

B-D Working Group Meeting  
May 23, 2013, 1:00 – 5:00 p.m.  
Butte-Silverbow Archives

Present: Barb Cestero, Tony Colter, Maureen Connor, Chris Marchion, Peter Nelson, Ciche Pitcher, Paul Olson, Tom Rice, Sam Samson, Rick Sandru, Dave Schulz, Leonard Wortman

Forest Service: Dave Myers, Alex Dunn, Dave Sabo

Facilitator: Karen DiBari

Guest: Richard Stem

## **Business**

Tony Colter opened the meeting. The minutes were approved unanimously (Ciche Pitcher moved, Barb Cestero seconded).

Announcements: Dave Myers reported that the Rainbow Family is coming to western Montana this summer; they have identified five places to choose from for their gathering including the Big Hole, a location south of Townsend, Potosi Meadows or Kootenai NF; they will announce June 8<sup>th</sup> the location; lots of impacts on local counties and natural resources; gathering will be around July 4<sup>th</sup>

## **Funding**

Joe Willauer reported that he submitted a request for \$4,500 through National Center of RC&Ds; should find out if funding is awarded at beginning of June; designed to engage local people in implementing the forest action plan, which is well aligned with the work of the B-D Working Group; funds would pay for facilitation and coordination services by NFF

## **Membership**

- Tony Colter reported that on Benny Finneccum's suggestion, he contacted Mark Thompson. Mark is the Environmental Coordinator for Golden Sunlight and belongs to several motorized recreation groups. He is interested in participating but he couldn't attend this meeting. Several members know Mark Thompson and recommend him.
- Tom Rice suggested Joe Willauer as a fishing guide representative. Joe has worked as an outfitter in Dillon/Twin Bridges/Melrose area; he is up in Butte frequently. He also sits on the Big Hole Watershed Committee. Likely to attend meetings anyway due to Headwaters RC&D being fiscal sponsor. Joe will send out a letter to the group.

## **Lodgepole Pine Committee**

- Barb Cestero went over the changes made in the lodgepole pine documents.
  - The Montana Forest Restoration Committee is meeting today and reviewing the draft.
- Group decided to hold off until further vetting can be done with other interested people.
- Peter Nelson shared principles with the Colorado lodgepole collaborative and they raised the question of having a joint phone call to compare notes and network. Decision to organize a joint call with Tony Cheng at Colorado State and do a webinar or teleconference (Chris Marchion, Peter Nelson, Paul Olson, Tony Colter, Barb Cestero, Karen DiBari)
- Group discussion:
  - Desire to keep document open to changes in order to maintain it as a living document
  - One reason to go on field trip in Boulder area is to look at how the principles fit.
  - Anyone with comments on the document is invited to send edits/suggestions to Barb Cestero via email.
  - Suggestion to be very clear about language and clarifying concepts, especially technical terms
- Tony Colter was at the Montana Logging Association meeting and Peter Kolbe (Extension) did an interesting presentation that is pertinent to lodgepole committee and restoration. He is located in Missoula; Tony will extend an invitation to him to make a presentation at the July meeting.
- Barb Cestero has an intern working this summer working on a literature review on lodgepole pine ecology and she will share the work the intern does.

## **Boulder River Project**

- Tony Colter oriented the group to a letter to the Forest Service drafted by the Boulder River Project Committee. The letter focuses on concepts at a high level and doesn't get into details. Formal comment period on the project ended May 11, 2012 so this letter is outside of that time frame. At the March meeting of the BDWG, the group agreed to communicate key ideas through a letter, but to be clear about not wanting to slow down the project.
- Dave Myers commented that Boulder River is a very important project to the Beaverhead-Deerlodge National Forest (BDNF). He fully expects that the FS will be challenged on the project; it's the first of the 12 landscapes in the bark beetle assessment that were identified that the forest is addressing. The BDWG is still timely because it influences alternative development.

