

**Beaverhead-Deerlodge Working Group  
Meeting Record**

Butte Archives, 17 W Quartz St., Butte, MT  
Wednesday, March 7, 2018, 1:00 – 5:00 p.m.

**ATTENDANCE**

**Members:** Maureen Connor, at-large representative; Tony Colter, timber representative; Nick Gevock, wildlife representative; John Kountz, agricultural representative; Karen Laitala, non-motorized recreation representative; Commissioner Tom Rice, Beaverhead County; Dave Schulz, at-large representative; Mark Thompson, recreation and mining representative; Darcie Warden, conservation representative; Commissioner Leonard Wortman, Jefferson County

**Technical Advisors:** Jill Allen and Caitlin Hengst, Jefferson County Weed District; Spenser Merwin, Senator Daines' office; Erik Nylund, Senator Tester's office; Alex Dunn, Noelle Meier, Jennie O'Connor Card, Hillary Rigby, and Scot Schuler, USFS

**Visitors:** Chris Marchion and Dave Stone, Anaconda Sportsman's Club; Willy Peck, Idaho Forest Group; Kelly Pohl, Headwaters Economics

**Facilitators:** Ben Irely and Naomi Neal, National Forest Foundation

**MEETING OUTCOMES**

**Decisions**

- January minutes approved.
- Dave Schulz will represent BDWG at the EADM meeting in Missoula.
- BDWG will not send a request for public hearings on the WSA bill to Senator Daines (5 in favor, 2 against, 3 abstentions).
- WSA subcommittee formed with members: Darcie, Tony, Dave Schulz, Chris, and Nick. Willy Peck will sit in.

**Action Items**

- Maureen will review the recorded WPIC discussion on forests and water quality and quantity, and send out an update or recommendation as needed.
- BDWG will reach out to watershed groups and communicate about the collaborative.
- BDWG will consider sending representation to the High Divide Collaborative workshop in April.
- Dave Schulz will represent BDWG at the Missoula EADM roundtable and report back to the group at the next meeting.
- BDWG members should attend the CSU session to give feedback on the NFF if possible (May 24th, 3-5pm; tentatively to be held in Butte).
- Tony and Alex will coordinate with the Clark Fork Coalition regarding restoration plans and funding for the East Deerlodge project.
- Ben will include Agenda Review and USFS project updates in future agendas.
- Spenser will distribute a fact sheet on the Daines WSA bill to members.

- The newly-formed WSA subcommittee will schedule a call.
- Kelly Pohl will send Ben dates for Headwaters' May workshop in Helena on wildfire planning for communities; Ben will distribute to the group.
- Members should consider commenting on the Red Rocks project scoping plan by the March 19th deadline.
- Scot will find someone to present on county payments at a future meeting.
- The Selway committee will meet (possibly in Dillon); this committee will plan to report back to full BDWG at next meeting.

### **Bin Items**

- BDWG should keep track of external presentations about collaborative.
- BDWG should receive a report on BDNF budget for the year once it is finalized.

### **MEETING RECORD**

#### **1. Welcome and introductions (Dave Schulz)**

All in attendance introduced themselves. January meeting record approved.

#### **2. Announcements and upcoming events (Dave Schulz)**

- BDWG members recently presented on the collaborative's work to the Granite Headwaters Watershed group. There is a PowerPoint presentation available for such occasions if anyone would like to use it.
- Yesterday's Water Policy Interim Committee meeting included a discussion of forests and water quantity. Legislation relating to water quality and quantity issues associated with national forests may be presented in the 2019 session which could be of interest BDWG. We should pay attention to this and consider outreach efforts to watershed groups.
- The High Divide Collaborative's annual workshop will be April 18-19 and will focus on how we can work together to increase the pace and scale of restoration. We may want to consider sending representatives.
- Regional partner roundtables are occurring around the country re: reviewing and updating EADM & NEPA process efficiencies and effectiveness. The Region 1 roundtable will be at UM on March 14. Dave Schulz will attend and represent BDWG, and report back at the next meeting.
- A meeting of collaborative groups will be held in Couer d'Alene next month. Ben can forward the announcement as needed.
- Researchers from Colorado State University are evaluating NFF's Conservation Connect program. They would like to do a focus group with BDWG members. It is currently scheduled for 5/24, 3-5 pm, and will tentatively be held in Butte.

