

National Forest Advisory Board (NFAB) Meeting

May 16, 2012

Mystic Ranger District

Members Present:

Chairman Jim Scherrer, Bill Kohlbrand, Hugh Thompson, Carson Engelskirger, Craig Tieszen, Bob Burns, Dan Hutt, Sam Brannan, Suzanne Iudicello-Martley, Lon Carrier, Becci Flanders-Paterson, Tom Blair, Jeff Vonk

Members Absent:

Jim Heinert, Nels Smith, Ev Hoyt, Donovan Sprague

Forest Service Representatives:

Dennis Jaeger, Bob Thompson, Steve Kozel, Katie Van-Alstyne, Kerry Burns, Lynn Kolund, Marie Curtin and Twila Morris

Others:

Approximately 15 members of the public were in attendance. Three Congressional representatives were also in attendance; Chris Blair (Johnson – D, South Dakota), Mark Haugen (Thune – R, South Dakota), Brad Otten (Noem – R, South Dakota).

Welcome:

Scherrer: We have a quorum; call the meeting to order at 1:00 p.m. We have a full agenda so I think we'll get started. Welcome to the members, alternates, and the public. Thank you for coming to the National Forest Advisory (NFAB) meeting today.

Jaeger: Welcome to everyone, thank you for coming.

Scherrer: Craig Bobzien is out of the office this week, so Dennis will stand in for him today.

Approve the Minutes:

Scherrer: Our first item of business is to approve the minutes from the April meeting. The minutes were distributed, comments received and incorporated. Do I have a motion to approve the April minutes? Motion made by Carson Engelskirger second by Dan Hutt. Is there any discussion? All in favor of approving the minutes as they read say aye; opposed same sign. The April minutes are approved.

Approve the Agenda:

Scherrer: Next item of business is to approve the agenda. The Agenda was modified yesterday; hopefully you've had a chance to look at the amended version. Do I have a motion to approve the agenda? Motion made by Craig Tieszen, second by Tom Blair. Is there any discussion? All in favor of approving the agenda as it reads say aye, opposed same sign, agenda is approved.

Housekeeping:

DFO Dennis Jaeger: In case of an emergency, the main exit is to the front, to the parking lot; or you may exit to the back of the building into the parking lot there. Treats today have been provided by the Boxelder Job Corps.

Meeting Protocols:

Scherrer: Once again, I would ask that cell phones be put on silent. For those in the audience, we have 15 minutes scheduled for public comments at the end of the meeting. Public comments will only be taken if there is time. Most of the folks sitting there are on the agenda and will be speaking as part of the agenda.

Hot Topics

Bob Thompson Announcement

Jaeger: I would like to have Ranger Bob Thompson come on up. I would like to announce that Bob has accepted a position with the National Minerals and Geology organization as a Minerals Geologist for Regions 2, 3 & 4; effective June 17, 2012. Bob has been the Ranger here on the Mystic District for 14 years. Bob's Leadership, professionalism, and knowledge will be missed. Bob is one of those guys that truly epitomize caring for the land and serving people.

Scherrer: Bob Thompson is the guy that we have had the most contact with when we first started up. John Twiss was almost out the door, and Bob was very involved with us, and the travel management project that was developed. Without Bob's leadership in those early days, we wouldn't be here. There were a lot of people involved and a lot of people that helped out – but Bob was one of the main players. In fact, I've always told Bob that I would love to see him retire from the Government, and get into private sector; because he could really make things happen in the private sector. So Bob, on behalf of the Advisory Board, thank you for all you've done, it's been a privilege working with you.

Blair: Bob truly was one of the driving forces when we went thru the four or five things that were handed to us to accomplish. We met excessively at the old district office and Bob was part of the guiding light that kept us moving forward and on track. Bob reminds me of Jeremiah Murphy who was a lobbyist and Jeremiah told me that when that person speaks, everyone puts their newspapers down – and that person was Bob Thompson.

Legislative Updates

Scherrer: Chris, Brad, Mark, thank you for coming today. To those who don't know, we routinely have the Congressional Representatives from both South Dakota, and Wyoming (if possible) present updates related to forest activities and issues related to the Forest Service. I would like each of you to give us a three minute update please.

Chris Blair: The Farm Bill passed out of the Senate Ag Committee, hopefully there will be a cost savings of 23 billion dollars with this Bill. Senator Johnson has joined with other Senators asking for immediate action to get it off the Senate floor. Included under the forestry title are a few sections including re-authorization of the Office of International Forestry; insect infestation and related diseases authorizes the Senator to propose designated treatment and the Secretary of Agriculture will have the authority to authorize it; stewardship contracting projects, allows landowners within the Forest to benefit from the Forest in taking the Forest as a whole and a broader outreach when looking at what is proposed by the BHNF. The other thing is the Senate Appropriations Interior Sub-Committee Budget hearings are moving forward with this Bill. Senator Johnson is suggesting a robust fire budget, and increased forest products budget. The Ryan Budget and the impact there looking at is potentially 33 billion dollar cuts effective the next 10 years. The committee also proposed an increase in the number of board feet of timber each year – from 2.8 MBR to 3 MBF.

Scherrer: Does the Board have any questions?

Blair: If the fire budget is increased, how will it be put to use?

Jaeger: That will depend on how it is allocated.

Mark Haugen: As Chris said the Farm Bill is the big topic right now. The Bill includes many of the things that Senator Thune proposed, on the Ag side and forestry side. We didn't get the entire pine beetle wording included, but we did the incorporation of the Office of International Forestry which gives the secretary the ability to designate the Forest as proposed by the Governor. It gives us the treatments, and sets it up as a special area for attention, going along with that was \$100,000 million a year for the Forests that were designated. The process to get money is two step; the first step is to get it authorized then appropriated. Senator Thune also signed on to the letter to Senator Reid to ask them to speed up the process.

Scherrer: Are there any questions for Mark?

Brad Otten: There were some changes in the Senate that the house will look at as far as the bill between Thune and Noem. Word from DC is the House will push the Farm Bill out in June or early July. The Black Hills Cemetery Bill came out 400 to 1.

Scherrer: Are there any questions for Brad? Thank you all for your updates today.

Scherrer: At this time, I would like to acknowledge Representative Mike Verchio from Hill City; Mike will be the alternate for Craig Tieszen. We appreciate your time Mike, thanks for coming in today. Since there are open seats at the table, Mike will sit here today – if the seats fill up, he'll have to go to the back of the bus.

Friends of Norbeck vs. USFS; Supreme Court Decision ~ Dennis Jaeger

Jaeger: I would like to give you a brief history of this Decision. The Project Area includes the Black Elk Wilderness which is the only designated Wilderness on the BHNF. It was designated by Congress on December 22, 1980, and originally encompassed approximately 9,820 acres. It was expanded to its current size, 13,542 acres, through legislation on August 2, 2002.

The Norbeck Organic Act of June 5, 1920 authorized the establishment of Custer State Park Game Sanctuary "...for the protection of game animals and birds and to be recognized as a breeding place therefore."

Decisions in Needles and Grizzly projects in 1994 and 1995 prescribed commercial and non-commercial timber harvest to initially thin dense pine stands and enhance hardwoods and meadows; litigation followed. A 1999 lower court ruling on the 1994 lawsuit supported the Forest Service interpretation of its mandate in the Preserve. In 2001 however, the Tenth Circuit remanded this decision on appeal.

