also trying to work within this middle stage as well to—because I think our lessons learned from the 20—about 20 years ago with the first fuel—big fuels treatments, is it was pretty homogeneous. And, of course, part of that derived from that Comstock era which I think Denise talked about and you all know about. That we have one cohort essentially that came up from that. So it's kind of hard sometimes. You have to really pay a lot of attention in your prescription to get that grouping and your marking guidelines, so that the crew can go out and try to set that up for when those trees do become much larger. So I appreciate that. But yeah. That—on a site by site basis like that—and this being an exception, we might be hard pressed to cut a tree in a group like that. So that would also—

Craig Thomas: But you're not limited in your ability if someone decided to think about density as a driving factor, it's unlimited.

David Fournier: I suppose you could look at it that way. The—I think on the ground what we're considering is getting the stand density. But, like I said, for the larger stand to be within something less than that imminent mortality. So it would depend on whether that looked like it was on its way out. And for Jeffrey, ponderosa pine is similar, their life expectancy can be 400 to 600 years or even more. So we're nowhere near that, but yet we're seeing losses in the 250 to 400 year age classes in those small areas where we still have those clumps of trees. And I've seen 70% of that in some areas where I took Malcolm and some others with the Pacific Southwest Research Station before the GTR 220 came out. And I know he referred to that somewhat by Big Meadow trailhead. We lost 70% of all those large, old trees. We were hamstrung at the time. So in those circumstances where we have that situation, the goal is to perpetuate that stand, but we couldn't do it. And those trees were probably 350 years old was my estimate if I recall correctly.

Tony Tooke: Okay. So I think understand on C. And then on F, I think you said if you strike the word "removal", everything else intact. So I want to see. Diana, you have anything you want to ask, comment on, or anything? Barrie? You got anything?

Barrie Gyant: Just how rare are the large tree clumps? I know you said some. But just how rare are they?

- Barnie Gyant: He said just a small handful still left in the Basin.
- David Fournier: And that report from our watershed assessment was in 2000. So—but it depends on what your definitions are and Michael Barber and Joanne Feits each had a different definition combined what they both considered old growth at the time was around 10% if I remember right. So not a large—and if I recall also from that report, that was in the lower elevation. So we—you could consider subalpine areas. There are areas of old growth. Trees are not that big. But I think for what we're talking about trees that would reach 30 inches or more, it's the lower elevation. So just looking at that up to around 7,500 to 8,000 foot elevation where we might find that is roughly 10%. But I would venture to guess that it's a little higher than that now where we would have stands at or over the 30 inch.
- Sue Britting: But I think it would be important to clarify—and this is—please do not interpret this as acceptance of C. But stand is undefined. And you noticed the—part of the conversation here was about clumps. And so those are different concepts. And I'm not even sure anymore whether stand is an—stand I think of as a silvicultural concept. And I'm not sure that that's even appropriate anymore when we're talking about trying to get—to achieve variable environments. And so maybe if we put some variability metric with our definition of stand we could get there. But when you talk to sort of a straight up silviculturalist they talk about stands as being homogenous areas. And so I'm just calling this. The terminology is very important in this one.
- >> What's the smallest unit that you would apply the SDI too? Because that's what I hear from Craig. It's that a clump the size of this room. Well, this room's not an acre. So—but what's—what is—is there a size that you could say that—
- Tony Tooke: And there'd be more than a handful of those kind of clumps, right? What you showed the picture of.
- Craig Thomas: I'm a little hesitant to characterize the variability that we see out on the ground. But my point of pointing out that instance was you can have amazingly large tree clump. You can have amazing large numbers of trees packed into small acreage survive for lots of years. So—
- Tony Tooke: Because what I'm seeing is a picture on—of the—in my mind on the landscape with these clumps that you're talking about. So you had a comment in the back? I'm sorry, Bob. Then you got another question right? You have another question, Barnie? All right.

Randy Striplin: Randy Striplin. Forest Service again. I just wanted to point out that during our plan development we spent a lot of time on vegetation desired conditions. I haven't heard them come up other than Craig mentioned desired conditions and one of the major components of our desired conditions for vegetation is clumps of large—well, heterogeneity - all different age and size classes with clumps of large trees being one of the most important ones. And desired conditions are the drivers. The whole plan and everything is supposed to help us maintain or attain those desired conditions. So I don't want to neglect to mention that that is something that we strived to really build into a desired conditions and objectives and the Standards are meant to kind of keep us on track in reaching those desired conditions.

Tony Tooke: And so I'll bet, it's just observation on my part. I could be wrong and I could also be right. I'll bet that if we all went out on the ground and we all were standing there and we started to describe what we wanted to see, I bet we would all agree. I just don't think we can all get to the right words to back up what we all see. Seems to be the difficulty. Because what I hear you all saying is a lot of commonality in what you would like to see out there. It's a matter of describing what's in the Standard to achieve it.

Craig Thomas: This is Craig Thomas. So I don't mean to group people or their intentions or their disciplines in any way because I think that's rude. But I would have to say that Sue and I have been on lots of ground where we've had really sharp people take a look at large tree clumps and provide really powerful reasons why they needed to be thinned out. And there wasn't a snag in sight. And I would say so one of those trees dies, that's actually a good thing. So I mean—that happens across a million acres, not a good thing. But in a lot of the situations we do run into good reasons some people have for doing things that the people we tend to stay—spend more time with today like Malcolm North and other ecologists that are across the whole mountain range coming up with these ideas is that snag levels, wood levels, and density of these clumps is something we haven't emphasized enough. And need to. And when you apply strict silviculture to those areas you can always come up with a reason to thin them. There's several reasons. Wrong species. Wrong density. Fire—I mean you can come up with lots of reasons. And we haven't built the culture strongly enough excluding people in this room I would say we haven't built across the board enough to really recognize that and put that up on the pedestal where it ought to be.

Tony Tooke: Okay.

Barnie Gyant: So I want to see if I'll come close to getting it. Quit grinning, Justin. So on the Basin large tree clumps, not old growth not necessarily, but large tree clumps are something that occur somewhat rarely on the landscape. And that those large tree clumps have value outside of our normal traditional way of looking at silviculture treatments. So if one of those large trees were to die and become a snag or become future potential for large wooded debris, that's value to that. And not just necessarily looking at how do we normally look at a stand of trees which in this case is undefined versus outside of the homogeneous way of looking at it. Is that—do I have some of that right?

Sue Britting: Mm-hmm.

Barnie Gyant: Okay. And so when we—originally, when we looked at those instances where we needed to maybe for hazard or other means of 30 inch trees, but when we switched over to the stands of those large clumps that really changed the dialogue from your perspective is we're talking about trees greater than 30 inches?

Sue Britting: Mm-hmm. Hazard is clearly focused. Favoring sugar pine resistant—or blister rust resistant sugar pines. Clearly focused. To me, it's the focus. And so those things are clear. Yeah. Operability. Really clearly focused. I mean there's a lot—and we've been—these are—those reflect mostly the rules in the current '04 decision. But I guess I would still go back to offering a different solution which is don't do C. But if you encounter C, propose the project specific forest plan amendment and monitor the situation. So you identify that you're thinking that it will be there in the next planning period, will use your monitoring to establish that. If you're going to have to segue into the other planning rule where you're going to have to review annually, so maybe that's one of the things you queue up to review annually or every two years. Is the status of density of these large stands. And demonstrate with the plot data that you need or the whatever to show what portions of your forest are moving into these conditions that will clearly show in—fine. If it showed in six years under the new planning rule then you could revise the plan to say, "Okay. We're here. We have 2,000 acres, generally ranging from 5 to 100 acre stands and we really need to do something about them." That—I mean that—I think that's a different way to use this very provocative Standard and a Standard that was—that would be—even though I understand you say it's exceptions and limited, it's a Standard that is in application can be a conflict with owl conservation or with marten conservation. So use it a different way. Show us. I mean we're having a conversation here that's

not one that's a no cut conversation, right? We're having a conversation about let's—how are we managing the areas?

Tony Tooke: Okay. All right. So I think I have what I need. Validators. Mary Beth? Mary Beth? Okay. All right. Okay, Bob.

Standards 37 and 38

Bob Hawkins: All right. So the next topic would be Standards 37 and 38. So there's a separate paper on that. Two pages. And if you're all on the same page, we'll go to that.

Tony Tooke: Okay. I'll give everybody a moment to find that. So working backwards a little bit, I think Justin it was actually you that had a proposed remedy on this. And anyway, then we have a proposed revision that takes that into account. So let's go to the summary in a little bit. Just glance at that together a little bit.

So anyway, I had a proposal about combining these two Standards and the Forest Service recognizing that, that we need to have some discussion around some of the language changes. For example, omission of key phrases that could change the intent of the Standard. For example, removal of the phrase are below the desired conditions for the area. That was in the original Standard guide 37. And the Basin had intended the phrase as an additional habitat protection and then there's recognition that this language did not accurately convey that intent. So I may have to have—I may have to do that here in a moment. And so the possibility of proposing an instruction—consider instruction being considered, right, Jody? For the responsible official to change the phrase to and not below canopy cover retention required in Standards and guidelines for threatened, endangered, proposed candidate species. So the revised language would more clearly protect habitat for example of ten percent of the canopy reduction would exceed other required minimum canopy retention Standards and guidelines. Then the retention Standards and guidelines for example in a PAC or a HRCA. What's HRCA?

Sue Britting: Home Range Core Area.

Tony Tooke: Okay. Would take precedence. And then going down to the bottom of the page the objector remedy that was the original one we noted at the May meeting going over to page two. You see our previous instruction. Now we have this revised instruction which I've set the stage for there in the summary. But you all can read it there. In late seral closed canopy stands greater than 50% canopy closure treatment shall not reduce canopy

cover in dominant or co-dominant trees by more than 10% across a stand. We use the word stand there. And not below canopy cover retention required in the Standards and guidelines for threatened and endangered proposed candidate sensitive new species. So in considering any of these stands retain the seral stay—seral stage is closed canopy outside of the WUI. And then the WUI retain the stage is close canopy of fire behavior objectives can be met. So that's kind of—let's get some discussion and thoughts on that. Do I need to explain—maybe we should do this a little differently. Do we need to explain any intentions around that before? Okay. All right.