#### **3. Forest Service updates (Forest Service staff)**

- The East Deerlodge timber project was approved years ago and then immediately challenged in court. A hearing held March 5 was the last step in the appeals process, and a decision by 9th circuit court of appeals is pending. The project is already in implementation: two timber sales have been felled and hauled. The project was originally intended to include restoration work including road and culvert improvements, and some restoration is occurring, but it's primarily a timber project. Clark Fork Coalition is seeking access to perform some elements of the restoration and could lose grant money they've raised if they can't do so soon. At worst, the 9th Circuit will enjoin/temporarily halt the commercial logging portions of the project, and require supplemental NEPA analysis for the project and/or the full forest plan.
- The Fleecer Mountains project was approved in 2011 and immediately challenged; the court enjoined the project and identified various deficiencies in the plan, which the USFS has been remedying since 2012. They recently filed a motion to lift the injunction; briefing on the motion will be completed by 4/10, after which the court will make a decision on the project. If the injunction is lifted, project implementation can begin.
- Discussion: when USFS loses in court, are lessons learned? Are subsequent projects less vulnerable to legal challenges?
  - Short answer: yes. Sometimes the process improves project outcomes, but sometimes a lot of work is done without the changing project. Ultimately time is better spent in collaborative forums building community support, in which circumstances NEPA becomes less of a priority. Lessons can be learned in both the legalistic and the management contexts.
  - When plaintiffs aren't involved in planning, why are their challenges listened to? This seems unfair, but it's the procedure. There's a common perception that the planning process misses a lot of things, but what it really comes down to is varying interpretations. It's hard to foresee how judicial interpretations will differ from those involved in planning.

#### **4. Congressional policy updates (Congressional Staff)**

- Updates from Senator Tester's office (Erik Nylund):
  - Tester is seeking to retroactively re-authorize and fund SRS. He sent a letter to congressional leadership re: including SRS in ongoing federal omnibus funding, as well as timber provisions, forest service funding, and wildfire funding. Blackfoot Clearwater stewardship funding is to be included in these efforts.
- Discussion of USFS funding:
  - Where has the USFS budget ended up as a percentage of the federal budget? With wildfires expected to take up over 60% of USFS budget by 2025, we need to fight for funding for timber and restoration in order to keep the agency functional. Some discussion of past appropriations bills and issues of partisanship.

- Discussion of how USFS funding is distributed between forest units. Is BDNF penalized for low production? How to be productive without staff? Discussion of how BDWG work helps to supplement funding issues and make BDNF more productive.
- Updates from Senator Daines' office (Spenser Merwin):
  - More federal budget info should be available by next month's meeting. The leadership is focused on budget issues over needs for agency stabilization and fire fixes.
  - Daines' bill regarding lifting Wilderness Study Area status: a fact sheet is available regarding the possible outcomes. Removing WSA status removes "complicated directive from DC" that requires areas which are not recommended as wilderness to be treated as wilderness. Removing WSA status does not prevent areas from being designated wilderness in the future. Daines' bill would release areas that have been studied on which input has been received. Wilderness designation through the forest planning process will not be affected by WSA status removal. Across the majority of WSA lands, non-wilderness uses are permitted under 1977 levels; in the process of Bitterroot NF planning, these uses have been removed. Most stakeholders want to avoid the loss of traditional non-wilderness uses in areas where wilderness designation has not been recommended.
- A different perspective on the WSA bill (Chris Marchion)
  - Action has happened on WSAs in both federal and state arenas over the past 40 years, contrary to the seeming assumptions of the Daines bill. Public discussions are needed regarding different use designations and what would be best use of WSA lands. To make these decisions from DC is the wrong way around: people who use the lands should be the ones making decisions. WSAs should be resolved in a collaborative local manner. Deer Lodge & Granite counties have both requested public hearings on the Daines bill.
- Discussion of Daines' WSA bill and whether BDWG should send him a letter requesting that public hearings be held in Montana about the bill and WSA resolution:
  - Daines' bill is a textbook example of how not to do public policy; not involving the public makes issues divisive. We should request public hearings.
  - Daines' bill intends dialogue to continue; we need to be clear about what removing WSA status will actually mean.
  - Additional discussion of past attempts to resolve WSAs.
  - If BDWG can agree on what to do with these lands, that could be a strong argument to present to USFS. With or without WSA release, we're still going to

have to do that. If WSA release occurs, USFS is to be given direction giving collaboratives a main role in proposing alternatives for new land designations to the agency. Daines' perspective is that the planning process is where designations should occur.