On August 2, 2002, President George Bush signed into law an Act that provided direction for two vegetation management projects (Needles and Grizzly) that had long been stalled by litigation should proceed. The Act also added about 3,600 acres of Norbeck to the Black Elk Wilderness, and prescribed for consultation with South Dakota Game, Fish and Parks in future management actions within Norbeck.

In March of 2010 an Administrative Appeal of the Record of Decision (ROD) was denied. Litigation followed, in the District Court of South Dakota. The Appeal was dismissed on January 28, 2011 by Judge Viken and that decision was appealed to the US Court of Appeals, 8th Circuit, and denied. Finally it was appealed to the US Supreme Court, and that petition was denied on April 23, 2012.

Blair: I spoke with Jim earlier about this being a good place for a discussion I would like to have about the length of time and the process involved in getting projects into the court system. Being on this Board for several years, it makes me mad that – not so much that people exercise their right to develop a lawsuit, but it appears to me that even over the last years, but before that, we've had one lawsuit after another, and rarely if ever does the Forest Service (FS) lose the lawsuit – but what we did lose was time.

When we are in a lawsuit that costs us up to 18 months – the bugs don't read the paper, they just keep chewing. In a sale we may have had say 2,500 acres but then after that amount of time, we lose many of those acres. I have a liberal cure; one thing I discovered is that the Farm Bill is truly going to come out of the Senate; we need to be part of that Farm Bill. We can't wait another five or six years for another Farm Bill to come around. The tough answer to this is for example, like a timber sale, a lawsuit is filed, a damage bond shall be placed, if there are damages, and the defendant wins (FS) then damages from that bond shall apply, and these damages could be anything from lost time, to legal costs, damage to roads, etc., those kind of things that affect us and raise the cost of the sale, apply. And that is tough, people have a right to sue, it's called Equal Access to Justice. Now the problem with that is that when somebody files a lawsuit and they don't have the ability to underwrite the cost of it, the public pays it...so in essence the FS is paying someone to sue them! Never the less, there is a law and I don't see that portion overturned. The gentler aspect would simply say if there is a lawsuit and the FS prevails,

the Forest Supervisor, without challenge, and that “without challenge” is important, may add on an appropriate amount of trees to the sale to offset the potential damages of the period of time of litigation. It doesn’t diminish the value of the merchantable trees to be cut and sold, so the moneys that will exchange hands between buyer and seller remains the same, but it also makes us think and that’s what I really want people to do, is think..

There are times, and the FS is not always right. There are other ways to do things, and certainly lawsuits bring issues out. Becci Rowe is sitting over there, and if she hadn’t of come with her pictures, we would still be dealing with travel management. We’ve won a whole lot more suits than we’ve lost.

I think it’s appropriate to put something into the Farm Bill – you have to change law, and you have to do that. What better way to answer some of the questions and a timely way with the bugs. We could add a different tool to the Forest Supervisors tool box.

Judicello-Martley: We’ll be talking later about the length of time that is required for Administrative Appeals. In response to the issue raised by Mr. Blair on the matter that was just reported on, there was no approval of the injunction, so the FS proceeded with their business, and there was no slowing of the process; isn’t that correct. We can have a conversation about the kind of changes, etc., but I would ask the Board listen to the information that is going to be presented first. I have an apology to make, and I would ask that all the members of the Board be held to the same standard.

Vonk: I would be pretty uncomfortable agreeing to something that Tom is suggesting; I don’t know exactly what this Board would like us to go forward with. I’m uncomfortable to take any action without knowing for sure what is being asked. Secondly part of your comments dealt with the Equal Access to Justice Act. There is a bill in the house, the Government Litigation Savings Act HR 1996, that would amend the Equal Access to Justice Act and would address these exact issues; with regard to compensation being paid to litigants by the Forest Service. I just want you to know that it is out there, and you should weigh in on that.

Rowe-Paterson: I would like to make a note of clarification for the record. In the last few months I’ve been contacted by individuals and even individuals on this Board that thought the Norbeck Society was the same as the Friends of the Norbeck. I want everyone to understand that the Norbeck Society is in no way shape or form associated with the Friends of the Norbeck.

Burns: From 1994 on there were some treatments; how long had the treatments been held up?

Jaeger: 2011 was the first year that treatments came in after the ROD. We went ahead with those sales while litigation progressed.

Blair: I wasn’t sure that Suzanne’s was part of that review process, but I would be happy to wait and polish the wording and discuss it later.

Scherrer: If there is info that we need to read head of time, I would appreciate it if you would get it to me or Twila and we’ll get it sent out. I hear you Tom. I would encourage you to tap into the three Congressional Representative that are here today; it’s a short time frame, but I think at least one of the Representatives would listen to you.

Blair: One will listen because I have the will! If I were to hand them something, would you appropriately consider that it's coming just from me and not the Board; because our usual route is through the Forest Supervisor to Denver, to DC.

Jaeger: As a private citizen, you have every right to voice your concern on legislation. So my take is if the Board is going to support or recommend, that would be the route the Board would use, or if the Board wanted to write a letter, they could do that too.

Brannan: Thank you to our Congressional Delegation and Representatives, particularly to Senator Thune and Mark Haugen, but to all three of you. I know that Senator pushed very hard on this issue. Secondly, I think what you're hearing from Tom is about getting things done. I am so tired of hearing about sand being thrown in the gears, I think we need to get out of the way and let the FS do their job. I'm encouraged that Mr. Vonk is saying that there is a change being considered to the laws on litigation. Coming from the mining side, we bond, and we pay if we do anything wrong, and I think that it should be that way in the Forest industry as well, that's just my opinion.

Scherrer: Tom, I would ask that you put something together and work with me to get it on the agenda for the June meeting.

Petition to List Black –Backed Woodpecker as Endangered Species ~ Dennis Jaeger & Kerry Burns

Jaeger: Kerry Burns is a Wildlife Biologist for the BHNF. Kerry will answer your specific questions, but I'll give you a brief update on this issue. Four conservation groups have filed a petition under the Endangered Species Act (ESA) to list two genetically distinct populations of the Black-Backed Woodpecker as threatened or endangered. One of those genetically distinct populations is the Black Hills Population.

Petitioners contend that the Black Hills population is genetically distinct; that there are fewer than 500 breeding pairs in the Black Hills. They also contend that fire suppression, post-fire salvage logging and thinning of green forests are eliminating the limited amount of habitat left for the population.

The US Fish and Wildlife Service (FWS) will be responsible for determining if the population in the Black Hills is distinct and warrants listing under ESA. The first step will be a 90 day review to determine if the petition has merit. If the petition has merit, the FWS will conduct a 12 month review to determine if the population warrants listing under ESA. The Forest does not have a population estimate for the Black Hills. The origin of the petitioners population estimate is not known at this time.

Bob Burns: If it was determined to be an endangered species, how would that change what the FS has planned at this time?

Jaeger: Our focus would change to protect that habitat and it would be closely regulated by the FWS.

Rowe-Paterson: When will a survey or count take place so we know if we are OK?

Kerry Burns: There may or may not be a survey, that is up to the FWS. We have some monitoring data of the birds, but the FWS will pull together all the surveys available and base their information on that. We monitored the Black-Backed Woodpecker in the Jasper fire area, and they typically follow a fire or other disturbance and peak at that point, and then taper off. They feed on MPB, and we have a lot of habitat for them right now.

