

BLACK HILLS NATIONAL FOREST NATIONAL FOREST ADVISORY BOARD SUMMARY OF MEETING

March 20, 2024

The Black Hills National Forest (BKNF) National Forest Advisory Board was convened at 1:00 P.M. on March 20, 2024, at the Mystic Ranger District, Rapid City, South Dakota. Shawn Cochran, BKNF Forest Supervisor, Designated Federal Officer (DFO) presided.

In accordance with the provisions of Public Law 92-463, the meeting was open to the public from 1:00 P.M. to 4:30 P.M.

Board members present:

Sarah Anderson
Michael Gollhofer
Tony Ortiz
Geody VanDewater

Travis Bies
Dick Terry
Steve Vance
Scott Kenner

Scott Guffey
Alan Johnson
Paul Pierson

For the record, it is noted that to avoid a conflict of interest, Board members absent themselves from the discussion and vote when the Board discusses applications from their respective institutions or in which a conflict of interest may occur. Members are asked to sign a statement to this effect. This does not apply to "en bloc" actions.

Staff of the Black Hills NF present:

Shawn Cochran, Forest Supervisor *
Toni Strauss, Deputy Forest Supervisor
Ralph Adam, Physical Resources Staff Officer
Jason Virtue, Fire Staff Officer
Jim Gubbels, Mystic Ranger District Ranger
Steve Kozel, Northern Hills District Ranger
Ben Schumacher, Acting Hell Canyon District Ranger

Lou Conroy, Forest Plan Revision Lead
Scott Jacobson, Public Affairs Officer **
Thawney Stottler, MYRD NEPA
Lou Conroy, Forest Plan Revision Lead
Brittany Coupe, North Zone Engineer
Krista Landreneau, Executive Assistant

* Designated Forest Officer (DFO)

** Committee Coordinator

Congressional Staff present:

Mark Haugen (Senator John Thune – R, South Dakota)
Adam Kaemingk (Senator Mike Rounds – R, South Dakota)
Katie Neff (Representative Dusty Johnson – R, South Dakota)
Kylie Anderson (Senator John Barrasso – R, Wyoming)
Ally Garner (Senator Cynthia Lummis – R, Wyoming)
Trinity Lewis (Representative Harriet Hageman – R, Wyoming)

Others present for all, or a portion of the meeting:

Ron Rossknecht (Pennington County Commissioner)	Lee Strubinger (SDPB)
Amanda Morrisson (SD State Forestry)	Bob Burns
Patty Brown (Off-Road Riders Club)	Kate Shreves
Seth Tupper (SD Searchlight)	Jay Shreves
Kali Bald Eagle (Cheyenne River Sioux Tribe)	Sam Griner
	Chris Mueller

Welcome; Review and Approve Agenda; Review/Certify Previous Meeting Summary; Housekeeping; Comments from the Chair; Meeting Protocols

DFO, Shawn Cochran: The LiDAR Data Analysis is still in contract negotiations with Colorado State University. The Communications Plan in the works and will come out once the contract is completed. We are talking to State Foresters to assist in data collection.

Forest Plan Revision – Lochen will provide the update later in the meeting.

National Old Growth Amendment – the Forest participated in a conference call with the Washington Office. The process is moving forward, and we received clarity on what it means at the Forest level. If the current Forest plan contains terminology about old growth, deference will be given to continue using the same terminology in the amendment process (should not change significantly). The wording for timber management in old growth stands cannot be just for economic purpose – must be for conservation needs in the old growth forest. There will be opportunities for those with Cooperating Agency Status to participate and engage. If a county has interest, it is highly recommended that they work with NACO at the national level. The public facing website will be sent out by Scott Jacobson.

Vice-Chairperson Travis Bies called the meeting to order at 1:05 p.m. Quorum established with eleven members present.

Requested motion and second to certify summary of meeting from the January NFAB Meeting. Dick Terry motioned for approval; Michael Gollhofer seconded. Motion carried unanimously.

Vice-Chairperson Travis Bies presented general housekeeping information and protocols.

Hot Topics

Legislative Updates – Federal

Mark Haugen, Office of Senator John Thune:

- Friday is deadline for remaining six appropriation bills. No surprises expected.
- Senator Thune met with Shawn for a quick get-to-know-you a couple weeks ago.
- Senator sent out an Ag Exports Letter to Trade Rep and Secretary of Agriculture. Letter urges an increase in ag exports – deficit of \$17B so far in FY2024 (expect an additional \$8B). Requested to know what specific actions the government doing to alleviate the deficit and reverse course?
- Ruling of products to be labeled as Product of the USA; urging administration to close the loopholes (new requirement: must be born, raised, slaughtered to use the label).
- Steve Vance expressed a thank you as the National American Indian Veterans Charter approved and signed last week.