Justin Augustine: This is Justin Augustine. Center for Biological Diversity. For me, at least, there's two issues with the proposal that you guys put forward. As a starting point, I appreciate the intent of the clause about TEPCS species. The issue there though—and this is going to loop back to something we're going to be talking about later with the owl conservation and the Standards and Guidelines that apply to that species. We're not quite on the same page yet as to what those Standards and Guidelines are. So the clause could work in a certain sense if we got better Standards and Guidelines, but we're not quite there yet. So we'll have that discussion later. The second issue is—

Tony Tooke: Can I ask—I'm sorry. So what I think I just heard you say is fast forward to a future discussion we're about to have depending on how that come out, you could be comfortable with this.

Justin Augustine: Maybe is the answer. I would like to be. So the second issue is definitely a difference in terms of applying something to the WUI threat versus the WUI defense. To me, the dichotomy is important just because of how it plays out on the landscape and the extent of WUI threat mismanagement area and having a certain aspect of this rule applying there that wouldn't undermine writing of things. And from my perspective, the—you can address your fire behavior objectives in the WUI defense and I'm not aware of why there's such a necessity to address any canopy cover issues specifically in the WUI threat. So that's where the other issue still lies on that front. But if—I'll let these guys, if you want to add anything onto what I just said.

Sue Britting: I guess the other thing to consider is in one case we talk about an existing condition which is a late seral and that's really the first sentence refers to that. Existing condition that's late seral ought not to be reduced more than 10%. So that's an example. 80% ought not to go to lower than 70%. Whereas the last sentence talks about retaining the seral stage as closed canopy which is anything above 50%. And that's a different state than the

first clause. And so there's some—there in the wording has big differences between the first sentence and the last sentence.

And so now I'm going to launch a little bit into the owl business because dense canopy cover is one of the habitat conditions that's beneficial for owl reproduction and survival. And so canopy—the studies we have from the central Sierra, not far from here, are showing that canopy cover that 70% and greater is a favorable condition for owl. And so when we talk about late seral closed canopy, now these are only the stands that are large so above 24 inches. Owl also likes those 12 to 24 inch stands. It's a dense canopy. But when we talk about those conditions, if in under—under the first sentence there, 10% reduction, well, you might have some reduction. A little bit reduction if you were at 70%. You dropped down to 60 and you'd have a little more when you go from 60 down to 50. But in the last sentence there, if you were at 70 you could take it down to 50. So those are very significant change in the canopy closure. And would be I think more of an issue for owl. And so the way this is constructed, I think—I don't know that it's—it has the clarity we need. Yeah. I don't think it has the clarity we need. Also I think that there's some—there's a—we also have a desired condition that—for PACs and HRCAs that has—that isn't really consistent or doesn't have the same content is—as the Standard for the TEPCS. So the Standard and Guide that drives—potentially drives this for PACs and HRCAs is something that's 50% for the PAC and 40% canopy closure for the HRCA. So those are very much different than the desired conditions which for a PAC are greater than 70% canopy closure and for a HRCA greater than 50% canopy closure. So I don't see how we're lining up on our desired conditions and the Standards. The Standards are allowing minimums when the desired conditions are much higher. So.

Tony Tooke: Okay. So that's helpful. Denise, you guys—

Denise Downie: Sue, I might have to ask you to repeat some of that. This is Denise Downie. Because the light went on, but then it went off real quick. So you're seeing a contradiction in what's allowed in the first sentence and what's allowed in the second sentence. Is that what you're saying?

Sue Britting: Yes. Because the third—actually, it's the last sentence. Right now I'm—there are only two sentences in there. If there are only two sentences, there—I was focused on the first one and the last one. So the first one talks about existing canopy condition. Existing condition and dropping by 10%. The last sentence refers to retain this as closed canopy which means closed canopy is defined as 50% and above. So my experience, from other forests, when you say that everybody runs it down to the lowest—

I've cut it to. And I've cut it and it still retains 50% canopy cover. So I'm still within the condition.

Denise Downie: So we need an "and" in there. Those—you have to have both of those conditions.

Sue Britting: Is that what you're—is that what the intention is?

Denise Downie: Yeah. Yeah.

Sue Britting: You both want existing—not to alter existing by more than 10%.

Denise Downie: That's why we had them as two separate Standards. Yeah.

Tony Tooke: Okay. So you're saying combine the two sentences into a long sentence with the word and. And what that's saying is the two are not separated. That they—that both of those exist. So then how would that—if you read it that way, then what would that mean?

Sue Britting: What is the TEPCS Standard you're—specifically, which ones are you talking about? The weeds. I was a little afraid of this.

Denise Downie: But threatened and endangered, proposed, candidate, and sensitive.

Sue Britting: Is this—are these the ones for the HRCA and PAC?

Denise Downie: So owl is a sensitive species. So it would apply to owl.

Bob Hawkins: So is there a specific Standard for owl then? That you would apply?

Tony Tooke: Yeah. The biologist got to answer—Stephanie's got.

Denise Downie: Stephanie's pointing to Standard and Guide number 34. When designing forest health treatments (thinning) that would reduce canopy coverage and/or basal area minimum canopy cover and basal area retention requirements would be identified to maintain habitat quality for TEPCS species on a project by project basis. So we kind of put that off and made that a project level requirement.

Sue Britting: So here's—that's interesting because I missed that. Because the place I went to was the—all of the language that's around treatments and PACs and HRCAs which sets a bunch of canopy Standards and minimums. And so I don't know—now I'm not really sure how to interpret for instance SG88 all the way through to 92 because they all play into—they set

Standards that are not guided by the project. And so now I'm not sure how to—because that's what I was focused on.

Tony Tooke: Go ahead, Stephanie. Paint the picture there a little bit.

Stephanie Coppeto: This is Stephanie Coppeto, Forest Service. It's a great question, Sue. The Standard and Guideline 34 was intended for us to evaluate canopy cover for the species on a project specific basis. Not to say that their canopy cover requirements would change based on projects, but to allow us to evaluate those conditions. The Standards and Guideline I can't remember which number it is for the PACs and HRCAs which I think will be the subject of our discussion later on were intended to provide some flexibility where needed to improve that habitat. To improve that habitat and it was based on the understanding of our data on the Basin that the majority of our PACs that are occupied by spotted owls and that are experiencing reproduction are below what's the Standard—the desired conditions and for whatever reason that is the case that we found here. So I do think it's a good question. I think on a project basis it would be—that Standard and Guideline 88 would probably play through for the PACs on the HRCAs. But certainly Standard and Guideline 34 was created for that flexibility at the project level. I'm not sure if I've answered your question.

[Audio quality is extremely poor starting here to the end of this audio file]

Sue Britting: No. Oh, you have. It's good to have flagged 34 because I didn't—I missed that one. So no. I'm not quite sure—I think that around this Standard—so keep in mind, this Standard that we're trying to do some hybridizing it is a segment of the bigger owl conversation because it's only targeting the larger stands. And so but the—but I'm just going to frame the issue is how we're managing the landscape to accommodate those owls and meet their needs. So and meet their needs for dense canopy or whatever those conditions that will enhance their reproduction. Because at least the—some information I saw on the BE, it's not looking good for some of the reproduction. Maybe you got good reproduction this year. Everybody else seems to. But it just didn't look so great for what you had to report. And so when we—so it's hard for me to know when something exceeds desired conditions, what desired conditions are operative. Are the operative desired conditions for a PAC? Or desired conditions for the mixed conifer white fir stand that it's in? Because those are quite different. And then exceeds desired conditions—yeah.

- Stephanie Coppeto: Sue, if I may. This is Stephanie from the Forest Service. I think you're referring to exceeds desired conditions in Standard and Guideline 88. Is that correct?
- Sue Britting: Yeah.
- Stephanie Coppeto: Yeah. So to clarify that would be exceeds desired conditions of the PAC canopy cover. That would not be of the habitat desired conditions.
- Justin Augustine: Maybe this is repetitive. And so what I'm hearing with all that still is that—the initial issue I brought up, the clause, as we would operate for the spotted owl at least wouldn't add any value because the only two Standards and Guidelines that we've talked about, 34 and 88, the only number involved is 50%. So you're only—you're not adding any value there. So that's the—still the concern that's going on.
- Barnie Gyant: Could you say that again? I didn't follow that piece.
- Justin Augustine: At least for the spotted owl, the extra clause that I mentioned earlier in theory at least they could have value because it speaks to Standards and Guidelines for the TEPCS species. But then you have to go to well what does the plan actually say about those species and what we just discussed is that Standard and Guideline 34 and 88, the only numbers involved with—in them for the owl at least is the 50% which is already in there anyway in this particular statement. So you're not—the clause doesn't actually provide extra protection or value to the spotted owl in that instance.
- Stephanie Coppeto: This is Stephanie. I think what Justin and Sue are trying to articulate is that this Standard and Guideline 33, the proposed revision, may be difficult to evaluate because there's still some concern about that Standard and Guideline canopy cover for owls. Is that a correct assumption?
- Sue Britting: Mm-hmm. I'd say that we're very much tracking the—if you're in large close canopy stands make small modifications to their canopy closure. And that's what the first sentence says. It's the rest of it. The exceptions and conditions and—that I find it confusing and not quite sure how it—how they would roll out on [cross talk].
- Tony Tooke: Well when you put and in there, does it convey that intention of what you just said more clearly?