Engelskirger: The one thing that I find amusing is that they want it listed as an endangered species, yet we have oodles of habitat for them. Let's say they do the survey and come up with a number; what is the number for an un-endangered species? The habitat goes up and down, and if there is less habitat they numbers will go down accordingly.

Kerry Burns: It's hard to say what a list-able number would be, and I don't know the process that the FWS uses to determine that. It is normal for Black-Backed Woodpeckers to boom after a disturbance. In 1999 we had a study that showed quite a low number, and that is where they maintain themselves but with epidemics, they boom, and then go back down to their background level. It depends on the species, and how they react.

Rowe-Paterson: How many species of woodpeckers are in the Black Hills?

Kerry Burns: I would say five to seven.

Vonk: I know you are aware; a year ago the FWS settled a lawsuit because they had been totally unable to keep up with the amount of species being petitioned, and part of the settlement was that they would put their priority on various species. Have you had the opportunity to talk to the FWS? Their hope was in settling this case was that it would stop the amount of petitions. On the other side, there is legal protection for the FWS in terms of not meeting the laws, because they don't have the resources, and there is a schedule for high priority species. Did you have feedback from the FWS about whether or not they can meet the three month review time frame?

Kerry Burns: I have talked to Scott Larson the State Field Supervisor in Pierre, and he doesn't know where it will go. In the settlement there was an allowance for a certain number of additional species petitions to be received, so it could rise to the top and be reviewed. They are still trying to figure out how to handle it – but it could be delayed a couple of years. We just outlined the typical process; they could decide in 90 days that the petition doesn't have merit, and no further action would be needed.

Scherrer: Are there any further comments or questions for Kerry? If not, we'll move on to the next topic.

Scherrer: Suzanne had asked a question to Craig Bobzien related to delays on petitions and litigations. In the pre-meeting work, you received the questions and answers sheet that we'll be discussing now.

Jaeger: I hope that all the Board members did receive the questions and response sheet. I'm not going to read the document. Between 2007 and today, there have been 30 project decisions issued for projects analyzed in an Environmental Assessment (EA) or Environmental Impact

Statement (EIS). Of those 30, 18 authorized vegetation management actions. 15 of those had the purpose of reducing both fuel hazard and mountain pine beetle (MPB) risk, and most had additional objectives of providing timber and/or improving vegetation diversity and habitat conditions.

Appeal regulations provide for a 45 day appeal period, 45 day review period, and a 15 business day stay after the appeal decision before any affirmed project decision may be implemented. This generally totals about 121 calendar days, or about 3 ½ months from the date of public notice of the project decision.

Scherrer: Are there any questions?

Iudicello-Martley: Thanks to the FS and Dennis for responding to the questions. We now have the information about the length of time these things take, and I would just request that as we have these discussions that we be clear about what it is that's delaying "boots on the ground". The Phase Two Amendment litigation to the Forest Plan is ongoing, and you are proceeding with decisions on treatments and sales; isn't that correct, litigation has been filed, but you are proceeding.

Jaeger: That is correct.

Regular Agenda

Silver City Fuels Reduction Project ~ Bob Thompson

Scherrer: Out of respect to the folks that drove from Silver City, I would like to move on to the Fuels Reduction Project topic before we take our Break. I'll turn it over to Bob Thompson.

Bob Thompson: We have three representatives of Silver City with us here today; John Gomez, Jeff Sugrue, and Todd Tobin. I would like to start out by showing a news clip made by the Forest of the project, and then we'll turn it over to the folks from the Fire Department.

[News Clip, Bob Thompson]

Bob Thompson: As it said in the video clip, we were approached by the folks in Silver City. We had a decision in place that would allow us to move forward, but we were unable to get to it due to the sheer volume of work everywhere else that was going on. Silver City decided to get a contractor, put it together, worked with their neighbors and made this happen. Craig Bobzien issued a very special timber sale to the community recognizing that they were doing all of the work, so the cost was offset by the work they were able to put in. This is a unique situation. I'll turn it over now to Todd Tobin of Silver City.

Todd Tobin: Hello, my name is Todd Tobin; I'm a resident of Silver City. I live in a cabin that my grandfather built. Since moving back to Silver City in 1998, I've had the privilege of being on the Volunteer Fire Department. We have had a great working relationship with the Forest Service, and we take pride in being a good partner for them. What comes out in a project like this is the need to move forward and get work done. The MPB infestation has hit the central

Black Hills in a big way, and has spread like wildfire, so as the only functional entity in Silver City, the Fire Department determined it was our responsibility to move forward.

[PowerPoint Presentation by Todd Tobin]

Background:

Pine beetle infested stands are currently throughout the Silver City VFD Fire protection district, i.e. Rochford Road, Sunnyside, and Silver City.

Project Overview:

Initial contact was made with the USF in the fall of 2011, to create a fire break around communities in the SCVFD fire protection District. The purpose is to protect people and private property from catastrophic wildlife risks caused by MPB infestations by creating a 300' shaded fuel break around the community of Silver City. January 2012: SCVFD coordinated with Pennington County Weed and Pest to mark infested trees. The project was completed in April 2012.

Project Funding:

Silver City: \$20,000.00

Private Donations: \$3,000.00

Pennington County Weed & Pest: \$2,300.00

Logging & Thinning: \$11,840.00

Removal of MPB Trees: \$1,600.00

Timber Credit: \$1,350.00

Tobin: Jeff Sugrue and Joyce Sugrue are both here today as well as John Gomez. Do any of you have anything you would like to add?

John Gomez: Carving this out of the Pactola Project was the right thing to do. Waiting for the FS to get to the project would have taken too long; it would have been too late. The FS was great to work with, everyone from Bob to the inspector and everyone was great. Thank you for helping us create the fuel break. I don't know if you noticed in the pictures, but it's not only a commercial logging operation, but also thinning, and also very clean. We wanted it to look like a park, and it is all very nice and cleaned up.

Scherrer: My friend Craig Tieszen gave me advice, he said don't edit and don't give up the mike. Does anyone have any questions for the Silver City folks?

Tobin: I would like to thank the Mystic District and all the others, Bob Thompson, Gale Gire, John Olson, and others. It was a pleasure working with them. Also thank you to the County Weed and Pest, there were a fantastic partner, Scott Guffey and others; Denny Gorton and others with the Pennington County Fire Administration; Brian Garbisch and others with the State Department of Ag; Custom Timer and the Silver City VFD membership. Thank you to the FS for working with us.

Scherrer: Anything else?

Blair: Just one question, on the slide it showed that you had some merchantable timber that you could sell; so was that \$1,300 plus the amount from that timber?

Gomez: Yes, that is the amount that we gained and could put back into the project.

Rowe-Paterson: I take my hat off to these folks. They really set a standard for the rest of us. We can't wait to get busy; we each have to do everything we can. Thank you for your example.

Scherrer: As the Chair I would like to make two comments. This is a classic example of what the Black Hills Regional MPB Strategy can accomplish, only on a larger scale. The all lands approach of coordinating all agencies with all hands on deck; this is an importation strategy. The second comment Todd Tobin made, we're South Dakotans; I hope that we as a State continues to work with our Legislators, and let them know that we need, as the state of South Dakota, to take control of our own destiny and not wait for the Federal government to come in and take care of us. I cannot help but tell you that when we have big bad disasters in the northwest part of the state, with blizzards, etc. and we're helping each other out, pulling cows out of snow banks; I would love the Legislators to see how we take care of things and not always ask for money to help. I hope this kind of thing leads to more cooperation at the state level.