- Should BDWG send request to Daines for public hearings on his WSA bill?
    - Vote: does not pass; no consensus.
  - Counterpoint to sending a letter: it's more important to focus on the ultimate and inevitable lands designation, not on the WSA release step of the process. BDWG should not take position on the Daines bill: too inflammatory and too much disagreement.
  - Discussion of whether BDWG can "press pause" on discussing this piece of legislation, and collaboratively come up with a set of solutions for designation as a group, before the WSAs are released.
  - Why wouldn't we want to get areas released? This bill could allow anti-wilderness interests to circumvent need for collaboration with opponents.
  - If WSA status is lifted, the default next step would be to designate lands according to USFS recommendations. Should the public have the opportunity to provide input, rather than relying on these recommendations?
- Subcommittee to further discuss WSA issue formed.

**5. Presentation: "Planning Tools to Reduce Montana's Wildfire Risk"** (Kelly Pohl, Headwaters Economics)

- Scope of the problem: Wildfires are getting bigger and lasting longer throughout the west. Federal and state spending on fire suppression is snowballing and taking money away from other government programs. But fire suppression is only about 1/10th of the total cost of fires to communities, when you consider harder-to-track costs like lost ecosystem services, lost tax revenue, health issues, tourist and business revenues lost, etc. These costs are primarily borne by communities and counties. Exacerbating this problem and the risks to communities is the trend of increasing home construction in the wildland-urban interface (WUI), as well as a changing climate, built-up fuels, and human ignition issues.
- Headwaters Economics' Community Planning Assistance for Wildfires (CPAW) program: The goal of this program is to help communities become better adapted to and prepared for fires, using existing land use management and planning tools. Communities apply to participate in this program and then Headwaters works with them over the course of a year to learn what strategies might work for the community. The program offers assistance in the form of land use planning recommendations, risk assessments and WUI mapping, building capacity by creating tools and resources for understaffed communities who can't practically hire specialized staff, and performing scientific research as requested by communities.

- Land use planning tools: Headwaters' recommendations are unique and customized to community needs and desires. In Montana, recommended tools include plans, regulations, revenue generation, and voluntary tools.
  - Plans include community growth policies, neighborhood plans, community wildfire protection plans, pre-disaster mitigation, and open space plans. Process and dialogue help to develop consensus and relationships between community agencies (e.g., the fire department should talk to planners).
  - Regulations include subdivision regulations (e.g., landscaping, ingress/egress requirements, water availability for suppression), zoning, and building codes. International guidelines exist for WUI building codes and can be used to help guide local policies.
  - Revenue Generation tools include impact fees which can be used for road/water improvements, Rural Improvement Districts, which can be used as a taxation strategy and fund vegetation management, and bonding.
  - Voluntary Tools include firewise communities agreements, education programs, and cost-share programs.
- Innovation in Montana:
  - Lewis & Clark County participated in CPAW in 2017. Headwaters generated tools including hazard maps at the landscape and local scales, WUI maps, and mitigation potential maps showing where mitigations are most/least feasible.
  - Missoula County is currently participating in CPAW. Work in this county emphasizes an action timeline for its Community Wildfire Protection Plan.
- Headwaters will host a workshop in Helena in May for communities interested in CPAW, including training and policy discussions on MT-specific issues & strategies.
- Applications from new communities for CPAW will be accepted in August; successful applications should include sign-off from land use and fire department stakeholders.
- Questions & Comments on presentation:
  - Has Headwaters looked at incentives for landowners to keep lands out of subdivision?
    - Open space plans are one strategy: some communities in CA, CO, and NM prioritize funding for conservation easements where there is a risk of creating WUI areas.
    - There are federal income tax incentives to keep lands in agriculture.
  - How many CPAW communities are in timber environments (versus grasslands)?

- Most places are a little bit of both, burning hot and fast.
- Austin, TX in one CPAW community with most of its growth in grassland areas. Primary issues are those related to egress, due to the heat and speed of grass fires.
- Discussion of the role of realtors. Why aren't we suggesting that real estate agents be required to inform people about wildfire risks, water rights, fences, etc.? Some CPAW communities are working closely with realtors and builders. Increasingly, insurance companies take the lead on informing home buyers of risks. These voluntary measures are great, but we also need to think about community-level land use planning decisions.
- Discussion of issues with getting rural volunteer fire departments engaged in wildfire planning in a meaningful manner. Everywhere, VFDs are aging and losing volunteers. It's helpful to have a hook, and approach when fires are recent and people interested in making changes.