- Sue Britting: Yes. Except for that in between part where the TEPCS gets—potentially undermines the retention. So that’s all. Because we could have conditions.
- >> So on the way it’s written now, if you had the end it wouldn’t drop more than 10%, right?
- Sue Britting: Mm-hmm.
- >> It wouldn’t go below 50%, right? Because it says retain closed canopy if you can—in some circumstance. And then the catch would be—I guess what—if your desired condition Basin project analysis was 70%. I’m trying to understand where the catch would be. Because the—you have a two-pronged protection. It’s not going below 50. It’s not going to be dropped more than 10.
- Tony Tooke: Yeah. And I thought I just heard you say, Sue, is that there is some mystery for you around this not below canopy cover retention required Standards and guidelines for threatening endangered and proposed candidate species. That there is some degree of mystery there that bothers you.
- Sue Britting: Well, because the HRCAs can be under 40% in the guidelines—Standards and Guidelines. So yeah.
- Tony Tooke: The what now?
- Sue Britting: The Home Range Core Areas, the HRCAs—that’s how we say them.
- Justin Augustine: Well, let me ask you then. In a home range core area, if it was a 60%, if it was a late seral 60% canopy closure under this Standard, what do you think they—the restrictions would be? To me, it would seem it would only go 50 at max even though the desired condition is 40.
- Tony Tooke: The way I was calculating and [inaudible] read it, it may not be right. But is that 50% still overrides that.
- Sue Britting: Not if you are at 50%. You can do down to 40, right? If you’re at 50?
- Justin Augustine: But then you wouldn’t—so then maybe [inaudible].
- Tony Tooke: Could we do that, Stephanie? Would it go down to 40 here?
- >> [inaudible]

Tony Tooke: So you're reading it—Stephanie is reading it the same way as [inaudible].

Sue Britting: [inaudible]

Tony Tooke: So that would remove the mystery about this threatened, endangered, proposed candidate species.

Sue Britting: I would say I would probably follow as Justin would as well, [inaudible] footprint. Having this apply to the entire WUI is—it doesn't make any sense. That's the issue we also have is that it should only apply to the [inaudible] that you're running down the owl habitat areas for purposes we can't quite get to [inaudible] because we're not—we don't see how that's necessary to meet fuel objective. So that's a—

Tony Tooke: That's a good question. So these are all good questions. Forest Service, do you have a response to that? Anybody?

Barnie Gyant: Let me—before you go there, let me ask this question too. So I'm just curious of what the habitat that is identified with owl, how much or do we know or [inaudible] is how much [inaudible] threat zone?

>> [inaudible]

Randy Striplin: Randy Striplin. A substantial amount in that area in the threat zone. I don't have an acre value or percentage. But a lot of it is in the threat zone.

Barnie Gyant: So are you asking if I [inaudible] difference between what you do in the defense zone versus the threat zones?

Sue Britting: Yes. That was something that Justin introduced in his proposal was within in his—I think. Justin, why don't you go ahead and say what your phrasing that last bit of—the last would be retain this [inaudible] WUI defense within the WUI defense retain [inaudible] closed canopy and fire behavior can be met. That would be the direction we would go.

Bob Hawkins: You said defense twice. You mean retain [inaudible].

Sue Britting: Because we said outside WUI defense and within the WUI defense. I think I got that.

Bob Hawkins: Oh, outside the defense. So within the threat—within the [inaudible].

Sue Britting: [inaudible] closed canopy [inaudible].

Tony Tooke: Oh, that's just defense and threat, right? Yeah. It doesn't make sense to me. It's just defense or threat, right? It's either the defense zone or the threat zone.

Sue Britting: Right. [inaudible].

Denise Downie: We didn't think we wanted to live with not being able to meet our fire behavior objectives in the threat zone. And that's why we wanted to word it that way.

Tony Tooke: [inaudible] in your view, this is an important vehicle to do that?

David Fournier: [inaudible]. Yes. I like the conversation and I can see conceptually how the threat typically is further afield from the community within the Basin here. We often are called to WUI for it because we have so much in terms of recreation, community development, and [inaudible]. So when we're treating and we've got [inaudible] the WUI [inaudible]. Got plans for all but one last segment of the Basin, or the WUI it's - we treat, we're treating the threat and defense very similarly, because the way fire behaves in the canyons, on the slopes, it, it's critical that we consider it all. I'm - I think there's a way to word, wordsmith a little bit. But 50% in the threat zone canopy, just my view is, is still fairly high. Trying to think in situations where we have areas much higher than 50 or 60, there, there just aren't that many. Stephanie you could correct me if I'm wrong I - so a dramatic change in canopy first hand in the WUI, it's, it's hard to think of a canopy closure reduction, say 20% of - am I off base on that? You can just nod if you want.

So it's like, it's kind of the intent having the two separate Standards was the - where we did have that situation of a high density, late seral, we wanted to retain that, and only do those things that would benefit the habitat. So putting that 10% was, was key there. We probably got a little wordy on Standard and Guide 38, the intent was really focused on the WUI, still, our intent, we don't, I mean late seral is not the majority of stands we have here. So the goal, one of the goals was to retain as much late seral. So given that we have multiple objectives in the WUI, we, we still want to retain as much late seral, keep it over 50%, but still meet the, the fire and fuels objectives around the community. So if we could find a better way to articulate that, but I just don't know. Every time we put a number on something it, it just creates in my mind, a situation where it, it maybe, it may pose a great challenge at the project level. So at the plan level, trying to be, I wouldn't say strategic, this is a Standard and Guide

after all. But the intent was to give some flexibility at the project level, for making those decisions. So if we could retain a higher canopy closure, and still meet the fuels objective, I think at that level it would be considered, and the decision maker would have that say.

Tony Tooke: Okay. Anybody else have anything on this right now?

Craig Thomas: Craig Thomas, Sierra Forest Legacy. I'd just like to add a little bit to that, is – we're talking about meeting fire behavior objectives as the key thing for whether or not canopy cover can be maintained at a certain level. I'll refer back to GTR220 again, and their actually the – as much as we spend time with this document, I find, I don't find enough people reading all the way through. They pick a couple places, and I'm not suggesting anybody in this room, but I'm concerned that we – when we start referring, like in the other – in the MIS piece to the document, that we really have a good understanding.

Limit crown fire separation and fuel treatments is one of the key findings in their document and they say that because they don't see that as being effective in reducing rate of spread. And that's based on the current modeling that they use and suggest that leave tree marks that don't mimic the pattern of heterogeneity from a natural fire regime is to be avoided, and that crown separation is not the predominate place to focus, it's surface and ladder fuel treatments. And to be able to hold on to higher canopy cover in those areas where we have owl affected, I think there's a balance there that we need to think a little more broadly about what's really the focus, and that's to maintain – is to get the fire behavior we want by focus on the attributes that contribute to the fire behavior we don't want. And that's generally surface and ladder fuels predominately, very high percentage of those elements.

Randy Striplin: Randy Striplin again, Forest Service. And the reason we need to maintain some level of flexibility rather than just canopy cover retention and things like that is because site specific – when it comes to fire behavior there's a lot of other factors besides just canopy cover. Ladder fuels and surface fuels are absolutely the most important things, but there's also - slope and wind alignment – predominate wind alignment, things like that, that – certain slopes that are aligned with the wind are going to need to probably be thinned a little bit more, because if it does reach the canopy it's going to tend to spread through the canopy more readily. So site specific factors are really important when it comes to planning fuels treatments.

Tony Tooke: Okay.

Denise Downie: Denise Downie. So I just like to say that the reason that these two Standards are in here is because we did make some changes from the 2004 Framework, and these were added with the intention of providing extra protection, extra habitat protection. The way we had them originally written as two Standards, and the way we'll try to keep them written; you have to meet all of those conditions. So you are not consistent with the forest plan if you don't meet all of these conditions. So that's one thing, and just, just as an aside, 37 – the reduction of 10%, that's something that we adapted from the 2001 framework that was dropped in 2004. So just, just to let you know, that is our intention, if we haven't got it quite right, willing to work on it some more.

Tony Tooke: All right. Jody you shook your head no.

Jody Sutton: I'm just wondering if Justin has any final word?

Justin Augustine: Thanks. Not really, I'm still digesting some of that, I guess. I hear the statement being made about still wanting to address canopy as to fuel objectives. But I also heard, I think, that it's very narrow, so if we could incorporate the narrowness of it, that would – not necessarily resolve issues, but it would go a long way, I think, to honing in and restraining what's the actual intent of being allowed to act within the WUI threat. I don't know.

Tony Tooke: So it's my question to the Forest Service folks is; have you gathered enough, understand enough – to be able to go back potentially and work on this revised instructions some more, to get at that? Okay.

Barnie Gyant: So Justin, you have any suggestions on some wording?

Justin Augustine: This is just off the top of my head, but –

Barnie Gyant: Yeah, we know it's cold, go ahead.

Justin Augustine: All right. At this point, from what I heard, clarity about what those specific instances on the landscape are where that would come about, so that – as, as we've talked about through-out the day on lots of different issues people have brought up, you know – we may all have certain intents, but especially as time passes, all we have is the plan language. So the more we have on the paper as to what is the real desire and intent, and narrowness that, while it might not address all of my concerns, it will at least give me much greater assurance as to how these things are intended to actually be used.

Barnie Gyant: Thank you Justin.

Justin Augustine: Thanks.

Tony Tooke: Okay, I think we're ready to move on.

Bob Hawkins: You want to take a short break?

Tony Tooke: We got two topics, we got this Post Fire Habitat, role of Fire in the Eco System left, and then we got the MIS and the Viability, and then we got the – where we're headed from here. So it's up to y'all. Jody says we're going to take a break.

Sue Britting: Before we break, could I ask, could we, could we ask for a line-up of the next, I think you said four topics?

Bob Hawkins: No, there should be two.

Sue Britting: Well, I'm – themes, let's just say themes, not that there should be two, that's okay. So the themes were the MIS, the Viability, Early Seral.

Bob Hawkins: Right, so the next step would be Early seral.

Sue Britting: Okay. Can we move -?

Bob Hawkins: Plus Fire Habitat - .

Sue Britting: I'd like to move some around. Could we go to the Viability issue? Is that okay with you? Go to the Viability issue and then – I'm indifferent about whether it's MIS or early seral, but it, the Viability issue is one that builds on the conversation we have just been having, and there's just continuity about that, because it's really just a marten and more about owl.

Tony Tooke: Yeah, I'm good with that.

Bob Hawkins: Okay. We can do that.

Sue Britting: Thank you.

Bob Hawkins: So you want to do that after the break? Want to take - .

Tony Tooke: Up to the group.

Bob Hawkins: Okay, 10 minutes?

Tony Tooke: Okay.

Bob Hawkins: Can we do 10?

Tony Tooke: Okay.