Vonk: I would say that your Legislators in this room have responded to that; providing money for private land owners, etc. The Governor and Legislators of this State are doing a lot already.

Scherrer: You're right, the Governor has stepped up, and now we need additional help this fall.

Tobin: Our Department initiated the BH Cemetery Act as well, and it was passed 400 to 1. We would really like to thank the FS for their part in this Act as well. There are nine cemeteries on BBNF that are maintained by others, so this will cover us taking care of these cemeteries.

Carrier: Silver City is the lynch pin between the Northern Hills and the Southern Hills, and I take my hat off to them.

Scherrer: Let's take a break till 2:30.

Pine Beetle Response Project ~ Katie Van-Alstyne

Scherrer: Our next topic is the Draft EIS overview by the Forest Service; I'll turn it over to Katie and Dennis.

Van-Alstyne: I'm happy to report to the Chairman, Board, and audience that in a 10 month time period, we've reached a milestone. We have a draft EIS on the street, and we're in the 45 day comment period right now.

[PowerPoint Presentation]

Discussion and Questions:

Scherrer: Is there a public meeting set up?

Van-Alstyne: Yes, good point. There will be a public meeting Thursday, May 17th beginning at 7:00 p.m. at the Ramkota in Rapid City.

Iudicello-Martley: You've explained that this is an adaptive project, you plan at a large scale, and you use the appropriate tool. Is there a priority setting mechanism – how will you decide what to do first, second, and third? Then once you've done that, you have an evaluation period, you suggested Silver City would be a good one to look at – what would be a good time line in an adaptive strategy, and look at if it worked and what you would do in a similar situation?

Jaeger: Your question about priorities; when we come out with 240,00 acres, in addition to the environment clearance we have on other projects, the number one thing will be budget and capacity. But besides that it's the beetle itself, the protection of our communities; we have to look at the “why here why now” question. The Regional Black Hills Strategy and the Black Hills Strategy will help us pick the best place to invest and make the best investment on the ground.

The Adaptive Management approach; the techniques in this project are tools that we know work. We've limited the attractants techniques till we know more about it; studies will be done this summer, but right now in this document, we have limited it. We know the effectiveness of cut and chink, chipping, thinning - the adaptive process is more of just looking at the situation and seeing what would be effective in certain areas. It's the whole mix, we know the beetles are moving faster – this gives us an area we can look at, and prioritizing will be the hard part because we can't get to everything in a year.

Iudicello-Martley: On the priority setting, in the course of the comment period, will that help inform your priority setting, or will that be part of the adaptive process as you go along? If you have a community that wants to do something fast and come to the table, will those types of comments and influences help your decisions, or would it be more in a budgetary way?

Jaeger: I would welcome comments and suggestions all along the way. As the example of the Pactola Project, that was signed and ready to go – without that, I wouldn't have been able to move forward with Silver City. Silver City would have been a project we would do somewhere along the way. If we have a local VFD stand up and say we can do this – we'll look at it and see if we can give it a go, if the NEPA and all is done, we would probably move forward with it.

Blair: Adaptive uses and capacity; the ability to sell those timber sales, we have three major mills within the BH area – does the capacity for the mills to handle the timber sales make some kind of an effect on how you're going to do it?

Jaeger: The cut and chunk method is a holding action till you can come in with a commercial thin. Mill capacity is a huge deal, if we can't get the trees to the mill, we'll have to do cut and chunk. I don't want to talk for Carson here, but imagine the pressure they are under, the amount of blue stain we are asking them to take out which reduces the price. The operators are also faced with trying to keep their mills staffed to run two shifts a day. If I invest the time, effort, and money to layout the sale, and no one buys it, then I waste your dollars.

Blair: We need to know that going in. 248,000 acres will not be harvested in a year.

Engelskirger: For the most part I would agree with Dennis, traditionally if you look at the process of wood to the mill there is a certain capacity with that treatment. We talk about sanitation by cutting and chunking, it's a lot cheaper to do that mechanically. We need to find ways to stretch our capacity, and treat more acres; utilization specs in the add on units. Business as usual will not fix it.

Scherrer: Thank you Katie. For your benefit Mike (Verchio), at the last meeting in April, we knew this was coming out and we were asked to have a Subcommittee of the Advisory Board to come together to review the Pine Beetle Response Project. We assigned a Subcommittee and they are in the review process. We'll hear from them next.

Pine Beetle Response Project: Subcommittee Progress Report ~ Sam Brannan

Scherrer: The next item on the Regular Agenda is the Subcommittee Progress Report on the Mountain Pine Beetle Response Project.

Brannan: There are 16 of us on this Board, and you chose four to be on the Mountain Pine Beetle Subcommittee: Suzanne Iudicello, Hugh Thompson, Ev Hoyt and myself. Hugh withdrew, and was replaced by Carson Engelskirger.

The Mountain Pine Beetle Response Project DEIS is meaty, and contains a lot of information. I am thrilled with the Subcommittee member's preparations. Our NFAB Chair has attended all our meetings. Next month we would like to provide more on the DEIS. I am passing around a handout. We had four areas we looked at: the proposed action and alternatives, and whether they meet the purpose of and need for action in the MPBR Project DEIS. (A two-page handout was provided to all Board members).

(Sam read the first bulleted item)

- **The subcommittee agrees that the proposed activities and alternatives address the issues, respond to national policy, guidance and law and Forest Plan direction, and meet the purpose of and need for action in the MPBR Project DEIS.**
 - Agrees the DEIS responds to Forest Plan Goal 7 through cooperative, collaborative efforts and Goal 10 requiring the establishment and maintenance of a mosaic of vegetation conditions to reduce occurrences of catastrophic fire, insect, and disease.
 - Supports the use of Healthy Forests Restoration Act to help expedite the review and approval of the project, and compliance with the Forest Management Plan and Forest Plan Amendment for Standard 3103 using best practices guidance for forest health.
 - Supports the use of management tools in the adaptive project which have been used and proven methods over the past 6-10 years and also include tests and evaluation of new methods. We would encourage the BHNF not to limit future response through limitations in the PBR, but rather include analysis and allow the opportunity in the future pending monitoring and further research, specifically as it relates to treatment methods such as semiochemical baiting.

- Encourages NFAB direction for the Forest Supervisor to participate in the efforts with the collaborative effort of the Regional Pine Beetle Strategy will be in keeping with the Forest Supervisor's direction with the MPB Response Project.

Those were the house keeping issues we addressed first. Does anyone have any comments or questions?

Blair: I'll go back to issues I mentioned before. We always seem to be reacting to issues. We are reacting to the mountain pine beetle. We never seem to catch up. We need to look at areas where we can be pro-active, where we can get out in front of this issue, whether it is changing rules. We do a gigantic Forest Plan and sometimes it takes years bordering on a decade to get one done. In there, we do EISs and NEPA processes on the whole Forest. When we have an emergency, something identified by the Forest Supervisor, Regional Forester, or maybe the governor, when an emergency is declared, then those things already done will suffice, and we will not have to wait another 12-14 months to get something done.

Brannan: We have gone from projects of 3,000 acres to more than 100,000 acre projects. This DEIS allows the Forest to go to the highest at risk areas within the 242,000 acres. It does not address the regulatory side, but we agreed that in Part 2, the subcommittee supports collaborative work leading up to this DEIS. With the programmatic agreement with the SHPO, the Forest is trying to be pro-active.