Katie Neff, Office of Rep Dusty Johnson.

- Ag committee roundtable in Spearfish with Congressmen from Georgia and California, state legislators, timber industry, as well as the Regional Forester, Frank Beum, and Shawn Cochran, Forest Supervisor of the Black Hills National Forest.
 - Timber harvest levels and Growth and Inventory.
 - Funding and vacancy challenges.
- TikTok ban – TikTok must divest ownership from the Communist Chinese Party.
- Tele-Town Hall tomorrow at 11:30 a.m. (833) 946-1543.

Jim Selchert, Office of Senator Mike Rounds

- Conducting CRA on importing Paraguayan beef (safety/health issues).
- National American Indian Veterans Charter approved and signed last week.
- Introduced legislation to increase timber production on the Black Hills National Forest.

Ally Garner, Office of Senator Cynthia Lummis

- Co-Sponsored Old Growth Forest Legislation along with Senator Barasso which would block the proposed rule to limit timber harvests in the area deemed to be “Old Growth and Mature Forests”. Highlight that limiting harvest on old growth would not only “threaten viability of economy”, but also put them at more risk for fire and insects.

Trinity Lewis, Office of Representative Harriet Hageman:

- Hearing on expression of interest fees – change the ability of the DOI to collect “interest fees” for parcels of land and have the fees collected at the time of sale.

- Hearing underway on Bill to prevent Rock Spring Management Plan preferred alternative plan to go into effect on a large parcel of BLM land in southern Wyoming.
- Sage Grouse management plan released last week, and the office is delving deep into it.
- Energy week on the Hill – Senator working on a resolution denouncing the administration’s Energy Policy.
 - Carbon tax detrimental to economy.
 - Clean Air Act – repeal Section 134 relating to Greenhouse Gas Reduction Fund.
 - Protecting American Energy Production Act – restoring American energy production.
 - Nationwide Permitting Improvement Act.
- Co-sponsored: America’s Wildlife Habitat Conservation Act – funds conservation programs that are priority for individual states and establishes Good Neighbor Authority with USFWS allowing them to partner to better manage lands.
- In district next week - Town Halls coming up.

Legislative Updates – State

No updates from State of South Dakota

Dick Terry, State of Wyoming:

- House and Senate passed State Forestry to increase staffing of GNA Foresters (authority to hire 4-5 new Foresters).

Forest Service Hot Topics – DFO Shawn Cochran and Toni Strauss

DFO Shawn Cochran covered Hot Topics in his introduction.

REGULAR AGENDA

LENGTH OF STAY ON FOREST (Brad Block, Physical Resources Staff Officer, BHNH): https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1168876.pdf

The stay limit was established in 1998; it allowed people to come in and disperse camp for 14 days within any 60-day period and set up for no more than 13 days in a developed campground). This is different from other Forests in the Region.

Consistency across the Forests – all have 14-day stay as limit in a window of 30 days – we are suggesting going to the same for consistency as well as enforceability.

Questions:

Vice-Chairperson Travis Bies – Was this based only on assisting the reservation system? There have been issues of damage from overstay and the hope was to prevent this from occurring.

Dick Terry – Does this mean a camper can spend 14 days within the 30-day window, then have to leave for 16 days, and then can come back? You can camp on the Forest, then go to Custer State Park and then return when the 30-day point resets.

Scott Guffey – Do the 14 days start with equipment drop off? Yes, equipment and personal gear count.

Katie Neff – Could you camp for 10 days at Sheridan, then another 10 days on Pactola? Only up to 14 days for both dispersed and developed.

Dick Terry – how are you going to monitor the dispersed? This will allow us to confront situations/problems that arise.

Paul Pierson – I know folks in the Big Horns that have received tickets in the mail. It has helped over there with the folks that would stay extended periods.

Vice-Chairperson Travis Bies – Thanks for the update and can see where education will be important.

MITCHELL DAM PROJECT (Jim Gubbels, Mystic District Ranger, BHNF; Brittany Coupe, Civil Engineer; Thawney Stottler, Mystic Planner):

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd1168874.pdf

The Board was given an overview of the background of the proposed Mitchell Dam Project. High Hazard Dam – high hazard due to the economic and public impact that could occur if the dam were to fail. Currently, Mitchell Dam does not pass half PMF (maximum flood risk).

Presented three options to NFAB in November:

- Rehabilitation (\$34.6M)
- Decommission (\$2.4M)
- No Action (\$0 - \$14.9M+) cost of dam, road damage, property damage

Public Meetings and Outreach

- Met with Hill City Economic Development
- Pennington County
- Hill City, City Council Meeting
- Hill City Public Meeting
- Media Coverage

In 30-day public scoping period (ends on March 29th)

- So far, we have received 34 comments:

- 12 in favor of dam rehabilitation
- 16 in favor of decommissioning the dam
- 5 – trust the judgement of the FS engineers – request to be kept informed
- 1 – question analysis used to make the determinations

Currently have \$2.8M in GAOA funds available to address the Mitchell Dam.