Bob Hawkins: Okay, 10 minute break, we'll be back at ten till four.

Bob Hawkins: Okay folks if we could take a seat. Okay folks let's have a seat. Are you guys ready to go?

Tony Tooke: So I need the note taker. Where is the note taker? Where is Mike at? So I got Stephanie up here and I got Diana. So you guys are going to, jovial crowd at four o'clock. And we've been at this now, some of us, for about seven hours. And that's not very long. So anyway, y'all are going to have to bear with me and I may have to repeat what I'm going to do here a couple-three times because this is an evolutionary proposed instruction that we're considering. So we got Mike back in here. So I'm going to give it a shot and I'm going to try to frame universally across 33, 37, 38 viability monitoring, yeah monitoring. And MIS we'll kind of hold to the side. 33, 37 and 38 viability, particularly viability with owls and viability with martens. What we're thinking about, what I have forming in my head, and y'all feel free to interrupt me, we can stop, make sure we get this right. So 33 applies to a lot of species. So maybe we take owls out of that and have it apply to the other species. And then, I heard a "hmm."

>> [] take the owl out of 37.

Barnie Gyant: Let me try.

Tony Tooke: Well just a minute, I'm practicing for myself. Okay, so 37 and 38 we would keep intact except for owls and potentially martens. We had some questions about martens. And then maybe instead of creating Standards and Guidelines at this moment in time in the Basin Plan around owl and potentially martens, for owl we go to the Framework and we just keep that in place in place right now. What's there in the framework and I know there's a panel of scientists that have been discussing things so rather than us try to create a lot of specificity around some Standards and Guides to put in this plan, that maybe we could do something like that. And so I didn't hear any "hmm" so I guess what that means is I'm fairly close to what is supposed to be going around in my head. And so I think let the Forest Service folks from the region and Stephanie talk a

little bit about what that might look like and let's get down to what that is and then let's talk about martens. Is that right? Right. Now then.

Barnie Gyant: You got it. So basically what we would like to see to get a response back to is, that for the owl we just remain consistent with the current framework based on some other moving pieces and parts that we got. And then Stephanie is going to talk a little about those other Standards and Guides and how it relates to other species. And so what we'll do is for the California owl and viability, just hold true to the 2004 Framework. And then I'll have Stephanie explain a little bit on Standards 37 and 38 on what that means for other species and then we'll have a little bit of dialogue in and around that.

Tony Tooke: And what is 33 now. What happens with all the discussion we had about 33? It stays like it is.

>> Thirty-three stays.

Tony Tooke: Tony. You got 33 stays like it is. [crosstalk]. I'm talking about where we left. 33 is still where we are.

Diana Craig: So this is Diana Craig with the Forest Service and I just want to clarify what Tony and Barnie said, at least from my perspective. So I think folks are aware that we realize, obviously there's been a lot of discussion on the owl in this room and there's a lot of new science and that we're working with the recovery, or the conservation strategy from 1992 with a little bit of tweaks in the 2001 and the 2004 framework, so we recognize that there's a need to update that conservation strategy and we have a team of scientists led by our PSW scientists working on at least pulling together the assessments, information now. We fully expect to have that conservation strategy without too much time going by, it seems untimely to go and do a lot of work on the Standard and Guides for the Lake Tahoe Basin when we know that that new information is going to be coming down soon. So that's kind of what we're saying is, that in the interim while we're waiting to get that new conservation strategy in place, we'll put a hold on changing the owl-related Standard and Guidelines until, and wait for that piece. So that's, I just wanted to clarify that. [] specific Standards and Guides for the Basin did change that are sort of related, but not completely so we want to make sure that we talk about that here.

Stephanie Coppeto: This is Stephanie from the Forest Service. So I just wanted to go back and revisit 37 and 38 because I think based on this discussion we're having that feeds back into Justin and Sue's concern about maybe this can work,

but it's really contingent upon those canopy cover Standard and Guidelines we have for the owls. And so as you heard Diana say and Tom and Bernie, the idea would be to go back to the Framework and wait for this conservation strategy that's being developed. We realize that Standard and Guideline 37 and 38 is still valuable for the general forest area where there may not be a PAC or an HRCA. And so we do want to retain that Standard and Guideline. We hope, or at least the assumption is, that now that we are not going to adopt the Standards and, or the proposal would be to not adopt the Standards and Guidelines in this current plan, that that may be more palatable. And that, and so we understand that there is still some wording, there were some concerns that we talked about earlier, but we recommend that we retain 37 and 38 with some of the wording suggestions that we've discussed today.

Tony Tooke: So. Okay. That's what I meant, all that. So before we get to the marten though, how would a proposed instruction like that sound?

Sue Britting: Well, that makes a lot of, it's interesting. It's interesting to be actually defending something that we litigated, the '04 Framework. There's an irony to that. I just want to, you know.

Tony Tooke: Times change. It's a decade later.

Sue Britting: So I am not fond of the '04 Framework, but it provides more clarity for me than the alternate. And so that's, I think that is an important step. I had on my important list of things called "changes" and I'm just going to flag this one thing which is not in the '04 Framework and this is new, this is based on information since the '04 Framework and it has to do with value of dense stands to owl reproduction and survival. And this is something we, as a remedy. I know already as I say this, it's not going to be, you know, it's probably not going to be in the queue or not going to be something that you're going to want to move forward with because I already saw that you didn't address it. But I want to say it now. It has to do with dense canopy stands and retaining, having a certain amount of that within a nesting or habitat area for owl. Our science on the west side of the, just a few miles from here indicates that a certain amount of dense canopy is positive toward territorial persistence, reproduction and survivorship. Those being all important things. We were looking to get inserted into the plan a Standard that had something to do with maintaining a threshold amount of, or if you didn't have at least 500 acres of dense canopy forest in your HRCA, that the treatment in that dense canopy would be a light one. It would be surface and ladder. You would address fuel conditions. I'm just putting that out there as that's something that we have been asking for. We have actually been

developing projects based on that as a criteria on the west side. It's something that as a part, it'll be a part of our ongoing discussion. We will continue to bring that up and talk with scientists and other experts about that as a concept for owl conservation. But that was the last thing, that what you identified in terms of going back to the '04 was on my list of what I thought we should change, try to come in here and ask for and the addition was the one I just said.

Craig Thomas: So this is Craig Thomas. So the gentleman on your left is hopefully going to get us to resolution of ten years of litigation here one of these days and we're very close. And a part of that is the owl conservation strategy and a part of that will hopefully address some of this new information. In that context.

Tony Tooke: Okay.

Justin Augustine: I get some clarity. Earlier it was my understanding, at least separate from the owl that you were at least going to consider going back and adding some language as to WUI threat. Is that true? The WUI threat issue as to Standards and Guidelines 37 and 38, as to what the intent was for that area?

Tony Tooke: Yeah. Go ahead.

Stephanie Coppeto: This is Stephanie. I was just going to say I don't think that's up to me to.

>> We'll review our notes and what we discussed today. [crosstalk]

Tony Tooke: So what I'm hearing is that's still [crosstalk] applicable for other species so that the essence of that discussion around 37 and 38, where we were, would still be intact because of these other species that those Standards would be aimed at them, but not the owl. The owl would be the framework.

Justin Augustine: And then in terms of the owl, I'm wondering, well, there's a lot of the Standards and Guidelines that are of concern in relation to the owl but what one in particular that we talked about last time was the Standard and Guideline 86, post-fire and that's, that will, just for clarity, that will be dealt with as part of what you're talking about as well, that that will be on.

Diana Craig: Yeah. The conservation strategy will address that as well based on the new science.

Tony Tooke: So just to be clear, I want to make sure that the folks that are capturing this new proposed instruction across multiple proposed instructions that we've been discussing and we don't have this on paper that everybody has a clear picture without a shadow of a doubt about what we're talking about. I'm looking at Jody, Mary Beth, Mike and Stephanie.

Stephanie Coppeto: This is Stephanie. I'm clear, I just wanted to clarify Sue's suggestion, just to make sure I understand what she was asking. And if I've got it correct, Sue, you're hoping to add a Standard and Guideline or your suggestion was a Standard and Guideline that if a PAC or HRC doesn't have a certain amount of dense canopy that the area would be treated lightly in order to facilitate the growth, rather than treating it heavy. That's what you're going, I just wanted to make sure.

Sue Britting: For fuel resiliency, issues around fuels and whatnot you could address, but you would try and retain that density.

Stephanie Coppeto: Okay. I just wanted to make sure that I understood your suggestion. Thank you.

Diana Craig: And this is Diana Craig again, Forest Service. I think Sue and Craig you mentioned this too, that this is part of the new science that the scientists are putting together. So we'll definitely include this as part of the conservation strategy.

Marten

Tony Tooke: So with all of that is a kind of a proposed instruction set. Let's call it that. What else would be needed for marten that's not contained in everything that we just described? What's the deal on marten that there might need to be a proposed instruction part that's not contained in the context of the suite of proposed instructions that we just discussed?

Sue Britting: So for marten, so there's a good bit of, Sue Britting, Sierra Forest Legacy, sorry. There's a good bit of overlap between marten and owl issues and so there's, some of the habitat concerns get addressed when you talk about whatever you're going to do with HRCAs and PACs. We had a remaining connectivity issue in terms of providing for connectivity. I'm going to be honest. I think those are really tough issues to address and I'm not completely clear on what to recommend for any changes to either desired conditions or the Standards and guides. I did go back and read the stand, the guidelines. They're mostly guidelines. Because I think it's hard to understand, what habitat, what you would provide for connectivity and what that characteristic would be. I'm just going to be honest. I'm a little less clear on what to suggest, but it certainly was an

issue and having some, you know, I do feel like we're going to get some more clarity or more certainty in my mind about marten areas and some overlap with the owl and I don't know what I'd offer up. Yeah, the only other thing Mike reminded me of was monitoring and how we, because we know marten is, we know a little bit less about it in the Basin. Are there some opportunities for tracked weight monitoring, maybe some targeted studies, radio-collaring. There's definitely issues as we move north and marten, into the sage hen areas and marten, and a gap in marten distribution, so all of those are sort of just red flags, so monitoring and understanding how some of the, the potential for connectivity. I know there was an attempt to address some of the connectivity issues in terms of using some of the more recent modeling from Wayne Spencer and [inaudible] so I don't know maybe those things can be used in practice, in helping to inform connectivity issues, but that was a pretty coarse scale. That was the other thing that was difficult about that information.