## **6. Presentation: "Recreation on the BDNF" (Noelle Meier, USFS)**

- Outdoor recreation activities & visitors; characteristics of BDNF:
  - Popular activities include hiking, sightseeing, hunting, fishing, camping, historic sites, OHVs & snowmobiling, boating/floating. Developed recreation facilities include various sites, some with mixed local/USFS management, and primitive/backcountry settings are also available for different types of recreation. Winter activities include skiing, rental cabins (historic guard stations/mining cabins). Other offerings: mining sites & ghost towns, trails for horse, bike & OHV riding, scenic backdrops for fly-fishing rivers, game & elk hunting. Significant work is required by partners (e.g., Americorps, MCC, retired smokejumpers) and volunteers to maintain recreation services. Most visitors are residents of local & neighboring counties. BDNF accounts for ~50% of MT's annual elk harvest and hosts ~42% of local and visiting elk hunters.
- Economic impacts of recreation: Recreation is of important economic value for local communities. The amenities-based lifestyles afforded by BDNF proximity are an attraction for business owners. Tourism accounts for 7.3% of state GDP and almost \$300M in state and local tax revenues.
- Challenges: Budget and capacity limitations put increasing demands on public lands managers. The impacts of retirements of expert employees are exacerbated by the agency's lack of ability to replace this loss of expertise and capacity to manage and train partners and volunteers. Budget constraints have resulted in a backlog of deferred maintenance. Land use decisions are complex and made more difficult by a lack of landscape-specific data and the involvement of a highly opinionated public.

- Opportunities: 86% of out-of-state visitors return for a second visit. There is increasing public interest in outdoor recreation, including from potential volunteers and partnership organizations. The Federal Lands & Recreation Enhancement Act allows forests to keep 95% of fee site receipts to offset budget shortfalls. Assistance from collaborative groups and processes like BDWG help to clarify the vision for the BDNF.
- Questions & comments on presentation:
  - Discussion of potential inaccuracy of visitor numbers from survey cited in presentation. National visitor use monitoring survey occurs every five years and is intended to take into account seasonal variations in use. Estimated visitor counts are not solely responsible for determining funding but this can be a factor. The UM institute for Tourism & Research is another source for tourism data; various sources of information can be used together to give BDNF better sense of visitor data.
  - Are there more/fewer developed campsites than in the past?
    - Some campgrounds have been expanded, but the only new facility is Thompson Park. Some campgrounds & picnic areas have been closed, decommissioned, or made more primitive and downgraded from developed to dispersed camping.
    - Suggestion: there may be opportunities for synergies between road maintenance work and dispersed campsite creation. Perhaps in the future this will be possible, with landscape-scale projects. In current budgetary/deferred maintenance context: not feasible.

## 7. Red Rocks Update (Hilary Rigby, USFS)

- Staffing changes have resulted in some delays in the Red Rocks project. The scoping/comment period is open for this project through March 19th. A signed decision should be completed by December 17th. If all stays on schedule, implementation should begin January 2019. Three timber sale areas have already been identified. The timber needs to be removed or it will fall. Harvest may need to happen more quickly than original three-year plan.
- The project was originally put together under HFRA; because a non-HFRA EA is now being used, the presentation of alternatives in the plan is not required. This change allowed the EA to drop down from 5 to 2 purpose of need statements, and stream bank restorations are not included in current plan (but culvert and process improvements have been retained. Restoration work planned will focus on species/age class diversity & access/road improvements.

## 8. Meeting summary and upcoming meetings (Ben Irely)

- Review of action items

- Next BDWG meetings: April 4, May 2
- CSU focus group for BDWG members to give NFF feedback: May 24, 3-5pm

#### **9. Round robin: meeting critique (Ben Irely)**

- Agenda should have included a designated space for the WSA discussion.
- Agency updates (Scot Schuler)
  - Forest leadership team's annual meeting this year will focus on large-scale future planning. It would be nice to have BDWG's input on what direction to take after the Selway project is completed. Where should we go for the next big project? How can we discuss this?
  - Request for update on Meyers Fire Complex timber harvesting plans: The new district ranger will attend next BDWG meeting with that update, at which time we will be able to get at some of the logic behind the project's design. The project will be out for scoping during the April meeting.
- General appreciative comments on meeting process & on mutual respect between participants even through tough discussions; compliments to Ben on flexibility in time management as the facilitator.
- Discussion: the loss of SRS payments to counties has been devastating to county funding. It is imperative that we have a timber project in each county every year because counties are now increasingly reliant on payments from timber sales.
  - Discussion of accounting issues with when payments are calculated in a given year. County payments could be a good topic for a future discussion/presentation. Discussion of who could present on this.

**Meeting adjourned at 4:47 PM.**