- Dave Sabo – the forest has responded to some of the concerns raised by the Boulder River collaborative; appreciates comment letters like this that “get us to think”; had a meeting a few weeks ago but didn’t get as high of participation as they would have liked
  - Leonard Wortman didn’t receive the notice about the meeting; he suggested that now that the project is picking up steam and it would be good to have the group meet monthly
- Question for the Forest Service: what obstacles are there to responding to points in the letter?
  - Travel management– difficult to address travel management at the project level rather than at larger scale, and it brings in a whole different set of issues and players. Travel management could bog down the process. The project area contains some of the oldest beetle-killed lodgepole, delays in treatments mean there’s more and more complexity for the ID teams to address.
  - Forest Service has to focus on the key issues and not bundle multiple issues together in one project in order to move things forward.
  - This is the biggest project in terms of acreage in the region.
- Alex Dunn – most complex part of what the FS does is figure out how to achieve desired conditions on the ground while working through the laws and regulations. Every bullet in the letter is an objective that is consistent with the new forest plan. When a project is going through the National Environmental Policy Act (NEPA) analysis, lots of lumping occurs. Then in the implementation phase, there’s lots of splitting (contracts, partners, etc.). The whole issue of what is taken on in a NEPA document is an open question. The purpose and need (P&N) must tie directly to the decision document. Alex advocates internally for clear, simple purpose and need statements that are measurable, which can then simplify analysis. The East Deerlodge project has a very complex purpose and need and writing the record of decision is very difficult because it’s hard to tie each aspect of P&N with decisions.
- Group comments:
  - The BDWG is looking for projects that everyone can buy into
  - The current Boulder River P&N is very narrow but actions are much broader. If the connections aren’t clear to this group, then they won’t be clear to the public
  - In order for a collaborative group to stand with the FS on a project, then everyone has to see their part in it
  - This is an opportunity for the forest to take on some risk in a small way in order to build the opportunity to expand the NEPA process in the future by broadening the P&N
  - When is a good situation for the BDNF to use the Healthy Forest Restoration Act (HFRA)? It doesn’t seem to be used much on the forest. Answer: HFRA test is whether a project is a fuels reduction

The BDWG agreed unanimously to submit the letter to the Forest Service.

### **Boulder River Field Trip**

- Desire for the field trip to include lots of time seeing things on the ground, hiking around, (less riding in the car and discussions that could happen inside)
- Interest in seeing what will change or be addressed in the Boulder River project
- Hope to see lots of different kinds of treatments proposed and would like to see a variety of conditions and treatments
- Won't be able to go to the East Side because it is a harder area to see; is high and roadless; that's almost a 2<sup>nd</sup> day of hiking
- Karen DiBari will send Dave Sabo and Anton Brennick the guidelines
- Meet at the Butte District Office at 9:00 a.m.; bring lunch, water and good walking shoes, rain gear, etc.

### **Next steps for the BDWG**

- The BDNF is trending toward larger vegetation projects; other components are range management, travel management and mining restoration. One approach would be for the forest to reduce work on other components and instead put more resources into the niche, which is focused on implementing the forest plan and treating dead and dying stands. Questions about what the work load is in these other components, and what that means budget-wise. As an example, putting range "aside" means moving planning resources (staff) on to vegetation or other priorities. The FS is obligated to manage for all of these resources and basic services are tough to meet right now.
- One item on the BDWG's original action plan was to prioritize amongst the 12 landscapes identified in the bark beetle assessment.
- What is the FS budgeting? The BDWG could have a high level discussion about trade-offs of emphasizing one thing over another.
  - Dave - Frame up a major agenda topic for this working group –
  - Share niche for accelerated restoration (only a part of the overall work on the BDNF)
  - Dave wants the BDWG to be part of the discussion about how to translate that into budget priorities
  - Likely at July regional meeting that the niche will be discussed

Action items:

- Karen DiBari will send out to the BDWG members:
  - the action plan document;
  - the BDNF niche statement (which is tied only to accelerated restoration);
  - the BDNF landscape assessment;

- budget information
- Karen DiBari, Tony Colter and Dave Schulz will work together to identify questions to focus the discussion. One strategy is for the BDWG to identify other important criteria to add as filters on top of the bark beetle assessment to help prioritize areas of focus.
- FS will present “Budget 101” with a description of program areas and major objectives
- Forest Plan is a starting point to get to the question of priorities for the forest
- Dave Myers suggested bringing Gene DeGayner in to help the discussion – Dave will invite him to the June and/or July meeting