Questions:

Tony Ortiz – If we chose to Rehabilitate, where would the rest of the funding come from? We could ask for more GAOA funding but would have to compete with all other projects across the country. We could work with a partner, but we would be responsible to find one.

Tony Ortiz – Could we afford this? Unlikely – On top of the \$35M to completely rebuild the dam, this would require long-term upkeep that would need to be contracted out (single inspection runs \$150K and must be accomplished every five years). Ongoing sediment removal/dredging would also need to be conducted.

Dick Terry – Since the dam was built for recreation, how much is it used? It is used and stocked (put-and take trout fishery). State Game Fish and Parks (GFP) biologist helped present at the Hills City Public Meeting. With the heavy sediment, the fish cannot spawn, so it can only be the put and take unless we take the dam out. If the dam is removed GFP can assist with the rehabilitation to enable fish spawning in the creek.

Vice-Chairperson Travis Bies – How does this compare to the rebuild of Roubaix and Dalton Lakes and who funded them? We did fund a portion for dredging and did the design in-house, but we no longer have the in-house staff so would need to contract all this work out. Roubaix is sig hazard dam/Dalton is high hazard dam – both had different requirements and different economic impact. There is a larger public impact (approximately 10 times the amount) and the watershed is much larger scale (5 to 8 square miles at Dalton vs 104 square miles here) with Mitchell Dam.

Steve Vance – If we go with option 1, and we get the “worst case scenario”, it still wouldn’t help, and we might see something similar to the 1970’s? The water would pass through, but the downstream would be flooded. It must at least pass the half PFR without dam failure.

Steve Vance - Most dams outlive their purpose, eliminate it. How would this impact the surrounding flora/fauna? We are looking at the NEPA analysis for both options. We are working with the fisheries biologist on riparian restoration, and they are helping us with addressing these concerns.

Alan Johnson – We have many miles of streams in the Black Hills but very few lakes, so believe we need to be careful about removing any lakes we do have. The risk would be much less if it is replaced with something much better (standards). From a recreation

standpoint, this would be much different between a lake and a stream. It is a unique place and available for more recreation opportunities than just fishing (paddleboarding, kayaking, swimming). I believe for posterity we shouldn't let this go.

Vice-Chairperson Travis Bies – Any consideration for this dam as a settlement pond? How is it going to affect Sheridan Lake? Currently with how heavily sedimented in Mitchell is, all the sediment is already going downstream. Retaining pools can be added in along the stream during the rehab.

Jim Gubbels – The healthier and more productive the forest is on the landscape, the more the sedimentation will be reduced in the watershed. This area was heavily impacted by the Mountain Pine Beetle

Scott Kenner – How constructability was looked at regarding cost? Goose Creek project build was very expensive, so the \$2.4M may be a low estimate. Have been conversing with RO (similar to Lake George project in CO) and working with BOR for the design and construction for rehab to fine tune estimate.

Sarah Anderson – Looking at the cost list in the Design and construction contractors - \$8M for uncosted expenses? Working with BOR at the 30% design so these are rough estimates What was the final cost for Goose Creek? It was \$9M at the end but was a little different with the “how it was going to be built”. It was a huge challenge. Those line items are there to cover the fact that we are so early in the process and need it for fine tuning.

Sarah Anderson– Public Comment Period ends? March 29th and it is in the CARA so if you look for the project you can see public comments.

Vice-Chairperson Travis Bies requested whether the NFAB needed to provide a recommendation now or could wait until May? May will be sufficient time frame.

Paul Pierson – Asked if the NFAB had permanently moved to meeting every other month? Ivan Green as DFO requested it and was agreed by Chairperson Nelson.

Sarah Anderson – Requested if the Board could meet informally to discuss this.

Vice-Chairperson Travis Bies asked the Board to remember that once something is taken away it's harder to get back.

Scott Kenner – We need to keep in mind the long-term costs – sediment hasn't removed because of lack of funding – what guarantee is there we will receive funding in the future for long term maintenance? There is no guarantee with various administrations. Lack of funding in the past is what created the need for GAOA (to address all the deferred maintenance).

Sarah Anderson – You mentioned in November that you were to meet with BOR in January – did it happen and what was recommendation? Yes, the three recommendations provided are from the BOR.