Blair: It is all in the wording, but it is difficult to go from reactive to proactive, and I know we will never stop the pine beetle but we need to get in front of it, so that we know where they are going before they get there.

Brannan: I was skeptical when I first picked up the DEIS, but I am pleased that the Forest Service is trying to take it from reactive to pro-active.

Blair: The first year, the first couple of years, we were able to give our feelings about where we had gone in those two years, and where we need to go. On my land, if I saw trees that looked like they were going to die, I would get the saw out and those trees would be gone. But the Forest Service is locked into studying and bug trees increase in the meantime, so that I would like to see a change to get in front of the problem. Until we get in front of the problem we will never get a handle on the problem.

Brannan: The focus of the document is more on resiliency, which is proactive, than recovery which is reactive. We have a sense of urgency, because this Board needs to make a decision in June.

(Sam read the remainder of the handout).

➤ **The subcommittee agrees that the information in the analysis is sufficient to implement proposed activities.**

- Agrees that the management focus, the purpose and need for action as stated in the DEIS is on target to develop a vegetation condition in the project area that both reduces the threat to ecosystem components, including forest resources, from

the existing mountain pine beetle epidemic and to help protect local communities and resources from large scale wildfire by reducing hazardous fuels.

- Agrees with the management proposed action intending to slow or halt the development and spread of MPB, thereby reducing the rate of tree mortality, accumulation of hazardous fuels, and major changes in scenery.
- Agrees that through adaptive management, the Forest Supervisor will be given flexibility to employ a variety of techniques to address human safety and forest health to strategically address recovery of decimated areas, resiliency for infected and high risk areas, and leading edge practices for newly infected or at risk areas, including but not limited to commercial timbering, cut and chunk, cut and chip, spraying, and other techniques.
- Supports the collaborative work amongst various stakeholders leading to the DEIS, particularly the creation of supporting documents, such as the programmatic agreement with SHIPO along with other thoughtful precursory collaborations, further the cooperative approach to forest health and public safety.

➤ **The subcommittee agrees to the following actions in the DEIS and suggests some possible improvements for the Final EIS.**

- Agrees that time is of the essence. Urgency and responsiveness to the growing epidemic of MPB in the Black Hills National Forest are key to effectiveness of this response project.
- Recognizes the urgency and need for immediate response in this epidemic. As such we challenge the BHNF in signing the Record of Decision as soon as possible, with an implementation deadline no later than 10/1/2012.
- ~~Agrees that although the tight, well-constructed DEIS expertly reflects the best talents with the USFS working on the urgent epidemic of MPB destruction, this is the first analysis of this size in the Black Hills. The increase of the area under consideration is in response to and proportional to the threat to ecosystem components and hazardous fuel accumulation and requires a correspondingly thorough and sufficient analysis. The subcommittee agrees that the analysis provided in the DEIS meets that requirement.~~ (Subcommittee still working on verbiage)
- Recognizes the addition of Alternative C reflects the input and concerns expressed by stakeholders in the Black Hill National Forest (BHNF) during the public information gathering period for the DEIS. It accurately addresses the urgency and need expressed in these comments through creation of Alternative C.
- Agrees that given the urgency and magnitude of the current MPB epidemic, larger analysis areas create more opportunity in effectively carrying out the purpose and need of the project. Utilizing an adaptive management approach requires large-scale analysis to provide maximum flexibility in responding and we applaud the BHNF for these efforts.
 - In supporting long-term multiple use objectives for the future, we recognize the need to put MPB mitigation efforts as a priority over the other uses on the forest.
 - The BHNF has done a good job in the Design Criteria allowing sanitation and other treatments in sensitive areas that have traditionally been avoided.

- We feel a potential still exists in creating more flexibility in response through the Design Criteria by allowing MPB mitigation efforts to be implemented without further direction above what is directed in the Forest Plan. As an example, issues like recreation, OHV routes, hiking trails, etc., should not affect implementation of the selected action alternative.
 - Urges the BHNF to incorporate further mention regarding potential consequences of failing to slow the MPB epidemic. Currently other forests in the Region (CO&WY) are dedicating large portions of their budgets to clean up and public safety concerns following large-scale mortality from MPB. We feel this could be better highlighted through use of the publication: *The True Cost of Wildfire* http://www.wflccenter.org/news_pdf/324_pdf.pdf. This may be helpful in explaining to readers what potential consequences could be.
 - The ability of the BHNF to incorporate mention of the near-final *Black Hills Regional MPB Strategy* into the FEIS may also help show the collaborative effort being pursued across ‘all lands’ to mitigate the epidemic.
 - Although the subcommittee has yet to decide on how to agree to support a specific alternative or provide suggestions to strengthen a Final EIS alternative, the subcommittee is planning to present our recommendation at the June NFAB meeting.
- **The subcommittee agrees with the following comments about actions mentioned in the DEIS or outside the scope of the DEIS requiring site-specific amendments to existing Forest Plan direction.**
 - The subcommittee is planning to present our recommendation at the June NFAB meeting about the Forest Plan amendment required in the current DEIS for Spearfish Canyon under Alternative C.
 - Although members of the NFAB and the subcommittee have raised valid concerns for including Special Management Area, such as Botanical Areas and Inventoried Roadless Areas, the subcommittee supports the strategic decision by the Forest Supervisor not to include these areas in the DEIS to avoid controversy, and further delay meaningful treatments. However, a risk assessment of the threat of MPB in and from these areas needs to be considered to evaluate whether they require separate analysis for response.

Martley: The only thing I would add is that the Subcommittee is working as fast as they can, and to the best of their ability. Clearly, the Forest Supervisor will get recommendations from many entities. What we agreed is that what is presented here will be enough for members of the Board to be able to say, “Yes, the Subcommittee provided the information needed to make a decision about a recommendation to the Forest Supervisor.”

Scherrer: Everyone needs to begin the process of reading the DEIS and formulating questions. It is a very important document as it relates to our opportunities as a citizen advisory group. If we as a group can come up with a document which is proactive, solid, and has real objective advice, we know that the Forest Service will use that information to strengthen their position. This is a very challenging subcommittee assignment, partially because of the short turn-around, and this is a big step for the Forest. I have been privileged to sit in on the Advisory Board

Subcommittee meetings and hear the dialog. There are two attorneys on the Subcommittee, and all members have experience in reviewing EISs. We have a good group on the Subcommittee. When they come back in June, I hope they will be tested by the other members of the Board. I hope all members will have questions. We should bring all dissenting opinions to the table, and have them on the record. I encourage all to review the DEIS, and I welcome any contacts by the Subcommittee to contact NFAB members.

Tieszen: I like a committee that begins with items on which they agree. Thank you and good work.

Flanders-Paterson: The very last sentence, Sam, “*a risk assessment of the threat of MPB in and from these areas needs to be considered to evaluate whether they require separate analysis for response,*” prompts me to suggest that the Subcommittee visit the Forest Service and Norbeck Society websites to see GIS maps that show where the beetles have moved from. Maps of protected areas show that these areas are not sources for mountain pine beetles, but are now areas that are being impacted by beetles from the outside.

Brannan: Our Subcommittee would love to get you a report before the next meeting, so you will have time to look at it and talk with your constituents before the June Meeting.

BREAK

Sand Creek Action Item Report ~ Steve Kozel

Scherrer: We are ahead of schedule. It is a good thing when folks drive in from distances, we want to have a good meeting, and be able to act on issues, but we do not want to waste time.