### **Presentation by Alex Dunn – new objections process**

- The Forest Service adopted a new objections process on March 27, 2013. Until now the process has only been used under HFRA.
- The major difference between old appeals process and new objections process is that a party can object before the decision is made.
- A person must object during the process in order to have standing to file a lawsuit
- We are in a 6 month transition period right now for projects that are already in the NEPA process; attached flow chart can help determine which objections process applies (see attachment) during the transition.
- The Boulder project is under the objection regulations because it hasn't yet gone out for public comment.
- Just because a project has already been scoped, it doesn't mean that it would be subject to appeal (vs objection); objections process is triggered based on the date a project is put forward for public comment
- East Deerlodge also under the objection process even though it's been out for public comment
- What is the distinction between interested and affected parties? No distinction between them.
- After a decision has been made and someone appeals, there's an exclusive set of players (appellants and FS). Appeal resolution meetings are open to public.
- Because objections process happens before decision, the (regional) objections officer can talk with the objectors, the line officer making the decision, etc. This provides more flexibility in resolving the issue before decision.
- Under the new process, objectors will be objecting to the potential decision. The documentation provided in advance is draft EIS. The next set of documentation is the final EIS and decision. There hasn't been an opportunity for the public in the past appeals process to see the draft decision. This new system provides another round of two-way communication. Once the decision is made, the only avenue is to litigate. To have standing in court, a party must have objected during the objection period.

- The new objections process doesn't prevent an objector from bringing up other issues. In the past, an appellant/litigator could not bring up laws in litigation that they hadn't already raised in prior appeals earlier in the process.
- In theory the 218 regulations are to provide an opportunity to resolve issues at the pre-decisional stage. This also enables the FS to build up their legal record before the decision.
- Directives are coming out on this that will look like CFRs.
- Most immediate decision is East Deerlodge that will be within the 6 month window.
- Other external issues to East Deerlodge: the sage grouse may be listed as threatened or endangered. If E. Deerlodge decision isn't made by 9/27/13, then that could slow things down; grizzly bear consultation also a wildcard.

### **Litigation & Fire Updates**

- Forest Service is waiting for Fleecer decision; has been in Judge Christianson's court for 7-8 months. The judge has indicated that he's going to come out with decision sometime soon.
- Salix (lynx) – decision was made to amend 18 forest plans and implement standards to protect lynx habitat before USFWS designated critical habitat for lynx; FS did not re-initiate consultation with the USFWS upon the critical habitat designation and lost in court; this has significant implications because any forest plan or amendment to a forest plan that did not consult on critical habitat designation potentially now has to go back and consult. Ruling still affects BDNF because it has critical habitat for bull trout. Grizzly bear doesn't have critical habitat designated. BDNF is re-consulting on grizzly bear and waiting for USFWS. No lynx critical habitat on the BDNF. No clear direction on how the FS will re-consult on lynx habitat (regionally vs. forest by forest).
- Fires – establishing a new paradigm with a longer fire season due to climate change; recent rains will put off fire season in lower elevations (last year little grass growth); snow/rain isn't going to change fire season in the conifers. Philipsburg area fire – 5 homes burned on private land adjacent to BDNF. Conifers are so dry that when the crown fire blew through, burning limbs and large material fell down immediately.

### **Member Announcements**

- Dave Schulz: This summer, Virginia City is celebrating its centennial. The opera house is under new management and the brewery is under same management. Shoshone Tribe treaty commemoration will also be happening this summer.
- Barb Cestero: Open house at Greater Yellowstone Coalition offices in Bozeman on May 31 (6 p.m.) to welcome Caroline Byrd, their new Executive Director
- Leonard Wortman: Asked if this might get involved in the Pipestone trail system (BLM and FS are mapping trails); he is a member of Friends of Pipestone. He will provide

updates at meetings, and a status report from Dave Sabo will be scheduled on a future meeting agenda.

- Sam Samson: Boulder Area Recreational Trails (Sam Samson a member) just received a \$100,000 grant to make a trail from town to rodeo grounds

### **Agenda Items for the July meeting**

- Peter Kolb (Tony Colter will invite)
- Gene Degayner – niche discussion (Dave Myers will invite)
- Lodgepole pine committee
- Discussion about field trip
- Introduction of Mark Thompson
- Review of action plan

### **Future Agenda Items**

- Report from Dave Sabo on the Pipestone Trail System
- Budget priorities