Jim Selchert – Remember we are taking the on the risk of a catastrophic failure if we do nothing and putting lives at risk. The Board needs to consider this. Brittany - the cost to dredge the sediment would be about \$2M due to the fact we cannot deposit on site, and you increase the risk of dam failure due to more water behind the dam and the low-level outlet is inoperable. Jim – that would greatly increase the volume of water behind the dam and put everyone and everything at greater risk.

Dick Terry – What would it take to get the lower spillway operational? Extensive reconstruction including most of the actions involved in the dam rehab option.

Paul Pierson – it seems there are varying views on the Board, and I would like more discussion. Would like to get together in April to continue discussions.

DFO Shawn Cochran – When you think about recreation, please think about investment strategies. If we rehab this dam, it will consume funding. Is this the number one priority that you would like accomplished? Look at rec economies attached to the Black Hills; how do we align with those recreational opportunities. This would impact other things you would like to do (opportunity cost).

Sarah Anderson – asked about the members that had volunteered in November to form a sub-committee about Recreation and OHVs. Scott Jacobson reminded the Board that as an advisory board (not a governing board) the DFO assigns and appoints all sub-committees, and they serve at the discretion of the DFO. The Board cannot vote to create these. When the NFAB members volunteered to form a sub-committee during Ivan Green's tenure as DFO, he took it under advisement but never appointed or assigned a sub-committee.

Dick Terry made a motion to have an informal April Meeting, seconded by Sarah Anderson. Paul Pierson requested a member from the Forest Service; Shawn asked for questions so we can send the correct member. Board voted unanimously to hold informal meeting. Sarah Anderson will send a doodle poll to everyone to determine the best date and get with Scott Jacobson to reserve space.

FOREST PLAN REVISION UPDATE (Lochen Wood, Mountain Planning Service Group)

Lochen thanked everyone for sticking around to hear an update on Forest Plan Revision.

Two things have put all of us in a better position: Shawn is on-board so we will have consistency and the Planning Service Group Team has been assigned (~20 people assigned to this project). We are looking into the condition of resources on BKNF.

Focus of the work after initial familiarization will be the NEPA and what do we wish to accomplish – purpose and need to launch the project.

Ongoing work being conducted with the RO and the state partners to analyze the LiDAR data – ensuring modeling and metrics are applicable with plan revision process.

Internal housekeeping to reinvigorate and get second phase started and to put together practical/realistic timeline.

Questions:

Vice-Chairperson Travis Bies – Regarding the timeline, how long will this process take and are there any predictions? Goal is to have it done within two years, but there are nuanced things to ensure continuity.

Scott Kenner – As far as response to external interaction document – what is your timeline to get that out and how soon do we have to respond? If you have something within the next three weeks, that will be perfect.

Paul Pierson – Is this something you would like input from the Board? Yes.

Paul Pierson – This is something we can include in the informal meeting in April.

Please include Lochen and Lou in any meeting in April.

PUBLIC COMMENTS

Patty Brown – Deferred.

Sam Griner – Deferred.

Vice-Chairperson Travis Bies – Thank you everyone for taking part in this forum and please feel free for the public to reach out to the Board member representing your area of interest. Are there any other comments from the Board?

Scott Kenner – I don't mean to be negative, but the WY Legislature is trying to override and cancel a Grassland Plan. Can they do that? Do they understand what all goes into and the effort involved in creating the plan? County, State, and Federal governments are all tied into the planning process there is a lot of close coordination.

Vice-Chairperson Travis Bies expressed thanks for everyone coming in and providing input.

DFO Shawn Cochran thanked everyone for coming and expressed appreciation about being able to hear all the voices and feedback on the projects we are looking into

investing in. The Black Hills NF would like to delve deeper into the recreation economies in both South Dakota and Wyoming. The face of recreation is changing and expanding as people come into or move into the Black Hills it will continue to evolve. It's important to stay on top of it to meet the interest of both the local citizens and the people who come here. We need to look at where those recreational opportunities are and how do we spend our money wisely and plan wisely to keep the Black Hills as appealing as it is and not create issues in the future. This will be a conversation in May and ongoing.

DISCUSSION OF NEXT MEETING

Next NFAB Board Meeting is scheduled for May 15, 2024, at the Mystic Ranger District in Rapid City, SD.

Vice-Chairperson Travis Bies requested a motion to adjourn.

Motion to adjourn made by Sarah Anderson; Seconded by Scott Kenner. Unanimous consent to approve.

ADJOURNMENT

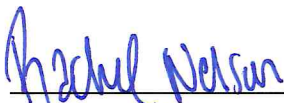
The meeting adjourned at 2:45 P.M.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



Krista Landreneau
Executive Assistant
Black Hills National Forest

5/15/2024



Rachel Nelson
Chairperson
Black Hills NF National Forest Advisory Board

5/15/2024

These minutes will be formally considered by the Board at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.