Craig Thomas: It's the isolation and fragmentation piece and we see that happening across other areas of the Northern California landscape. That, in terms of activities on the Basin, being able to track and maintain that connectivity is really critical here.

Bob Hawkins: Any other thoughts on marten?

Barnie Gyant: So you think maybe in relation to marten we might back into that as we look into the California owl piece?

Craig Thomas: It's a slightly different landscape. That's the one issue. I mean owl and marten do overlap, red fir, mixed conifer. There's an elevational [sic] thing there. There's a slightly different landscape and if I remember right the connectivity issue suggested in the plan was that there's a chunk of landscape to the west in the Desolation Wilderness that would work.

Sue Britting: Up north.

Craig Thomas: Yeah, up north, but we're talking within the Basin where activities are planned to ensure that connectivity doesn't unravel.

Tony Tooke: Okay. So I think we have at this moment what we need on all this. Except we have to talk about MIS. Go ahead, Rick, I'm sorry.

>> I was trying to find the paper for the marten, but I couldn't. [crosstalk]

Tony Tooke: It's a very little small portion on page two of that paper.

>> I was wondering, at the risk of asking a question-is there a way to articulate very simply what is the Standard going to be for marten?

>> I think, didn't the Basin just adopt the 2004 Framework for the marten?

Stephanie Coppeto: Yes, so in terms of protection of a den site, we are using the 2004 approach. In terms of, we did adopt a couple other approaches in terms of where there would be thinning activities, a biologist would consultant in terms of marking guidelines for habitat features that would be retained for species such as marten. And Standard and Guideline 66 gets at what Sue and Craig were describing, this idea of trying to prevent the creation of isolated habitat patches. And again, this idea of trying to maintain connectivity on the landscape.

>> Thank you.

Spectrum Modeling

Diana Craig: This is Diana Craig with the Forest Service. I want to ask a question just to clarify because we had a number of things in this MIS thing beyond the monitoring piece, which I think is our last one. One of them was the concerns regarding the Spectrum modeling. I want to just bring it up because we're talking about this, so I want to ask the question, do your concerns go away now that we're going to go with a different approach for the owl.

Sue Britting: Yeah, just to be clear, we use that as one piece of information. You know, were we concerned about how the Standards were? Did we imagine they could be implemented in a way that was difficult for owl? What did the modeling say? So our concerns about modeling go away when we have more certainty about what going to be actually happening. I've got to say though that there are screwy things about the modeling, that it's just, it sounds like you have a difficult data structure and modeling framework to work in and it may not serve you. It may not serve the purposes very well. I hope we think about that as go into the other forests because it's going to come up again.

I'm just going to flag it here because in some ways it'll bleed over into the monitoring, but in the plan and in the modeling there are two different approaches. One characterizes seral stage diversity that cuts things into closed and open by 50% canopy covers closed and 50% or less is open. And our CWHR modeling is a modeling, is nothing like that. And so to figure, and I could see that you struggled in the BE to try and evaluate based on these desired conditions that were set between closed and

open canopy forest and late and, I can't remember the other terms, but the other seral terms, that define, they required an awkward cross walking in that, for instance, one of closed canopied, one of the mid-seral categories included trees down to 6 inches which doesn't walk well into suitable territories for owl or fisher, so I'm just saying it now because I think they're the issues we have going forward and it will be better if we didn't head down that road and I kind of see we're heading down that road because I see things like, well anyway I see things, confusing things in some of the desired conditions right now. So that would be, I think, the only, the Basin. If we can agree on something.

Barnie Gyant: Can I get an interpreter in? I would assume, Sue, that means let's move on, is how I would interpret that. Is that close?

Sue Britting: Yes.

Barnie Gyant: Okay.

Craig Thomas: So for Diana's sake we, when we looked at the presentation and then we see an answer that the Spectrum, the modeling tools are not exact, when we did our analysis using the information that we think that work is based on, we came up with such a dramatically different number that, at some point, I mean we're not, you know. We can live with the way things are going. But we ought to be concerned about how wide of a disparity there was there. That's just re-emphasizing what Sue said.

MIS, Monitoring, and Viability

Tony Tooke: All right. Thank you. So the MIS, we've basically been having this discussion and if y'all want to go to page two, we'll go right to the heart of the matter. About transitioning to the Basin, giving some clarity and timing around transition to the monitoring requirements and the new planning rule. And so for the MIS monitoring issue, what we have is pretty straight forward, seems like, proposed instruction to consider. And that's that the Basin would work with the early adopters to collaboratively identify focal species. Early adopters being the Sierra, Inyo and the Sequoia who are revising under the new rule here in California. Identify focal species and develop a monitoring strategy for the identified species. The timeline for this would be March of 2015. And that's when the draft environmental statements for those early adopter forests are now due. So I think that's everything I need to say about that.

Barnie Gyant: You said spring of 2015 and not March of 2015.

Tony Tooke: I'm sorry. Spring of 2015. Yeah. So what's a day or two? Anyway, Spring of 2015.

Craig Thomas: We're just pow-wowing for a minute here.

Tony Tooke: Do you want to go to a room, Sue?

Sue Britting: We have some questions.

Craig Thomas: So we have a clarification question to Mary Beth. So how does that fly in the current NEPA document? How does this movement from MIS to focal, using a different kind of framework.

Mary Beth Hennessy: Oh, from the NEPA process?

Sue Britting: Are you going to do NEPA again on the Basin? Change the focal species?

Mary Beth Hennessy: I don't know, are we obligated to do NEPA for transitioning to focal species? I'm kind of looking to WO on that or do you have WO guidance on transitioning into the focal species?

Tony Tooke: No, there's not NEPA required for that. Under the new rule, transitioning to the monitoring requirements, that had been a NEPA process. No. [crosstalk]

Diana Craig: But we are supposed to do a public involvement.

Craig Thomas: Because we're actually talking about different species. Different roles, it could, I mean we don't know what it would be yet because you haven't identified it. But, different concept in some ways.

Diana Craig: Do this is Diana Craig with the Forest Service. So my understanding would be that none of the Standard and Guides or anything that's already in the plan would not affect those, right? It's just the monitoring piece of the plan. I want to share another piece of information that we had talked about, but didn't write down. And so the other thing that's happening right now, as you know and are well aware, Craig, is that there's a group of scientists that are pulling together some recommendations for us on MIS and focal species and so the intent would be to utilize those in the development, yes.

>> So if you recall they have to do this. Before 2016.

Tony Tooke: What the difference is, is under the new rule what it says is four years from when it was promulgated, which is sometime 2016 or as soon as practicable. What the difference is, is we're calling out Spring of 2015 for the Basin to provide a sooner known timeframe to address these issues.

Sue Britting: Can we take a break for just a few minutes?

Tony Tooke: Sure.

Craig Thomas: It won't be long at all.

Bob Hawkins: Just one general announcement before we reconvene and that's – the office is closing down. So be – if you happen to wander out the front door, you'll probably have to knock at the side door to get back in, but other than that –

Diana Craig: Yeah and the other one is we have not forgotten about early complex, not seral.

Bob Hawkins: [inaudible] Is anybody on the phone?

>> I think [inaudible].

Tony Tooke: Do you want to do it?

>> Yeah.

Bob Hawkins: OK.

Sue Britting: Sue Britting, the Sierra Forest Legacy. So this drifts back to the viability issue and the – we are in an awkward – odd; I don't know whether it's awkward – it's odd. We're operating under this approval under the '82 regs in meeting viability under those regulations and so we remember from the forest plan – that's the draft here – talks in the Basin, talks – they kind of take – it seems like an in-between stance about meeting viability. Kind of met viability in '92 regs, but then offered up all the verbiage we know that came as opposed – as the 2012 planning was approved about why viability didn't make sense to those decision makers, why it couldn't be constrained to the planning area. You couldn't meet viability in the planning area, but the '82 regs are what we're approving the plan under and so those are specific: maintain species – persistence of species across the plan area. So I think where we are is – we're – and the – and I'm going to segue into how this relates to the monitoring, but where we are is that we will still need to see a

demonstration that this plan meets viability under the '82 regulations, and how it meets viability can be addressed through the combinations of the Standards and guides, all the plan components, and the monitoring plan, and so I think that's still a question we have for the planners is, "How is viability under these – under the '82 regs?" which this is going to be approved. "How's that going to be addressed as we are shifting to focal species or as we're doing something else?" It's either – there's still a missing piece there for us.

Tony Tooke: What'd you say, Diana?

Diana Craig: This is Diana Craig. I think that is a 2012 planning rule question and I don't know -

Tony Tooke: About viability?

Diana Craig: About viability.

Bob Hawkins: And I heard – well, I actually heard it kind of split in two. There's an '82 requirement that we demonstrate viability under the old rule. So that was one part of it, but then how does that change as you go into the 2012 monitoring? Was that the other part or is it really just the first part?

Sue Britting: Well, I think we – I offered up. You – one could address viability issues and commitment to meet viability through plan components and a monitoring plan, and so we – I – we're still not seeing how that ties together, and then if we don't understand how any of that ties together to meet viability, but we're saying, "Move on to the 2012 focal species," and whatever that is, that's still – I'm still not getting the fundamental, "How does it hang together to address – to meet the '82 regulations?"

Bob Hawkins: Would it change with the approach that was suggested to stay with the current owl Standards? Was the viability issue really tied to owls or owls and marten?

Sue Britting: Other creatures. Go ahead, Justin.

Justin Augustine: And it applies to – in my brain, at least so far – all species. So woodpeckers, black-backed woodpeckers, another one as well. So addressing the owl won't solve the viability issue.