Martley: I need to clear up a mistake in information that I presented at our April meeting. I included three photographs that were representative of values within the Sand Creek Area. I have since learned that those areas are on private land. If anyone on the NFAB was misled by those photos, I apologize.

Scherrer: The next issue is the Sand Creek action item report. Hugh Thompson’s motion of March 21st was, “I do move that the Board encourage the Forest Service to seek approval to address the problem in the Sand Creek Area.” We asked the Forest to reply in 60 days. At the next meeting, we had two members of our group, Carson Engelskirger and Suzanne Iudicello, to speak about the issue of treatments in the Roadless Area. Today, Ranger Steve Kozel, who sent out documents in advance, will present to us his response to our request.

Kozel: Thank you, Mr. Chairman. One of things in the west that people say is, “Whiskey is for drinking, water is for fighting.” They should include Roadless areas as well. Sand Creek is part of 58 million Roadless acres across the US. I will give a brief overview of the Sand Creek Area and describe the decisions I made in 2010 and 2011 in the Rattlesnake Project EIS, which address fire and mountain pine beetle in the area.

The Sand Creek Roadless Area is in the middle of the Rattlesnake Project Area and is about 8,000 acres. Key values in the landscape are 1) the Red Canyon Subdivision which has about twelve homes, 2) two additional homes across from the subdivision, 3) Ranch A – a historic lodge with associated outbuildings which is listed on the National Register of historic sites, and 4) down the road is the Sand Creek Country Club with about ten homes. There are some scattered mining facilities near the state line, and a few seasonal homes. The Sand Creek Watershed is listed as a Class I Watershed by the State of Wyoming, and it is recognized as a nationally important trout fishery, at the boundary of Sand Creek where springs establish the creek. In outlying areas, there are several large ranches, primarily cattle grazing operations, and there is some logging on private land.

History and patterns on the landscape are interesting and important. In aerial photography of Sand Creek from 1938 you can see patterns on the landscape. There are areas of charred wood with more open canopy. Other areas also have charred wood. There are indications of old burns throughout the area in 1938. Historically there were fewer trees, either as a result of fire or insects. They kept the pine from encroaching. In an aerial photo from 2011 you can see more tree growth and tree encroachment. You can still see some of the old scars where tree density is somewhat less but generally what you see is a general increase of pine, due to fire suppression.

Brannan: In the 1938 picture, was that part of the timbering effort by Homestake Mining Company in the Tinton area?

Kozel: There was some timber activity in that area, but not throughout the entire area. There are some really narrow old road scars. In 1938, there was some activity in there, and some historical disturbance. Let's fast forward to management direction for the area. The majority of the area is in 3.7 successional management area - we sent copies to NFAB – with late successional characteristics. It allows some activity in the area to maintain those characteristics. There are two botanical areas in the general area. The Sand Creek Botanical Area is in the Sand Creek Roadless Area. The Dugout Botanical is outside the Sand Creek Area. These two areas are managed for unique botanical values. The Dugout Botanical Area is 4.1, allowing for limited motorized use and forest production. There is pine beetle activity in the area, as known from the aerial photo of 2010. At that time, individual trees were mapped by Neimans, and you can see there are dead trees. They did their best to pick out mountain pine beetle mortalities. When you fast forward to 2011 you see individual dead trees suspected to be from mountain pine beetle mortality. There is an increase in mountain pine beetle mortality resulting from an influx of beetles from outside the Area. In 2003 there was some beetle activity just southeast of the Sand Creek Area. In the last couple of years these patches have grown, maybe 5-10 trees in a patch, and a few more patches.

One thing that is unique about this area is that we have different forest conditions in the northern hills than in the central or southern. This map shows we have more aspen, birch and oak than the central and southern hills. We also have a great understory of shrubs, and aspen, birch and oak trees. Some areas are jungle like. Some areas are similar to the southern hills with pure ponderosa pine stand. There is patchiness – pure pine stands, pine with understory of hardwoods, and areas of hardwoods.

Rattlesnake Forest Management project – Current management activities planned in the area were determined by the Rattlesnake Project FEIS, which was initiated in late October of 2008, and completed in April 2010. It analyzed different levels of activities and treatments, and looked at different management activities in the Sand Creek Area. We received 48 comments during scoping, and 57 comments on the DEIS. These are good numbers for our area. There was a substantial amount of work that went into the Project before its initiation in 2008. The Cement Project is in the southern part of the Rattlesnake Project Area. I made a decision on the Cement Project early in 2003-2004, which was appealed, and was upheld. It was subsequently litigated. The Cement Fire muted the decision that was before the court. We pulled the decision, and the judge muted the litigation, but added that the Forest Service should look at management activities in the entire context of the Roadless Area.

Welcome Sand was in the northern half of the Rattlesnake Project Area. Because of the previous litigation and the directional nudge set out for us, we decided to combine Welcome Sand and Cement. I asked the Forest Supervisor and his staff to do an assessment of current conditions and trends in Sand Creek. From 2002 through 2010, we have information that formed the decision for the Rattlesnake Project. I issued two RODs. The first ROD was for activities outside the Roadless Area. The second ROD was for the area inside the Roadless Area. The RODs were separated in case of litigation. Both decisions were appealed, and upheld. The first ROD is included in the current Phase 2 litigation. The second ROD was not. We are on track to issue timber sales. In my decision for the first ROD, I selected Alternative B with modifications based on public input. Because of concerns about wildfire risk in Red Canyon, I brought forward treatments that would lessen wild fire risk. In addition, with regard to the mountain pine beetle, I modified the decision to include more timber activity in the southern part of the area. Planned activity includes approximately 14,000 – 15,000 acres of commercial treatment, plus other activities – non-commercial – prescribed fire and small diameter thinning in additional acres.

The Second ROD was a decision to use prescribed fire within the Roadless area on approximately 2,500 acres. We were concentrating on mainly south aspects with an overabundance of trees, and in northern areas to reduce fuels, change stand conditions and provide protection for neighbors. We are in the process of collecting data on the southernmost block. Some hoped for results of the decision, were 1) to reduce crown fire hazard, 2) to change the stand conditions south of Sand Creek to reduce risk for mountain pine beetle, and 3) to blow some 2-3 acre holes into the canopy. Some areas were not included in the decision, areas with no pines, areas of low timber volume, botanical areas, Rimrock areas, areas with steep slopes that are inaccessible to mechanical equipment, and areas with unstable soils which could result in problem roads on unstable ground. This is the strategy for Sand Creek, dependent on priorities and resources across the Forest. We do have limited financial resources. First, we want to implement the decision in ROD two. Starting in the south half of the project area, and continuing around the perimeter of the project area, we want to move forward with commercial timber sales. We want to take advantage of equipment to address new infestations as they emerge outside the Roadless Area. In this fiscal year, 2012, we will sell Viper, Rattler and Venom. Coil, Redbelly, Racer and Adder will sell in 2014. Mongoose might be sold in 2014. There will be others in 2015. Our limited resources prevent us from getting them out sooner.

There is the O'Brien timber sale in the south end that is being worked on right now. Potluck will also be sold this year. Buttes, to the south will be done under HFRA, and we hope to have a decision in the fall. Our strategy is to use MPBRP and its decision to fill in some areas in white on the map that are outside of the Sand Creek Area. A lot of steep slopes show up as part of the mountain pine beetle project. The tools available will help us address these areas. We can work with adjoining landowners and cooperators to address any mountain pine beetle activity coming out of the Roadless Area. We will also tie in with urban interface treatments we have in that area. We will implement fuel reduction and fuel hazards for Ranch A and other neighbors, and accomplish hand thinning near Red Canyon Estates. We will implement prescribed fire projects within the Sand Creek Roadless Area to reduce fuels and promote diverse timber stand age classes and densities. We plan to blow some holes in the Forest, to provide some resiliency to the landscape as well.

In parting, it is estimated that there are currently 6,000 infested trees within Roadless Area. On the Forest, there are approximately four million infested trees. The issues we have are large in scale. My staff determined that additional environmental work to accomplish addition Roadless work for sand creek would cost possibly \$150,000, and could possibly require two years of work. At the end, you may or may not have a project depending on appeals and litigation. Anytime we work in Roadless areas we have appeals and litigation. That has been the pattern for the last ten years. Forest-wide we spend \$100,000 on cut and chunk. This amount bought us about 10,000 trees, maybe less.

Kozel: It is estimated that it costs approximately \$10-\$12 per tree to cut and chunk a tree in a non-Roadless area. It would cost approximately \$25-\$30 per tree to cut and chunk a tree in a Roadless area. The Forest has financial considerations, and has limited financial resources. We have a choice about priorities, where we invest in the health and safety of the forest.

Scherrer: When you take 6,000 divided by 4 million - you want to invest your money where you get the best value for your money. Looking at each location, looking at WUI, where do we have the greatest need?

Thompson: I would like to address my questions to Steve and Dennis as line officers. You have not told us much more than you told us in March. You suggested you would be doing some burning projects. There was some discussion that burning would not do much to address the MPB situation. I do not think you have addressed the intent this Board made to you. The intent was to seek approval to enter the Sand Creek area, to seek USDA approval. I gather you have not started that process. And there were no limits on priorities, or when you had to start working in the Roadless Area. You do not work for this Board. We make recommendations and you can accept or reject them. It looks like you are rejecting our recommendation, and if you are rejecting our recommendation, than I would like you to come right out and say you are rejecting our recommendation.

Kozel: Today I provided information. Right now, no one has made a decision to go in there or not. We wanted to bring full information to the Board.

Jaeger: My understanding was that a motion had been made, but that the Board needed additional information. We had two presentations last month, and then the Forest's presentation today. We have committed a lot of time, energy and finances to providing information about the Sand Creek area, and there may be other areas that are more of a priority for us to invest our time, energy and money.

Thompson: We are not telling you what your priorities are.

Scherrer: Read the motion, as approved.

The Motion as approved: "I do move that the Board encourage the Forest Service to seek approval to address the problem in the Sand Creek Area."

Thompson: I am going to suggest that you gentlemen have a lot more information available than you think. You did a heck of a good job with the Rattlesnake Project and with the Rapid Area Assessment on Sand Creek. You have all the authority you need because of the changed situation out there, and you could do a Supplemental EIS and ROD. Then, if additional funding came available, you would be ready to move. This Board was looking for you to start the process so that when Sand Creek does become a priority, you would have approval to move forward. Homestake did log some areas in the 1940s and 1950s and there is access. I do not think you would have to build any roads to get in there. What I am suggesting is that you begin work on a Supplemental EIS to be ready when the area becomes a priority.

Jaeger: I appreciate the recommendations from the Board, but I have to look at the processes that are available to get approval from USDA. Wyoming is now going to the Supreme Court to challenge the Roadless Rule. I think the chance of getting approval to enter and work in a Roadless area is minimal. Do I ask Steve to stop work on the Buttes and MPBPR projects where I have greater probability of success, or put efforts into a Roadless Area where there is a low probability of success? You have three areas, Inyan Cara, Sand Creek and Norbeck. There are concerns in the Sand Creek Area, and we have the Rattlesnake Project in that area that will address some issues. We had to basically shut Bearlodge down for two years, and move south into key issue spots where we can get the most benefit with the resources we have available. I do not know if the Board wants us to move forward with this.

Scherrer: I think the Forest Service did what I expected when we passed that motion. Now, it is the Board's challenge to recognize and accept that what we asked is not going to happen. Do we accept that, and move forward? Or, do we re-emphasize our original motion, and ask again that the Forest Service move forward with the original motion.

Brannan: Thank you for mentioning the mining history, and that this area is in the condition it is in due to historical mining. It is a special area thanks to the stewardship by miners. We worked on the MPB Strategy. Would a Supplemental EIS give the Forest flexibility to go in there in the future?

Kozel: A Supplemental EIS would be an Addendum to the Rattlesnake Project. Basically we would have to do the complete NEPA process, including scoping, DEIS, public comments, FEIS and ROD.

Flanders-Paterson: It sounds to me that if we were to move forward with this, we would slow down activity against MPB.

Kozel: We would have to take hazardous fuel money, and other funds, and move those funds into planning for Sand Creek.

Flanders-Paterson: It seems that we should not take money away from fuel reductions in other areas. Those resources might be better spent protecting communities and other resources.

Engelskirger: I am disappointed that the motion was not addressed as stated. So often we have a hot button area – Norbeck, Black Elk – where we look back and say we should have done something. Maybe priorities do need to go to other places, but you take an area like this, the bad thing, the good thing, we have a similar case – the Black Elk Wilderness is completely dead and is spilling into Hill City and Custer State Park. The Bureau of Indian Affairs could be involved, and the State of Wyoming. Maybe this is not the most urgent area to get after, but it is shocking to see the expansion we have seen in Sand Creek in the last year. Anything can happen in this area. What is the balance? Do we want to move forward with MPB? I looked at the decision for the Roadless Area – mechanical treatments were in there. A Supplemental EIS to go in and do some sanitation would be on the minimal side and there might be potential to use partnerships, etc.

Kozel: It could take three years to get a decision out there. If you are talking about \$10.00 a tree, three years down the road, it would be a huge expense.

Tieszen: I see this as a two part discussion – priorities and the likelihood of success. Do you agree with the Forest Service assessment that this project has a relatively low likelihood of success with USDA? We have to look at the dollars. What is the chance it will be approved?

Engelskirger: I would say yes there is a possibility that it would be appealed, possibly by someone in this room. If this area dies, it is going to spew all around the surrounding areas.

Kozel: To really do the job, cut and chunk will not solve the issue we are talking about. The Forest Stand condition is very thick. Cut and chunk will not change the stand conditions. You would need a commercial timber sale and mechanical thinning of the entire area. It is not likely that that would happen.

Burns: As a locally elected official, I am aware that we have to chop every dollar into a hundred pieces. I hear them say \$150,000 just to do the paper work. But delays come from lawsuits whether you win or lose them. There are 3 million trees out there that will not get cut this year. How will you convince a judge that you should be allowed to cut 6,000 isolated trees when you cannot treat trees closer to communities?

Thompson: My opinion of the probability with success is in line with the whole proposal across the Forest. If you do not go into Sand Creek, it is going to get wiped out, almost 100%. Sand Creek is a late successional forest landscape. These are exactly the trees that the bugs are going to hit. These are not the trees you are going to save with prescribed fire. You are basically writing off the late successional forest landscape. You have not pursued going in there. I am okay. I do not understand the rationale of why it would be litigated when the whole idea is to

preserve the last successional landscape it could be, and will not be. Regarding probably of success, you have just written it off. If you can save the rest of the Forest, go for it. But doing nothing in Sand Creek will write it off.