Sue Britting: The other thing that I would offer up is that we – those – we just reverted – if it goes as – if it goes and reverts to '04, that's something that we actually are not endorsing or supporting. We're looking to get changed to

'04. So that's a stopgap measure. I don't – that's a stopgap for something, but in a plan revision setting where we're – we have – we're attempting to comply with rules, I would still question whether we have all the right plan components to meet that Standard, to meet the viability Standard in the '82 rules. So it could be for owl. It could be for others and that's why I'm saying that the monitoring plan can help you achieve that, but I don't see – I'm getting confused, and that's why we – getting the – having the break there because I'm aware that there's the expectation that once this plan has been approved under the '82 regs, those regulations are no longer binding. So I want these to be – this to be the strongest plan and there -

Tony Tooke: So help me on what you just said. What do you mean it's no longer binding?

Sue Britting: The '82 – it's difficult to understand what that part of the 2012 regulation means.

Tony Tooke: If it's amended in the future, it will be under the new rule?

Sue Britting: Uh-huh, that's right, but it's – but there's nothing that – it's the phrase. Nothing in the previous rules – meaning the '82 rules – applies except what's in the plan and so that means the integrity for viability has to be written in the plan. So that's – and so I'm not – I'm -

Tony Tooke: So the Basin is a small place in relation to other forests and so they do have plan components that y'all commented on, right, and so as far as a plan component in that regard – but hold the monitoring for a little bit – what's missing in that? I mean because what – I'm not putting words in their mouth, but in the – on this Basin, ever how big it is, I'm assuming that they put in plan components to do the best they can and they're not going to have a choice about transitioning to the new monitoring requirements. That's not a discretionary process for them. I think in this case, with the issues that we've been talking about, this proposed instruction with – beat – it tries to beat that process up and in that monitoring and the way this thing works under the new rule when we're monitoring – and we're monitoring ecological conditions – and it's not working or there's a change when there's new science, or we see plan components that would put – or put in place or not achieving the objectives that they were set out to achieve, there can be an amendment. There may be a need for change, but it will be under the 2012 process because it's basically an adaptive management approach: assess, plan, implement, and monitor. So I guess what I'm trying to paint there kind of from the mountaintop standpoint is the plan components

they put in – I mean, they’ve got to do what they can do on this piece of ground with all these other issues and then they don’t have a choice about transitioning to the new monitoring requirements. So going to those sooner should be a help in the process or at least that’s the way I think about it.

Sue Britting: Sure, but – so the phrase that I’m focusing on is that – and it’s in the transition language – “No obligations remain from the prior planning regulation except those that are specifically included in a unit’s existing plan.”

Tony Tooke: That’s correct. That’s right.

Sue Britting: So persistence of owl – I’m going to use owl as an example, but it could be others. Persistence of owl in this planning area is not confused by inherent capability of the land or by all those new ideas that were introduced in the 2012 planning rule. This viability doesn’t have those parameters to it and so I’m looking to see that those aspects of the ‘82 regs be preserved and be included, and so I read here that unless it’s clearly stated in the plan, those – intentionality, you’ll be under the new – you would go to the 2012 regulations and have inherent capability of the land imposed on the consideration, and so that’s something that -

Tony Tooke: So what I hear you saying is you’re wanting to see it called out explicitly in this plan that they’re going to maintain viable populations of all species within the plan area. That’s what I really hear you saying.

Sue Britting: Yeah. That’s the thing that we’re – that’s our rule, that we’re operating under this plan approval and so that’s – yeah, that’s what we talked about in the conference room.

Tony Tooke: So all right. Let me even be – so you’d rather see that than all these other things we’ve been talking about. Is that what you’re saying?

Sue Britting: Other things? I guess – I think we want to see it in combination with the other things. So it’s not the only thing, but it is the rule that we’re under.

Tony Tooke: OK. Go ahead.

Diana Craig: This is Diana. So I want to ask a clarifying question. So I understand the viability piece and the two rules. What I don’t quite understand is the link with the monitoring. So I think – I heard you say that you – we could – you could see a forest using monitoring as a validation for maintaining viability. I’m not sure that the MIS is set up that way, but regardless – I

know we can have that discussion, but regardless, we could go down that path now with this unit, but in a year, they will have to drop all of that and move to focal species. So I don't think that's going to buy us anything with the viability – the monitoring piece of this. Moving from MIS to focal species is not going to – it's going to be a very short term buy here. I guess I'm trying to see how that meets with your – what you just said regarding the viability piece.

Sue Britting: Well I think probably more – just thinking a little bit more about the transition to the 2012 is what provoked the moment – the, “Ah, wait a minute. We're – we are in a planning setting and how are – what are – how are we using our current reg rules to approve a plan?” No – and I mean those things, those – the proposal to transition to 2012, pragmatic. That's a very good pragmatic – that's not actually what I'm sort of getting at, but I think that is a good pragmatic approach to moving along since this – but it's contemplating that, which caused the other to emerge in terms of, “We better say a bit more clearly, the viability issue.” So colleagues.

Craig Thomas: I – since we are talking to the man who is responsible for a lot of the 2012, I can understand the '82 being stuck in the dark ages or however, but we have this plan where we're – that is the basis for what we're doing here, and it is darn confusing to address that, and I know the requirements to move in terms of monitoring to the consistency with 2012 but we still will have this plan under a different set of guidelines that the Forest Service doesn't like, but here we are.

Michael Graf: This is Michael Graf, Sierra Forest Legacy. Is it not possible to describe in the plan that you're proposing to adopt right now, how the monitoring transition would occur in a little bit more detail in such a way that would potentially establish the viability in the plan? That is, for example, explaining how focal species would be selected, species of conservation concern, some of these – some of the ways in which the 2012 rule addresses the viability issue in a different way, understanding -

Tony Tooke: So the monitoring now – the transition doesn't lead to identifying species of conservation concern, OK. I do understand what you're saying about – give some more details about more than just saying, “We're going to monitor focal species.” I think I hear you asking what – “Can you tell us what they would be and how your methodology might be for going about monitoring?” Is that what you're asking? So I know the region has probably put some thought more broadly into transitioning. Is it possible to – in this plan – call some of that out?

Diana Craig: Well, this is Diana.

Tony Tooke: I never thought about it like that, but –

Diana Craig: So this is Diana with the Forest Service. My – I’m – I suppose we could. I would be hesitant to put in a lot more detail without having the recommendations. I mean, we want to do that detail collaboratively. I think that’s what we were thinking if we pull a group of people together. So I don’t know what that would look like, I guess, but I hear – and I think it’s – I came where – it’s the same nexus of monitoring versus viability, and I really keep those two separate because they – in my mind, they very much are separate, and the focal – and the species of conservation concern piece, which is the link to viability in the new rule. So that, we haven’t talked about yet and – but the focal species piece won’t resolve the species conservation concerns.

Tony Tooke: There will be some – well no, this won’t be in the directives. OK, so yep.

Michael Graf: The – oh, I’m sorry. I was just going to make – mention that it does seem like the – that the monitoring program, isn’t it supposed to address a status of a select set of ecological conditions required to maintain a viable population of each species of conservation concern? Maybe we need to read this more closely, but it seems like that’s – this is part of the confusion we have because it does seem like the species of conservation concern does overlap with the monitoring to some extent and so then if you have this obligation to transition – a mandatory obligation to transition to the monitoring within a certain period, you’re kind of starting to get into the framework of the 2012 rule in terms of how you’re protecting species. So –

Justin Augustine: And I would add like, part of my concern – using the woodpecker as an example – is that, as we’ll get into in a little bit, there’s direction, but that’s separate from ensuring the viability, and since this plan comes out of the 1982 regs, I see that as a critical aspect that – not that the direction isn’t important. It is and – as we’ll get into – that’s essential as well, but also essential is this kind of safety note over here of explaining how you follow that direction and in doing so you ensure viability. Yeah.

Tony Tooke: So on the species of conservation concern, there’s some discretion about how that’s done. For example – and on the focal species – a region could choose to do multiple forests at one time, OK or it can be like – many of our early adopters are doing it plan by plan, and so when you read that monitoring requirement, the transition there around species of conservation concern, it’s going to be a requirement that kicks in. It’s

almost like a placeholder whenever those species of conservation concern are identified at some point in time.

Michael Graf: But does that mean then that if a plan stayed under the '82 rule except for switching over to the monitoring that there never would be an identification of – or there would – I mean that wouldn't be something that would happen, that the species of conservation concern would be identified?

Tony Tooke: So I – and I think I'm right on this. I don't quite have the right people in the room to answer this question, but it could be that there – in this case, Region 5 might choose to identify species of conservation concern down the road at some point in time from multiple forests beyond the ones that are doing revisions under the new rule. Otherwise, it could come at a moment in time when this individual plan does an amendment way down the road or they do a revision way down the road. This is going to take a while because I mean, think about 155 forests, twenty grasslands, and one prairie to go from where we were to everything being under the new rule is going to take a while. It's going to be a longer process and what I would like to see or what anybody would like to see is going to be – is going to take a while.

Craig Thomas: Can I – this is Craig Thomas. Can I ask a clarifying question? So what I recall about focals is that there is no viability requirement. There is a monitoring requirement and they're supposed to affirm plan components for maintaining the viability or diversity under [inaudible] at that point.

Tony Tooke: They are a key vehicle in this adaptive framework because we're going to monitor them. We're going to pick species that we think we can monitor effectively and efficiently to see if the plan components we put in place are working to achieve these ecological conditions, habitat conditions, or what we see on the landscape, and that's the whole purpose of the focal species monitoring.

Sue Britting: So when you think about it, this aspect of the monitoring section in the 2012 rules that Michael mentioned – but I want to just restate it and say it again. The status of a select set of ecological conditions required under 219-9 to contribute to the recovery federally listed threatened and endangered species, conserve proposed candidate species, and maintain a viable population at each species of conservation concern. That's the signal for monitoring and viability in the 2012.

Tony Tooke: Yeah. Well, you've got to put it in context with everything in the 2012 rule and what it says about what we will do for viable populations of species of conservation concern.

Sue Britting: Sure, but – I'm sorry. So that's an approach that's in the 2012. The issue for us is our approach is '82 and so I think what we're looking for in, OK, this – what the Basin said about viability – I'm not sure what page it was on, but we can find the page. What the plan says – it's an appendix, E5. So what it says about viability and how it's satisfying the '82 regs, we did not find satisfying. So we would ask you to go back and explain to us how you're going to meet the '82 regs and then probably very much more specifically, the proposal to transition to 2012, what – I can kind of get what focal species is about. I don't understand, though, the – do we not yet? Because the Basin did their plan under '82. We don't get to attach ourselves to anything related to viability in the 2012, but we want to go to the monitoring plan in the 2012 and then from here forward, I'm going to be – I have to live by 2012, unless it's written into the plan. So for instance, if it has to be written into the plan, then I want – I would want to have this plan be much more specific about the expectations of how it's going to be meeting viability on a certain suite of species and if it's going to meet viability for those species under the flavor of twenty – I don't know. I just need some – I'm not even sure if it's – you can do it under the 2012, but I don't know because we're – so that's the thought problem.

Bob Hawkins: And – OK.

Sue Britting: And that's why we're very anxious about saying yes. Not that they're not – they're – we're very concerned about saying yes because we're in a gap.

Tony Tooke: Yep. So we got Rick and Diana, and we have – we said we would adjourn at six o'clock. I think we can make it.

>> And I would just say that they're – I've been perplexed by this for a while, this nexus between '82 and 2012, particularly on a plan like this. So for those who like the 2012 standard as opposed to the '82, when can we get there? Because that is – there's a counterargument to hanging onto the '82 viability standard, which the agency's moving away from for reasons that have been articulated and written about for a long, long time, right, and I know there's disagreement on that. There's big disagreement and was in the 2012 and the promulgation of the 2012 rule, but I'm curious now listening to the dialogue of, "When is '82 over?" with respect to this discussion, and because I – I mean, I think there are a lot of interested

parties who also believe that the 2012 may be a better approach to managing wildlife. So I don't know the answer to that. So it's the same question, only I think there's other folks here to look at it from a different direction and I don't know the answer, and then I – and it might not be possible to explain it and get out of here by 6:00, but I'd be really curious on how that works just as Sue has articulated as well.

Diana Craig: This is Diana. I just – I'd clarify and I think for Sue, your last comments answered that, but what I'm thinking is that there's all those components of the 2012 planning – monitoring plan requirements. You brought up some of the other ones – the non-focal species ones – that the forest will also need to transition to by 2016, that perhaps as a suite, might answer your concerns a little bit more. So that's – just swirling in my mind, those are some of the thoughts that came out of, Michael and Sue, your comments. So just wanted to verify that.

Barnie Gyant: Because Tony's scribbling some notes down, because I think – I don't know, but in my mind, I'm thinking, so now – so those forests that are now finishing up their plans under the '82 rule – and I was just thinking about this process that we're – we got the objection process that we're applying to the plan here under the '82 rule. So we've got these pieces that we're trying to transition and so even – we might have the focal piece – focal species piece and another piece, and then we'll start running the gamut on those other hundred or so and those twenty grasslands, and that at some point in time, we'll have to make a conscious decision like, "Oh yeah, those other forests that were still back in '82, we've got to still do something to bring them back into the fold." So either – they'll either run out their planning cycle or they – or they'll may be on an accelerated path to kind of redo it, and I can tell you that from my perspective, planning is not something that we all just line up to go do. I mean that's one of the reasons why when do planning, revisions are so complex because one, we're typically reluctant to do site specific plan amendments or take on issues. When they become, we typically wait. We just add them up. So we don't want to deal with them. "Let's wait fifteen years," and then it just becomes a really complex piece to get through. So I bet we're going to have to really think about, "How do we go about doing that?"

Tony Tooke: So I think we understand what your concerns are. I've got – and I mean, I could sit here and do many comparisons about why we're putting a different standard in place than what we have now. I don't think I need to do that and so I think we have what we need to go – I do – you have put a question in my mind that I know – that I wished I could get – I know it's a straightforward answer, but I'm going to back and ask soon – I'm

chomping at the bits to ask right now, but we don't have the right sources here. So we may or may not have to come back to this particular subject, OK. So we want to move on? I didn't say coming back here. I said coming back to the subject. All right, all right.

Bob Hawkins: All right.

Tony Tooke: It is nice it's not snowing. Last time I was here I looked out there and it was snowing.

Complex Early Seral Habitat

Bob Hawkins: Alright. Let's talk about complex early seral habitat.

Tony Tooke: Yeah, so a couple, three weeks ago I went out on a trip on the Rim Fire and the American Fire, Leanne and I did, and Bernie and others in here. And we had a lot of discussion around some these same things so it helps to get a little bit better picture. And those two landscapes, by the way, were a little bit different. They looked a little bit different. All right, so I think what we'll do here in looking at the summary part there and objectors. I mean the concerns are all around salvage, and if so, how much and then reforestation, and if so, how much and where at. And we had a lot of discussion about those two subjects on those two fires. And so you all had a number of changes around this maintenance of 4000 acres of snag habitat, retention of 90% of any moderate, high severity burn areas outside the defense zone, limited operating period to support black backed woodpecker reproduction, revising the Standard and Guide 86 to prohibit redrawing our retiring PACs for three years following high intensity burns. And then adding a desired conditions strategy and objective to retrain the complex early seral in a relatively undisturbed condition. So I think what I want to do is just jump to what we have proposed for a revised Forest Service instruction, which begins at the bottom of page three. Am I right? Am I in the right place? All right.

So revising objectives for creation of early seral objectives 6, 9, and 11, clarifying that areas disturbed by all those things would be utilized to meet these objectives when available. Cutting trees is not the only means for achieving these objectives. So we would add or revise the following plan components. And these are plan components that were in the draft. No, not in the draft, we would add these to the draft. We're not editing some that was in the draft. These are additions. So habitat created as a result of a disturbance contains dense patches of pre-disturbance residual habitat elements and talks about snags and habitat elements characteristic of a natural seral progression. It describes what that is, about shrubs and the herbaceous understory and that they're important

to early forest associated species. And then we would, and the strategy would be we would retain connected patches of complex early seral habitat with minimum management actions where retention would not conflict with public health and safety. And then we would revise Standard 59 to ensure that post fire restoration projects, and that would be in the context of using Guideline number 28 above would include ecological restoration objectives based on the needs of local wildlife species that use burned forest habitat retained with minimal intervention connected patches of this habitat that have residual habitat elements important to species associated with burned forest habitat, for example complex early seral. Where management intervention is necessary restoration project objectives for wildlife will prioritize the retention of existing dense and connected patches of snags that contain a range of snag sizes and special arrangements and the retention of region raiding vegetation such as the scrub layer and herbaceous understory. So do we need to explain any intentions around those? Okay. So then the next question would be what would be the reaction to the proposed revision?

Justin Augustine: So this is Justin Augustine again, Center for Biological Diversity. I'll start by saying I'm encouraged by the language in the desired condition in this strategy. So in that sense, thank you. I have some tweaks to those. The desired condition and the strategy from my perspective are largely good. The revised Standard 59, some minor tweaks to that as well, but overall I see it as pretty good. So I'd be happy to jump into the weeds of some minor tweaks, but if people wanted to add or .

Tony Tooke: Jump in.

Justin Augustine: I think as a starting point the objectives 6, 9, and 11 not that important to me. So I'll just say what you do with those doesn't affect me a whole lot on way or the other. But it's the desired condition and the strategy that I'm focused on, and I think we could just clean up a little bit of the language where it says, complex early seral habitat created as the result of a disturbance contains dense patches, and then starting there where it says, of pre-disturbance residual habitat elements, I would take that whole phrase of pre-disturbance residual habitat elements and just say, of snags. To me that's a lot cleaner. It's not a big picture issue though. It's just more cleanliness for lack of a better way of putting it, an understanding of what's being referred to there. But that said I don't know. There might have been reasons for the language that was used, so I'll ask if there was a particular attachment to the language there.

Tony Tooke: Who is our folks on this language?

Stephanie Coppeto: This is Stephanie. My language came from the transcript from this meeting last time from language Sue had used and a combination of your suggestions. So I tried to use terminology that had been brought up in the previous meeting but happy to modify it.

Justin Augustine: I appreciate why you did it. But, yeah, if it's, I would just say, of snags, there and then as well as other and then leave it the rest as it is, habitat elements characteristic, blah, blah, blah. So did that, was that all caught?

>> I think so.

Justin Augustine: The strategy I actually don't have any tweaks to. Going back to Standard and Guideline 28 one word that would be helpful to change would be to where it's the next to last sentence it says, prioritized objectives and consider ecological restoration. I would get rid of the word consider because from my perspective that gives the impression that it's not essential to do. I would just say prioritize objectives and ecological restoration rather than have the word consider in there to make clear that this is necessary.

Bob Hawkins: You're talking about Standard and guide 28.

Justin Augustine: Yes.

Bob Hawkins: And so you'd say strike the word consider. So he's back up in the paper where it's another Standard.

Justin Augustine: And that just simply reflects my experience with that word in past projects and whatnot.

>> Justin, was that part of your original document [inaudible].

Justin Augustine: You know, I don't know off the top of my head. I'd have to.

>> [inaudible].

Justin Augustine: I know I wrote it with that type of intent. So it may not be the exact same way of doing it, but there was definitely that intent in the original comments. Standard and guide 58, it's I think all one sentence. The third line says, and then to wildlife habitat, and it uses the word including. I would change that to especially because post fire the burned forest habitat should be the emphasis. And including suggests otherwise.