Kozel: MPB activity will continue in Sand Creek. What will stop it – climate? Other changes? Cut and chunk would only buy some time. Additional treatments would require roads. As far as an investment, it is not one of my high priorities – it is not a good investment at this time.

Iudicello-Martley: I have a question for Craig Tieszen. Did you ask if there was a chance of approval? Would Secretary Vilsack approve it? Was that the question, or were you asking about litigation?

Tieszen: I am trying to judge, if we were to invest the money and do the study, what is the likelihood that we would get permission to do the work? Whether it is righteous or not, you invest your energy and finances in projects that you will be able to accomplish. If it gets litigated, you have spent money on a project you cannot accomplish.

Engelskirger: I have one last question. Looking at Rattlesnake, what is the priority of this neck of the woods?

Kozel: What you see on the map are the current priorities – timber sales from 2012 to 2015. 2015 pretty much raps up everything. Most of the sales will occur in the next three years. I would like to begin some mechanical work along Ranch A and Red Canyon.

Engelskirger: Based on what the map shows, this area is a high priority for the Forest. The state of Wyoming and Neiman have also indicated this area is a priority. I would like to know if the Forest Service is writing off this area.

Kozel: I have no intentions to devote resources, time, or money in the Sand Creek Area.

Jaeger: We have no intention to move forward with a Supplemental EIS for the Sand Creek Area. I am not pulling people off of the Buttes project or the MPB Project.

Engelskirger: Why didn't you just reject this whole subject on the day the motion was made?

Blair: If the introduction of this issue came as a surprise, and I think it did, it was followed by some frustration from the Board. Our charge is to send the Forest Service a recommendation, and if it is wrong the Forest should stop it right there, and not spend any money and any time. We may come back in a couple of years to delist this – buyer's remorse – but let's not waste the Forest's time or our time. There are a lot of things we can organize. There are fights you can win, there are fights you can lose, and there are fights that should never be fought. This may be one of the last.

Iudicello-Martley: Over the 2-3 meetings we have talked about this issue I have learned a lot. When the motion was originally made, I could not vote because I did not know enough about the subject. I requested that we learn more about the Sand Creek Area. We have now heard from Carson, Suzanne and Steve. I do not think this was a waste of time. We understand more about the process. With my participation on the MPB Subcommittee, I have learned that the white

areas on Steve's map that are within the Sand Creek Roadless Area have the opportunity to come up and be reviewed under MPB. I got a lot out of this discussion. But, I do not get the assertion that if something is not covered with late successional stands of ponderosa pine, that it is worthless. One plan of MPB is to change the diversity of the forest. The Hills will not look like the Sahara or a pile of rocks. When we talk, that invocation of the worst possible scenario does not help us understand. I for one am ready to be done with this and move on.

Engelskirger: I would like to see just what is involved in terms of timeline and cost, if we really do want to know what would be entailed. Costs, expected analysis of time requirements, just how quickly it could be done.

Scherrer: We would need a motion...

Scherrer: We have learned a lot here about Sand Creek. When first brought up, it did come as a surprise. What I am considering, after all these years on the Board, is that the recommendations we give to the Forest Service need to be well thought out. Up to now we have provided recommendations that the Forest has acted on. I am surprised that folks have not looked at Rattlesnake – we are looking at 2014-2015 – we are still on the verge of losing a lot of ponderosa pine on the Black Hills.

Engelskirger: I move that the Black Hills National Forest put together a report outlining the costs and timeline for conducting sanitation in the Sand Creek Roadless Area – a one-page, line-item report.

Kohlbrand: Seconded.

Kozel: It will cost between \$150,000 and \$200,000 to get another ROD. That does not include the costs of litigation.

Brannan: I would love it if the area is just rocks! (Laughter) I totally agree with Dennis. I would back your decision. But, I want the Forest Service to have the flexibility in case conditions change in a couple of years that warrants a change in your decision.

Kohlbrand: We have lost the Black Elk Wilderness and Inyan Kara, and we are losing Sand Creek. How do we deal with these special management areas before the problem starts? How do we address these and begin the process. We still have RNAs. Those 6,000 acres is going to be a petri dish spewing out beetles for years. The right thing to do would be to do something. It is just difficult to determine what the right thing is.

Scherrer: We are not going to have a vote until we have time for everyone to go around the room and have everyone state their opinion.

Burns: I think we have beaten this to death. We have heard the costs and timeline. I don't think it will be a project that we can accomplish. And I don't think it will become a major source of beetles. Also, I think we will lose credibility as a Board.

Flanders-Paterson: I agree with Bob and with Jim regarding credibility. But, I wonder why we are giving so much attention to our Roadless and wilderness areas, when meddling in there might

result in our losing those designations. What is that timber worth in there? Why does everyone want it so much? We have heard of several proposals today. In due course it will heal herself. Ponderosa pine will regenerate in five years. Once a tree is infected, within a short time the fuel and energy is gone. I would say leave it alone. It is less than one percent. I understand about being passionate about an area.

Kohlbrand: I support Carson's motion, if nothing else so we can have a lesson learned. So next time we run into this, we will know what the process is and maybe get ahead of it and protect some of this stuff. We are not really doing anything to protect or enhance areas with special designations. I would like to take it and see what the process is going to be.

Thompson: As a professional forester, range con, and rancher - we run our cattle in this area - my land ethic does not allow me to just right it off. If there is anything we can do to propose this area for possible treatments in the future, I think we ought to do it.

Carson: I think we need additional analysis before we move forward. I do not see any commercial products coming out of this area. The resources and funding to do this are not an issue. If you have cancer in a limb, do you ignore it because it is not in your core? Maybe we do not want to do anything, but we need the information. We need to be proactive.

Hutt: I support mitigation in the area, but I am used to making decisions based on broad analysis of costs. I think we continuously avoid the real problem which is paralysis by analysis. But I do believe we already have the fundamental information required by the motion.

Carrier: I support Carson's motion. I would hate to let my house burn down because I did not look into one room.

Blair: There is no one on this board that I have respected more on this Board than Hugh Thompson. I support the motion.

Tieszen: Like many, I do not like the process, the paralysis, and the politics. But I think when it comes to practical analysis, you have to evaluate. I am not willing to support a recommendation that the Forest Service use its limited resources to chase this, because I do not think it will get results. I do not support the motion

Brannan: I support the motion to get a one page report.

Iudicello-Martley: I vote against the motion. I concur with Bob and Becci.

Scherrer: The Chair addresses this as a member. It is a damn good thing I was a basketball referee for a long time. This is right down the middle. I live right next to the Norbeck. It is over. I do not want to see that in these other areas. We are not going to get in there, in some areas outside the Sand Creek Area until 2014. The Motion is benign. It will only quantify what we have already been provided with by the Forest Service today. If the motion carries, we will ask the Forest Service to have contractors run numbers. But why ask for results if I am not going to do anything with the information provided. I have been in health care for 45 years. One of the cardinal rules of clinical medicine is, do not order any test that you will not act upon when the data returns to the chart. In other words, don't ask for information that will not be used to

treat the patient. I do not want the FS to spend money to provide information we cannot use.

The vote was taken. Six in favor (Brannan, Carrier, Engelskirger, Thompson, Kohlbrand, Blair); five opposed (Iudicello, Hutt, Tieszen, Flanders-Paterson, Burns), motion carried six to five.

PUBLIC COMMENTS

Scherrer: We do not have time for public comments today.

A motion was made and seconded to adjourn the meeting.

Next Meeting is scheduled for June 20, 2012.