- >> You would strike including and substitute especially. That's Standard and Guide 58.
- Justin Augustine: And then in 59 the second line where the word, include, I would change include to prioritize. And last, and this is just a reiteration of stuff from earlier with the owl, the Standard and guideline 86 we don't need to get into that again since we discussed it. But I just want to reemphasize that that's still a concern. But I think that, oh, actually I'm sorry. Let me take back what I said about 59 because we have the revised one that I should be focused on. And it's the same thing except there it's the second line as well. It says, ensure the post fire restoration projects. Again it uses the word include. And the same thing, I would change it to prioritize. So it didn't matter which one I was looking at.
- >> Same change I think either one.
- Justin Augustine: And then in the fourth line, and this is pretty, well I was going to say it's minor, but it's kind of important. It's the word residual. I would at least in my mind get rid of because it could cause confusion.
- >> Strike that word and just say habitat elements?
- Justin Augustine: Right.
- >> So strike residual? The revised 59.
- Justin Augustine: I'll add the caveat that I went over all this just today since this morning. So that's what I came up with today. But I think that addresses. Okay. If I send this around to you and you sign it will that take care of that? That's great. Well, thank you. Sue, go ahead.
- Sue Britting: So appreciate all the effort that went to try and capture the ideas. And then I wanted to just identify that the objectives 6, 9, and 11 I think are really important because that's, the objectives are how we're setting our pace. And including fire as a tool to help achieve that, starting that early seral progression, I think that's an important call out. So although you weren't as keen, you were neutral on that, I really like that. So I think that's good.
- Justin Augustine: I'll just follow-up quickly on that. The concepts I liked there, but the numbers didn't seem that important one way or the other for the things I was focused on. But I'll leave it at that.
- Bob Hawkins: Is there anybody else? Denise?

- Denise Downie: Denise Downie. I understand where Justin is coming from. And we can consider all of these language changes, but I would just like to point out that not every fire is the same. And there may be fires where watershed restoration is, indeed, the top priority. There may be fire where loss of infrastructure like a campground or something is the first priority. And that's why those Standards and Guidelines are written that way is because we recognize that it's not all going to be like Angora. You know we could have a variety of different kinds of events.
- Justin Augustine: Okay. Go ahead. I appreciate that. I think that from my perspective at least that sentiment is captured already even with my word changes. But I'll leave it at that.
- Bob Hawkins: All right. Do you have anything else on that one? Okay. So it looks like it there's nothing else we've got what we need with early seral. Great time. So we need to do a little bit of agenda checking here. We did have some time set aside for questions. Do you still want to do some of that before you get into the summary?
- Tony Tooke: We should maybe talk a little bit about some of the next steps and then probably lead into the questions.
- Bob Hawkins: Okay and did you have one more thing before we?
- Justin Augustine: I forgot one last thing. The LOP for the woodpecker just make sure it's still known that's a concern. I think that's something that's not that hard to incorporate and can be really helpful for preventing ecological track for the species.
- Bob Hawkins: Mike, just capture LOP as a continuing concern.
- Denise Downie: Denise Downie. I understand your concern. I'd just like to point out that the LOP that you proposed would encompass almost our entire operating season. We can operate basically from the beginning of May until the beginning or mid-October, and after that it's generally too wet. And so that's a real difficult one for us.
- Justin Augustine: This LOP does end, at least currently based on the data, would end on August 1 roughly. So you'd still have August and September.
- Bob Hawkins: Okay. So we'll note that concern. So you want to talk next steps?
- Tony Tooke: Yeah.

Bob Hawkins: We'll see how that feeds into questions.

Summary of the Day

Tony Tooke: So as far as a timeframe and probably what we're looking at doing is me having a decision as soon as feasible, a letter out hopefully no later than Labor Day, but hopefully before then. But I'm just sort of defining when the time here for you. So some of the next steps, one is meeting documentation from this meeting. Is there any sense of when that might be available? That's one thing.

>> Like last time what we'll do is we'll get the transcriber and they will take care of that. And then we'll send you a note by email. It's up on the web. Okay? Just like the other meeting notes.

Tony Tooke: Okay. So we have, I have I think everything that we need except on the Heavenly is still one that we have to do some more. And that could or could not be that we have to have some type of public discussion. And if it is I think based on what I know right now that would probably be by a conference call. We would figure out how to notify people and have it open to the public conference call. On everything else there could be something surface around this monitoring, this last discussion that we had that we would need to revisit. But right now with certainty I know that we're going to come back we already said on the Heavenly. But on the other topics I think we have what we need. So I think that's the only two or three things I wanted to raise is that we have, give you a sense to the timeframe that we're talking about. The one thing that I know we need to revisit potentially a second and when the information would be available. Am I missing anything? Questions about anything?

Craig Thomas: Craig Thomas, Sierra Forest Legacy. So a final objection letter may be around Labor Day?

Tony Tooke: Well, [inaudible] I hope we're not past that. I'm hoping that a few weeks sooner than that.

Craig Thomas: And if there's any issues of clarification between us and our topics then the phone is great if we want to get on the phone again to clarify anything?

Tony Tooke: Yeah.

Diana Craig: It would help if you would put them in writing and then send them so that we can make sure that.

Tony Tooke: I think what he's saying if we need clarity.

Craig Thomas: Both ways.

Tony Tooke: Yeah, yeah, to contact him. If I need clarity about something that seems like it's missing or is confusing after we read it, to reach out to them. That is what he's saying.

Diana Craig: I just don't want you to get the impression...we've got to be careful here. We're getting to a procedural point where I'm not going to say he's off limits. But you can work with me, you can work with Bernie, Nancy, and we'll get him what he needs. But once we engage him then we have to engage everybody because that's the fair procedural requirement.

Craig Thomas: I understand.

Tony Tooke: Let me give you an example. If I'm reading, me, if I'm reading a proposed remedy and I have a question about what was meant by one word there's nothing out of the, I'm not outside the regulations if I call somebody and ask them what that meant, am I?

>> You could be.

Tony Tooke: So describe an example of where I could be.

Diana Craig: So basically it's a perception thing at that stage. You may not have an intent to violate anything, and for certain I know Craig won't. But at this stage in the game if you could just use me as your go between then we'll keep you honest.

Tony Tooke: Yeah, that's probably what will happen. But I just want to recognize I can pick up the phone and ask clarifying questions. That doesn't violate anything.

Bernie Gyant: I agree with Tony. And that's based on the premise it's an objection process of trying to find clarity around these issues. And for me I think sometimes we have too much process when we've got a simple question when we're trying to get clarity. But I'm done, but I agree with Tony.

Tony Tooke: But if it's something more than that with me it becomes a public discussion, and so I understand. Questions?

>> Just a statement more than a question. After the discussion this morning we're going to probably coming back to Nancy with some thoughts on how to proceed and to reconcile the outstanding issues we have. And so we'll, we'll keep them clean, Jody.

Tony Tooke: Any other questions? We've still got plenty of time. We wouldn't want to finish early.

>> Dissenting voices will be raised.

Tony Tooke: Okay. Well, let's change the shift the discussion a little bit then. So I really like I said I want to revisit some of the things I said this morning. I really appreciate you all coming again. I appreciate all the work that was done before the first meeting, during the first meeting, all the work that was done in between that meeting and this meeting. And I know without any doubt whatsoever we have much better information that's going to lead to a much more informed, stronger decision. And then like where is the process where people feel like that their objections have been or are being addressed? How do you withdraw an objection? I mean how does that work?

Diana Craig: I'm going to make this one up. You would contact me not him. Okay? And we would have formal documentation. According to the regulations, and, again, I'm sure that you guys know them better than I do, you can withdraw an entire objection or you can withdraw an issue within your objection. If you decide after these meetings that, okay, I'm okay with that, feel free to do that. And I will, we will figure out, and that will be documented in his final decision letter what happened and how it got withdrawn and why. Okay? That's the important part.

Deb Beighley: This is Deb Beighley. The withdrawal actually needs to go to the reviewing officer. So the best way for us to do that would be for you to send a withdrawal, it can be an email, to the chief's objection inbox where you've been doing it before, to Tony. And just stating that you're going to withdraw. It's probably an issue or two so just be clear that it's this issue amongst your objection because you have numbers of issues within one objection. And that's how, that would be the best way and then it's formal. But it needs to be formal for the documentation.

Diana Craig: That's what I meant by me. I really, it's my alter ego, the chief's inbox.

Tony Tooke: And then if I don't understand something I can ask her.

Diana Craig: The chief's inbox.

Tony Tooke: Mr. Fred?

Fred Roberts: Yeah, I guess I misunderstood the withdrawal objections. I thought that would occur when we knew that a certain plan would be going into effect. With, for instance, what the solution for the wilderness, what the resolution that you have for the wilderness.

Tony Tooke: When you see the letter, yeah, it can be definitely withdrawn after that.

Fred Roberts: Okay. Once we see the letter is it of any value to us, to you, for us to withdraw objections? Because there may be some objections that are still hanging out.

Tony Tooke: Yeah, of course.

Fred Roberts: Yeah.

Tony Tooke: Yes.

Fred Roberts: So it would be of importance to you?

Tony Tooke: Yes.

Fred Roberts: Okay.

Tony Tooke: Yeah, so we may start calling these remedy meetings instead of objection meeting. So but seriously irregardless if there's anything withdrawn, for me as a reviewing official I am in a much better place and know a heck of a lot more than when we started. And so these two meetings for me have been a very good reflection of just how this stuff is supposed to work. And so I feel really good as far as me getting what I need to go back and finish my part of the job. With that, like I said, this has been really good, and I've enjoyed it, both the meeting before and this one's been just as good in my mind as that one. So I'll turn it over to Barney and Nancy.

Barney Gyant: Nancy, you have anything?

Nancy Gibson: Yeah, again, my appreciation for everybody's involvement and input and thoughtful dialogue. I think this has really enlightened and informed in such a way that I have every confidence our final product will be so much better than had we not gone through this process. So thank you very much for your participation.

Barnie Gyant: I'd just like to say for one that dedicated another day in the pre-work. I think today was a successful day. I learned a lot. I learned a lot also from the forest and the staff and all and also learned quite a bit from the perspective of the folks sitting around the table today too. So it's been really good. I like this process. You know because like I said earlier today is at the end of it is being able to have something we can implement. And so I think the work that we do now may be a little bit slow for some people, but sometimes you've got to go a little slower to go a little bit fast. So it's really good. I really appreciate it. The maps were really helpful. So anyway it was a good day and thanks. For me, the folks that were travelling, travel safe. I hope you get to your destination safely.

Tony Tooke: I'm sorry. I've got to back to this morning. For those of you that were not here I want to make sure this is clear. There are a lot of objections and issues that were raised that were not discussed in the May meeting or this meeting. And so I just want to reinforce that those have already been and are being looked at. Every one of those are going to be addressed in this letter. Okay? All right. Thank you.